

HB 4177 A STAFF MEASURE SUMMARY

House Committee On Rules

Action Date: 02/19/26

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bowman, Elmer, Grayber, Kropf, Pham H, Skarlatos, Wallan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/17, 2/19

WHAT THE MEASURE DOES:

The measure changes the meaning of meetings, convening, and deliberation in Oregon’s public meetings law to continue to prohibit a series of communications among a quorum of a governing body during which it examines, weighs, or reflects on a decision. It also adds types of communications that are allowed and not considered public meetings. It limits the types of governing bodies required to attend training on public meetings law and changes the timeframe for completing the training. It changes the deadline for individuals to submit a grievance regarding a potential violation of public meetings law to 90 days, changes the process for a public body to respond to and cure a grievance, and prohibits the Oregon Government Ethics Commission (OGEC) from opening an investigation if the grievance process is not satisfied. The measure also makes a public body responsible for meeting the legal requirements for providing the meeting’s location, notice, minutes, and recordings, and allows a grievance to be submitted to the public body and for OGEC to investigate and impose a penalty on the public body for violations of these provisions. The measure takes effect on the 91st day following adjournment sine die.

Detailed Summary:

Serial Communications

- Changes the definitions of “convening” and “deliberation”
- Prohibits a quorum of a governing body from using a series of any communications, including directly or through intermediaries, to decide or deliberate on any matter or to meet in private
- Changes allowed communications to include the following:
 - Communications related to procedural matters with no deliberation or decision on substance
 - Communications that share the views of outside parties, published articles, or constituent letters
 - Communications with the media, constituents, or the public, unless those parties are being used as an intermediary to engage in deliberation
 - Communications for gathering information related to a deliberation or decision of the governing body

Training

- Changes the required training to members of governing bodies that have decision-making authority over policy or administration for the public body, and exempts members of governing bodies that only have authority to make recommendations
- Allows training to count if the member attends or views the training at any time between 3 months before assuming office and 12 months after taking office

Enforcement

- Allows a grievance to be filed when a person believes a public body, not just a governing body, has acted in violation of its responsibilities under the law
- Extends the deadline for filing a written grievance from 30 days to 90 days after the alleged violation

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- Changes the grievance process to require a public body to provide an initial response within 21 days, without specifying that the response deny or admit the facts or circumstances of the grievance or admitting that the conduct amounted to a violation
- Changes the requirements for a public body or the governing body of a public body to cure a violation by rescinding the decision; acknowledging in a public meeting within 90 days of receipt of the grievance that the decision was in violation but will not be rescinded, and practices will be modified to avoid future violations; or describing some other action to be taken
- Allows a public body or the governing body of a public body to cure a violation by correcting procedures to ensure that they do not occur again
- Allows OGEC to not consider a complaint if the complainant has not satisfied the grievance process, instead of requiring OGEC to dismiss the complaint
- Makes complaints related to OGEC members subject to a court process
- Makes a public body responsible for the requirements to provide the meeting notice and provide the minutes or recordings of public meetings for each of its governing bodies
- Allows complaints about the actions of a public body, and for OGEC to proceed with an investigation into, and impose a civil penalty on, the public body

ISSUES DISCUSSED:

- Workgroup membership
- Challenge of solving the real needs of local government
- Local journalism partners' concerns
- Giving elected officials the ability to talk to the public and the media
- Further evaluation of these changes

EFFECT OF AMENDMENT:

The amendment specifies that the public body is responsible for meeting the legal requirements for providing the meeting's location, notice, minutes, and recordings, while other types of violations remain the responsibility of the governing body members. It allows a written grievance to be filed when an individual believes a public body has violated the law. It adds that a public body, in addition to a governing body, person, or official, when the public body is the one that takes the action, is required to be notified or involved in the complaint related to its responsibilities. The amendment makes other conforming and consistency changes.

BACKGROUND:

Oregon's public meetings law has generally required that meetings of governing bodies, or when a majority of the governing body's members are gathered in person or electronically and are discussing matters that are or may be before the body, must be open to the public at accessible locations with appropriate notice of the time, place, and considered topics. Governing bodies must provide a sound, video, or digital recording or written minutes for all meetings within a reasonable time. Executive sessions, in which the public is not allowed to participate, are permitted on certain matters defined in statute. No decisions can be made in an executive session.

House Bill 2805 (2023) changed the law to specify that it is considered a meeting subject to the public meetings law requirements when serial electronic written communication is used and when another person is used to communicate by and between members. The measure required annual training for certain public bodies, created a complaint process, including first filing a written grievance with the public body, and gave OGEC the authority to conduct investigations, make findings, and impose penalties for violations of the entire public meetings law, not just executive session violations.

In October 2025, legislators convened a workgroup to address concerns about guidance and opinions from OGEC. Representatives from cities, counties, special districts, education associations, media, and OGEC met with a group of House and Senate members from October 2025 to January 2026. The group identified areas of concern, discussed proposed language, and developed recommendations on public meetings law enforcement, serial communications, maintaining confidentiality of protected information, training requirements, OGEC membership,

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and the provision of food and beverages to a public official by their public body.

House Bill 4159 contains the group's recommendations for OGEC membership and maintaining attorney-client privilege for information provided to OGEC in a complaint investigation. House Bill 4161 contains the recommendations regarding the provision of food, beverages, and certain merchandise to a public official from a public body. House Bill 4177 A contains the recommendations around public meetings law, including serial communications, training, and enforcement.