

O EAST OREGONIAN PINION

ANDREW CUTLER
Publisher/Editor

KATHRYN B. BROWN
Owner

ERICK PETERSON
Hermiston Editor/Senior Reporter

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OUR VIEW

Our public records law could use some Kentucky flavor

It happened during rush hour, just after 6 p.m. in 2007. The Interstate 35 bridge over the Mississippi River near Minneapolis collapsed. The bridge was packed with vehicles. A total of 13 people died and 145 were injured when 111 vehicles went down with the bridge.

In the wake of that catastrophe, reporters across the country looked into their own state's bridges. One was Marcus Green, now a reporter with WDRB in Louisville, Kentucky. Because of Kentucky's public records law, he was able to get thousands of pages of bridge reports for his state and not worry that he wouldn't be able to afford it. Kentucky is a state where reporters don't really have to worry about how much a public record will cost. That's not the case in Oregon.

Could Oregon learn something from Kentucky about access to public records? Oregon's Public Records Advisory Council is looking at how Oregon's public records may be improved.

There are many tricky issues in public records law. What should be forbidden from being released? Who decides? What right do people have to appeal when a request for a record is denied and how hard is it to appeal?

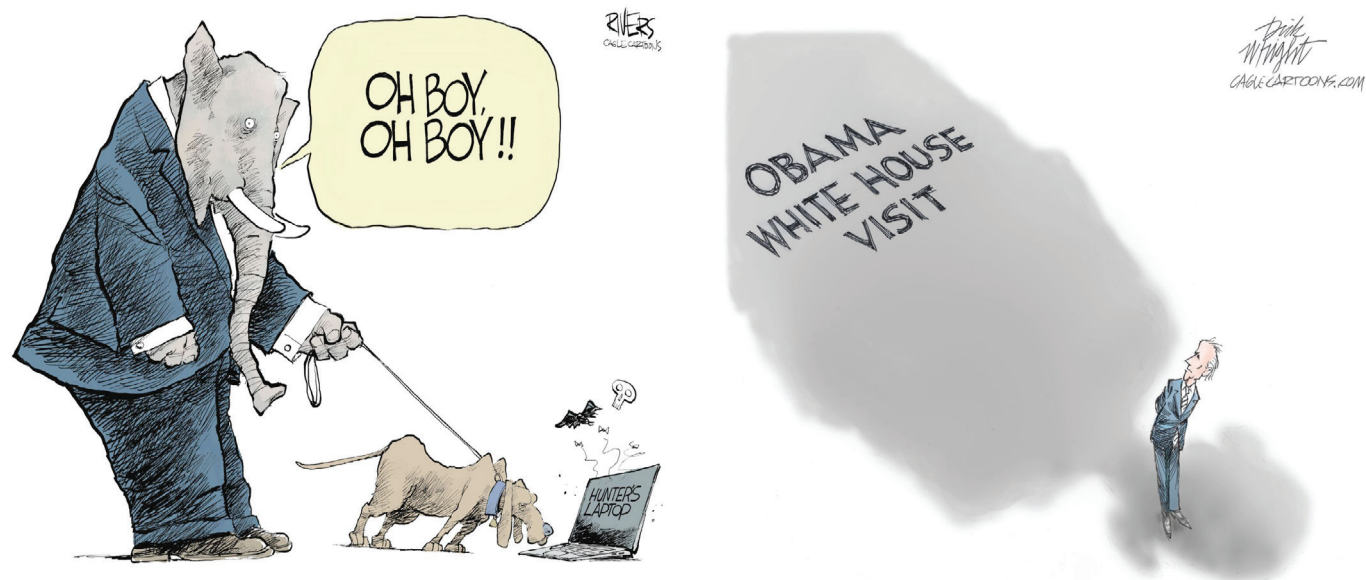
Another big issue is cost. What should government charge a member of the public for a record? In Oregon, governments are permitted to charge fees "reasonably calculated to reimburse [it for the] actual cost of making public records available." In Kentucky it can be much less. It's generally 10 cents a page or free. More can be charged in certain cases.

What if Oregon were to shift to more of a Kentucky model? Smaller and even larger public bodies likely would be worried about what it would do to their costs. Often it's not easy for government employees to find a public record. Government agencies don't necessarily have the latest software or computers that make searches easy. There can be personal information that should not be shared embedded in some documents. It takes time for somebody to go through and redact that. And the cost of public records can be a tool public agencies wield to convince people to reduce the scope of a records request down to a manageable level.

In Kentucky, though, the government bodies find a way to make it work. Why not Oregon?

One provision in the law that Kentucky has is an unreasonable burden provision. "If the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence."

Oregon is not Kentucky. There may be many reasons why adding some Kentucky flavor to Oregon's public records law would not be a perfect fit. But there is certainly good reason for Oregon legislators to consider it. It would increase public access to records that Oregonians are supposed to have access to.



YOUR VIEWS

Climate change — all hands on deck

Not to be critical but the recent East Oregonian editorial "Private enterprise shines in climate efforts," Thursday, March 31, lauding private enterprise over government efforts to deal with climate change presents an oversimplified comparison of public policy and private enterprise.

It was encouraging to read the EO Editorial Board acknowledging the need to address climate change. The global, national and international evidence of climate change are in the news daily. The companion article on the same page as the Our View piece addressed water shortages in the West. It pointed out that many domestic wells in the Klamath basin are going

dry and the Oregon Department of Human Services was making water deliveries to owners of dry wells.

Across the nation and the world water needs for human consumption, agriculture, industry and natural systems are in conflict. The solutions will not be simple and cannot be solved by framing problems as either addressed by government or by private enterprise. We need to move beyond an either/or perspective to one of both/and.

Private enterprise, be it personal or corporate, exists to make money for the owners or their stakeholders. It is not required to take into consideration the rights of other stakeholders. In Eastern Oregon depletion of groundwater in Harney County, in part caused by a corporate farm controlled

by an out-of-state private equity firm and lax state oversight is drying up the wells of smaller operations. There is a need for equitable government intervention.

For example, in recent years state representatives have worked to address the need for better data on water use and allocation. According to Oregon Public Broadcasting, "last year, lawmakers approved a historic public spending package on water, with some \$538 million for projects statewide."

The impacts from climate change are multi-dimensional. All actors in our region, be they state, county or private, need to work together to address the complex issues we will continue to face as we confront climate change.

**Ron Fonger
Pendleton**

CONTACT YOUR REPRESENTATIVES

U.S. PRESIDENT

Joe Biden
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500
Comments: 202-456-1111

U.S. SENATORS

Ron Wyden
221 Dirksen Senate Office Bldg.
Washington, DC 20510
202-224-5244
La Grande office: 541-962-7691

Jeff Merkley
313 Hart Senate Office Building
Washington, DC 20510
202-224-3753
Pendleton office: 541-278-1129

U.S. REPRESENTATIVE

Cliff Bentz
2185 Rayburn House Office Building
Washington, DC 20515
202-225-6730
Medford office: 541-776-4646

GOVERNOR

Kate Brown
160 State Capitol
900 Court St.
Salem, OR 97301-4047
503-378-4582

REPRESENTATIVES

Bobby Levy, District 58
900 Court St. NE, H-376
Salem, OR 97301
503-986-1458
Rep.BobbyLevy@state.or.us

Greg Smith, District 57
900 Court St. NE, H-482
Salem, OR 97301
503-986-1457
Rep.GregSmith@state.or.us

SENATOR

Bill Hansell, District 29
900 Court St. NE, S-415
Salem, OR 97301
503-986-1729
Sen.BillHansell@state.or.us

EDITORIALS

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LETTERS

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SEND LETTERS TO:

editor@eastoregonian.com,
or via mail to Andrew Cutler,
211 S.E. Byers Ave., Pendleton, OR 97801