

HB 4117 STAFF MEASURE SUMMARY**Carrier:** Rep. Sosa**House Committee On Rules****Action Date:** 02/13/24**Action:** Do Pass.**Vote:** 7-0-0-0**Yeas:** 7 - Fahey, Helfrich, Kropf, Nosse, Scharf, Valderrama, Wallan**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Melissa Leoni, LPRO Analyst**Meeting Dates:** 2/6, 2/13**WHAT THE MEASURE DOES:**

The measure authorizes the Oregon Government Ethics Commission (OGEC) and OGEC staff to give advice on the application of the entire public meetings law, not just the executive session provisions. The measure declares an emergency and is effective upon passage.

Detailed Summary

Allows the OGEC to issue a commission advisory opinion on the application of public meetings law to any actual or hypothetical circumstance. Allows the executive director of the OGEC to issue and publish a staff advisory opinion or OGEC staff to issue written or oral staff advice on the application of public meetings law to any actual or hypothetical circumstance. Makes ORS 192.672 on state board or commission meetings through telephone or electronic means explicitly part of the public meetings law in statute. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- How the Oregon Government Ethics Commission (OGEC) advice provision works
- Requirements for notifying respondents about complaints and the OGEC investigation and decision processes
- How the staffing impact of the measure was included in House Bill 2805 (2023)
- Importance of OGEC being able to answer questions from small jurisdictions

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Government Ethics Commission (OGEC) enforces Oregon laws prohibiting public officials from using their office for financial gain and those requiring public disclosure of economic conflicts of interest; enforces laws requiring lobbyists and the entities they represent to register and report their expenditures; and oversees the public meetings law.

Upon written request, or upon its own motion, the Oregon Government Ethics Commission (OGEC) provides written commission advisory opinions, written staff opinions, and oral and written staff advice on issues, whether actual or hypothetical, related to Oregon's government ethics laws, lobby laws, and the executive session provision of Oregon public meetings law. The OGEC is prevented from issuing penalties against a person for any good faith actions they take based on such opinions or advice (safe harbor provisions). The authority to provide such advice on the executive session provisions was enacted through Senate Bill 61 in the 2021 session.

In 2023, the Legislative Assembly passed [House Bill 2805](#) giving the OGEC the authority to enforce the entire public meetings law (ORS 192.610 to 192.705). The public meetings law generally requires that meetings be open to the public at accessible locations with appropriate notice of the time, place, and subjects anticipated to be considered. The OGEC is now accepting complaints and opening cases for alleged public meetings law violations,

HB 4117 STAFF MEASURE SUMMARY

and it will soon begin providing trainings or coordinating with other entities to provide training on the law.