

GUEST EDITORIAL

THE ALBANY DEMOCRAT-HERALD
A rare victory for open records in Oregon

There is good news from this legislative session regarding public access to public records, and that's a rare enough occurrence these days that we thought it was worth noting.

We've written before about Senate Bill 609, which would require anyone requesting public records to outline, "with particularity ... how the requester intends to use the requested records." Current law does not require people requesting records to offer any justification for making their requests.

Sen. Betsy Johnson, D-Scappoose, introduced the bill on behalf of former Rep. Deborah Boone. Boone told The Daily Astorian newspaper she wanted to make sure only "legitimate" requests for records would be honored. But the bill itself didn't specify that — and it didn't say who would be responsible for making the decisions about what requests were legitimate and which ones were not.

Boone likely wanted to curb so-called "fishing expeditions" by the news media and members of the public — requests for government records that are needlessly broad and not very specific.

But here's the problem: The government has no business whatsoever asking people who are making requests for public records why they want access to those records. If it's public, it's public — and that should be the end of the story. In cases where a government entity might have problems dealing with an overly broad request for records, it's certainly within its rights to suggest ways a search could be narrowed — but members of the public making those requests are under no obligation to say why they want the records.

The good news here is that Boone has asked Johnson to let the bill die, and that's what should happen here — although you never know for sure that a proposal is completely dead until the Legislature adjourns later this year.

Boone, as it turns out, was the subject of a records request from The Oregonian newspaper that yielded 1,800 or so pages of her own correspondence. (Boone said she had asked for the bill to be drafted a few days before the newspaper made the request.)

The newspaper, as part of a broader investigation into state campaign finances, was curious to find out why she had continued to fundraise after announcing her retirement from the Legislature. The newspaper discovered, in part, that Boone had used her state email account to contact state agencies about issues that involved family members.

The Oregonian also used the records to examine a curious campaign finance practice in Oregon: the so-called "pass-through," in which donors give money to an officeholder with instructions to pass the dough along to another candidate under the officeholder's name. In an interview with The Oregonian, Boone described a pair of donations from last year that appeared to come from her but came instead from other donors. Boone said the practice is commonplace in the Capitol.

It's a practice that may violate state law. But even if it's legal, it doesn't look good. Legislative leaders need to take a long look at reforming this practice, and the sooner, the better.

But making a case for campaign-finance reform in Oregon is not our main purpose today. Instead, we offer details about this because the investigation offers yet another reason why it's important that public records remain accessible to the public. Forcing people seeking records to state why they want the records easily could have created a chilling effect — and, in theory at least, could have given the government entities holding those records incentives to stonewall requests.

Over the last couple of years, Oregon has started to regain some momentum toward revitalizing its open records laws, after decades in which advocates for openness lost ground every time the Legislature met. Senate Bill 609, in a single stroke, would have jeopardized all those gains. It's a good thing that the measure appears to be dead. ■

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Working through the 2019 legislative session

The 80th Oregon Legislative session is now underway and will end no later than June 30.

I have been the Republican Deputy Leader of the House since 2017. When the 2018 short session ended, one of my responsibilities was to raise money for the House Republican caucus and help with campaigns.

The 2018 elections were tough for Republicans here in Oregon and in most western states. There were many factors that played into the results of last November's elections. The national partisan politics rippled down to the individual states.

In Oregon, the governor's race collected a record amount of donations, and more Democrats than Republicans voted. In November, 81.8 percent of Democrats in Oregon voted, and 81.1 percent of Republicans voted. This was the highest mid-term election results in recent history. But, Democrats have 271,000 more registered voters in the state, which in simple numbers is 799,123 Democrats voted and 572,493 Republicans voted.

The combination of underfunding as well as voter turnout produced an election cycle in Oregon that turned both the Senate and the House into supermajorities for the Democrat Party, and Kate Brown retained her position as governor. This means the Democrat majority party has all the votes they need to pass any tax increase as well as any other bill they choose with simply a partisan vote.

Another way of saying it is: They don't need a Republican vote to pass any bill — period. The direction of Oregon is totally in their hands. Almost 100 new tax bills alone have been introduced at a time when Oregon has more revenue than ever. This biennium,



LOOK TOWARD LEGISLATION
REP GREG BARETTO

the majority party is looking for an additional \$1.9 billion for education as well as an additional billion for health care, public safety and other things. That works out to around an additional \$700 per year for every Oregonian. That doesn't include the carbon tax or the PERS fund that just went up \$4.2 billion this year because of poor investment returns. Elected Republican legislators will argue and fight against legislation that we don't agree on, but at the end of the day it is in the control of Democrat legislators to decide. This year, you, the people, will need to voice your opinions as loudly as possible in Salem. I will do my best to keep you informed of bills coming forth that will impact your livelihoods and our rural values.

I recently attended a meeting in Baker City that was focused on our education system. A woman from Grant County stood up and said she could not afford another \$25 a month in property taxes and to please fight for her and others like her. For some, that is a tiny amount — for her, it could be the difference between keeping and losing her home.

Currently, we have seen a lot of bills that were filed pre-session, and more are coming in every day. There have been some that have caused a lot of angst with Oregonians, like SB 501 that would require you to get a permit simply to buy a gun, limits guns to no more than five rounds, and limits the amount of ammunition a person can buy.

The response from the peo-

ple to this bill has been incredible. It makes a profound difference in the capital when you get active and respond. It is the difference between bills being passed or bills being killed.

The carbon tax bill under review will increase the cost of living to every Oregonian through fuel cost, electricity cost, transportation costs for goods delivered and on and on.

Other bills affecting job creators call for 12 weeks of employer-paid family leave; allow offsite marijuana use that would basically eliminate any drug free workplace (SB 379); increase business taxes, from income tax to a gross receipts tax; and would implement pay equity regulations and employer liability for sexual harassment (SB 726).

We spend more than \$1 billion a year in development trying to retain and attract business to the state and then shoot ourselves in both feet with new regulations and taxes that make business difficult. Unbelievable. Attraction has always been difficult. Retention will become the bigger issue in the future.

OK, enough of the bad news. The session isn't over yet. A lot of legislation can be killed, modified or passed in that time frame. Your voice will make the difference.

I'll work hard to keep you up to date on what's coming for the people of Oregon. My objectives are common sense: to represent you in the best way I know how, make informed decisions, look for opportunities to enhance rural life in this district and work for legislation that protects the liberties of each individual. I will continue to be for legislation that is pro-business, pro-life, smaller government and lower taxes. Your prayers are appreciated. ■

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