

Submitter: Richard Burke  
On Behalf Of:  
Committee: House Committee On Rules  
Measure, Appointment or Topic: HB3638

Dear Chair Bowman and Members of the Committee.

As an appointed commissioner serving my second term on the governing board of the Oregon Government Ethics Commission (OGE), and a former Chair of that board, I offer this testimony in support of House Bill 3638. In doing so I am obliged to make clear that I am only speaking for myself and do not purport to represent the commission, any member of OGE staff, the OGE staff in whole, or any other commissioner. I am also a former elected commissioner and president of the Tualatin Valley Water District, Oregon's second largest water provider, which frequently held executive sessions in a lawful way.

Under current law, citizens who believe that a public body has violated one or more statutes governing executive session only have thirty days to lodge a complaint. While perhaps an adequate amount of time for people who professionally monitor the activities of public bodies, or who are directly impacted by specific and known discussions taking place during the executive sessions of public bodies, it is an unreasonably short window of time for most other people.

Most Oregonians do not regularly engage with public bodies day to day and may not discover the possibility of a statutory violation of statutes governing executive sessions until after the thirty day period to lodge a complaint has expired. Some of them might be impacted by executive committee discussions directly or indirectly, or might simply be citizens occasionally monitoring their public bodies for the sake of good civics.

For these reasons, extending to one year the thirty day period to accept complaints dealing with ORS 192.640, 192.650, 192.660 or 192.670 seems eminently reasonable. While doing so would likely create more work for the OGE, it would also represent good civics. I therefore ask you to move House Bill 3638 out of committee with a "DO PASS" recommendation. Thank you.

Respectfully,

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