

April 25, 2017
Representative Jennifer Williamson, Chair
House Committee on Rules
Oregon State Legislature

Re: HB 2101 and the need for a Sunshine Committee

Chair Williamson and Members of the Committee:

OSPIRG strongly supports the intent behind House Bill 2101. As a participant in the Attorney General's Public Records Task Force, OSPIRG has pushed for a comprehensive review and streamlining of the hundreds of exemptions to Oregon's public records law. If done right, close scrutiny and elimination or consolidation of unnecessary exemptions could represent a big step forward for government transparency in our state. However, we are concerned that the review process HB 2101 would establish in its current form may not be well designed to deliver on that promise. We encourage the Committee to add provisions to HB 2101 to establish and empower a Sunshine Commission to take the lead in scrutinizing Oregon's public records law exemptions.

As is widely acknowledged, Oregon's public records laws are currently so riddled with hundreds of exemptions that understanding and following existing law can be difficult and confusing even for experts. As an independent public interest and government transparency advocate, OSPIRG has been involved in many public records requests over the years. Although many public bodies go to great lengths to comply with the law and provide expeditious access to public information, we have experienced a lack of uniformity in processes, timelines, expectations, and interpretations of the underlying law that have underscored the need for reform.

While we strongly support efforts to update Oregon's public records exemptions and eliminate any exemptions that do not serve a meaningful public interest purpose, we believe that the best way of making progress toward that goal would be to establish a Sunshine Commission to augment the legislative subcommittee outlined in HB 2101. Delegating the review of exemptions entirely to a legislative subcommittee may not establish a completely transparent process, in part because key records of the subcommittee's deliberations and the advice of Legislative Counsel may themselves be exempt from public disclosure.

Empowering a Sunshine Commission, made up of the full range of public records stakeholders across the state, is the best way of ensuring that the debate over the future of Oregon's public records laws is conducted entirely in public view and with full public input.

Thank you for your consideration.

Jesse Ellis O'Brien, OSPIRG Policy Director