

## HB 2805 STAFF MEASURE SUMMARY

### House Committee On Emergency Management, General Government, and Veterans

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**Action Date:** 03/14/23

**Action:** Do pass. Refer to Ways and Means.

**Vote:** 7-0-0-0

**Yeas:** 7 - Conrad, Dexter, Evans, Grayber, Hieb, Lewis, Tran

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Patrick Brennan, LPRO Analyst

**Meeting Dates:** 2/14, 3/14

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#### WHAT THE MEASURE DOES:

Specifies that, for purpose of public meetings law, the use of serial written communication, or use of intermediaries to communicate, may constitute a quorum of a governing body under certain circumstances. Clarifies that public meetings law does not apply to communications between or among members of a governing body that are purely factual or educational and convey no deliberation or decision on matters that may come before the body, that are not related to any matter that could be reasonably foreseen to come before the governing body for deliberation, or are non-substantial in nature. Directs the Oregon Government Ethics Commission (OGEC) to provide or arrange for annual training on public meetings law and best practices, and compels attendance by members of some governing bodies. Authorizes OGEC to receive reports of alleged violations and to investigate such reports. Takes effect on 91st day following adjournment sine die.

#### ISSUES DISCUSSED:

- Need for better training on open meeting laws among public officials
- Need for better enforcement of open meeting laws
- Issues with serial communications
- Public meeting laws have not changed significantly in decades

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

In 2017, the Legislative Assembly enacted a suite of measures revising the state's public records access and open meeting laws for public bodies. Many of the provisions were based on recommendations from a task force formed by the Oregon Attorney General's Office, which also publishes a Public Records and Meetings Manual to guide state agencies, local governments, and the public. The purpose of Oregon's public meetings law is to ensure that all members of the public have access to the processes in which decisions are made.

Every governing body has a "quorum" - a minimum number of members that must participate in order to transact business. The default quorum for public bodies is a majority of the members, unless otherwise provided. When a quorum of a governing body is gathered together, in person or electronically, and is discussing matters that are, or may be, before the governing body, that gathering is typically subject to public meeting laws, unless otherwise provided for.

House Bill 2805 codifies that a governing body may be considered to have convened if a quorum meets together through serial communication, such as text messages or e-mail messages, that are sent between participants, or if members of the public body utilize intermediaries for communication. The measure also directs the Oregon Government Ethics Commission (OGEC) to provide, or arrange for, annual training in public meeting laws for

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members of public bodies, and grants the OGEC authority to conduct investigations of complaints of violation of public meeting laws.