

Submitter: Therese Bottomly

On behalf of: Oregon Newspaper Publishers Association  
House Committee On Rules  
Measure: HB4177

Chair Bowman, Vice-Chairs Pham and Elmer, and honorable Committee Members:

Thank you for the opportunity to testify today. I am the former editor of The Oregonian/OregonLive, retiring after 42 years in Oregon journalism.

I have been a longtime member of the Oregon Newspaper Publishers Association legislative committee and active in the organization's past negotiations with the Oregon Government Ethics Commission over open meetings and media representation at executive sessions.

I am testifying today in opposition to HB4177.

While the timing and training changes have merit, the attempt to add clarity to what communications are allowed dangerously muddies the waters for members of public bodies.

The current statute and guidance draw a bright line, requiring deliberations and decisions to be made in public.

The changes to section 5 do nothing but sow confusion.

Although the Oregon newspapers association was not invited to the work group on this, I understand the bill attempts to answer questions regarding permitted communications.

I argue there are better avenues for the desired clarity. OGEC now, by statute, can offer advice, rather than just punish after the fact.

Second, the Attorney General's Manual on Public Records and Meetings has an excellent Q&A vetted by state DOJ lawyers. Appendix I is found online or in the print editions.

Sample question and answer from Appendix I:

Q. Is an on-site inspection subject to the Public Meetings Law?

A. No. On-site inspections are not "meetings" subject to the meetings law. However, a quorum of the governing body should be careful not to decide on or deliberate towards any decision while attending an inspection.

Officials can submit their questions to OGEC, which can work with DOJ on answers. In sum, the new wording opens the door to confusion on the part of well-meaning members of public bodies. It does nothing to improve a law that serves Oregon well. I respectfully ask the committee to oppose the bill.

