

Chairwoman Representative Margaret Doherty, Representative Diego Hernandez, Representative Carl Wilson, Representative Paul Evans, Representative Susan McLain, Representative Julie Parrish, Representative Janeen Sollman, House Assistant Republican Leader Sherrie Sprenger, Representative Gene Whisnant

My name is Dan Yedinak, I am a resident of Tigard, a constituent of Representative Doherty, and I usually find myself in agreement with her position. Unfortunately, having only recently read the proposed changes to ORS 326.021, I have not had a chance to meet with her to discuss in detail, but my initial impressions leave me with grave concerns, and numerous questions, so I am here to state my opposition to HB 4013.

My opposition to HB 4013 is based on five basic tenets :

- Use of Declaration of an Emergency
- Impact of immediate changes on Participation by Treasurer and Secretary of State
- Replacing Designee with Deputy Limits Citizen Participation in Government
- Do the proposed changes actually effect any meaningful, positive change
- The lack of time for a full and robust conversation surrounding the issue

### **Use of Declaration of an Emergency**

First and foremost, the proposed changes to ORS 325.021 are being declared an emergency. That strikes me as an extraordinary overreach, considering that the proposed changes intend only to affect who can act as ex-officio members at predominantly publicly accessible meetings in a non-voting capacity. In the State Board of Education meetings I have attended, watched on live stream, or video archive, I have never seen anything that would suggest that the public peace, health or safety of anyone involved has been in jeopardy. I have stretched my imagination as far as I can, and I cannot see the emergency here. I find it disconcerting that the use of an emergency in this situation could set an uncomfortable precedent, and would effectively redefine what constitutes “being necessary for the immediate preservation of the public peace, health and safety.”

### **Impact of Immediate Changes on Participation by Treasurer and Secretary of State**

The changes proposed to ORS 325.021 would dramatically impact the critically important offices of State Treasurer and Secretary of State, impairing the ability for the elected heads of those departments to manage their own staff. Furthermore, the schedules of these offices are likely already well established, and an immediate change would likely result in these offices not having representation at board meetings. Since these meetings already happen too rarely as it is, for these offices to miss even a single meeting could, and should, be considered excessive. I can only imagine that, when this language was introduced in 2009, the choice of the word designee was an intentional recognition that the duties of the elected heads of these offices would often preclude their ability to participate. Given the scope of duties assigned to both of these offices, there is no reason to believe that the deputies of those offices have would have any less to do. By specifying a designee, instead, the legislature chose to acknowledge that reality, and ensured participation by those offices by designated representatives whose circumstances or job duties would allow them to attend.

### **Replacing Designee with Deputy Limits Citizen Participation in Government**

Beyond the use of the emergency clause, I find it troubling that, in a citizen democracy, there would be any effort to reduce the involvement of the public in the functions of our government. Changing the language from designee to Deputy removes the opportunity for interested members of the public to help relieve the burden of public employees and elected officials, and to participate in government in a richer and more meaningful way. Furthermore, the

changes remove that opportunity for citizens not just for today, but for all time, or until such time as another change is made to the law. I have to believe, then, that the choice to add the existing language in 2009, was deliberate, and that such public involvement was intentional. Why, now, then, would the legislature choose to remove such an important opportunity for public involvement?

### **Do the Proposed Changes Actually Effect Any Meaningful, Positive Change**

If the media is to be believed, the answer to that question is that this is intended to remove a specific, current, designee. If that is the case, then a whole host of questions begin to emerge :

- Has a public hearing been held regarding the designee in question?
- If not, is this hearing being avoided because of the current language specifies appointed members, and not designees?
- If that is the case, should this language not be the subject of the change, rather than removing designees entirely?
- By focusing on the language surrounding a designee instead of the hearing, any issue with any current or future designee OR deputy would be equally affected by the current language.

### **The Lack of Time for a Full and Robust Conversation Surrounding the Issue**

Already, a lot of questions are forming, and I have only been looking into this for just a few minutes. If I can sit at a desk and spend just a few minutes generating questions about this issue, then surely the proposed changes should be a topic for in depth conversation among the members of the legislature, and the public - meaning this is not a change that should be rushed through a short session. And that is exactly how this feels - rushed, and not thoroughly considered, or vetted. Given my past experiences with the legislature, I find that surprising, and more than a little disappointing. I urge you, please stop this bill, at least until a richer, fuller discussion can be had.

### **Final Thoughts**

The political and social climate we are experiencing (or enduring) today, is difficult, and exhausting. All of us would like nothing more than for the voices that oppose our own to quiet down and agree with us. But that is not what this country, or our state, is about. There are a great many serious issues that need the attention of both the public, and the legislature, and addressing those issues is going to require input from a wide variety of people, some of whom have been working tirelessly, and without reward, for a very, very long time. It should be no surprise, then, that many feel no choice but to become screaming banshees just to be heard. Sadly, many who feel that way often give up, and walk away, leaving the world, ultimately, no better off than they found it. For those with the strength to continue, they often face ridicule, disbelief, and ostracization, and are extraordinarily frustrated themselves. And yet, if we are to become the best possible community we can be, uncomfortable though it may be, we need to be able to hear through the noise to understand the message. When we can do that, we can truly call ourselves, a democracy.

Sincerely,

Dan Yedinak  
Resident of Tigard, Oregon