

After 100 days, time crush looms larger in state Capitol

By GARY A. WARNER
Oregon Capitol Bureau

SALEM — It's a new month, but same headaches for Oregon's Legislature.

The 2021 session of the Legislature hit the 100-day mark on Thursday, April 29. The constitution gives the House and Senate 160 days in even-numbered years to initiate, bloat and legislate before being forced to gavel the session closed.

When lawmakers return to the Capitol on May 3, they'll have 56 days left — no matter what. The Oregon constitution requires the Legislature to finish by June 28.

In legislative parlance, the House and Senate must "Sine Die" — a Latin word twist that roughly translates to adjourn without a future date to meet in 2021.

The clock started Jan. 19 and doesn't stop for nights, weekends, holidays, COVID-19 shutdowns, Senate walkouts or House slowdowns.

And when it is over, it's over. All bills left are dead. Ideas can come back the next session, but have to start over again.

Third witching hour

The Legislature has its own automatic Spring cleaning with four "witching hours" during the session that kill off bills stalled in committees. House Speaker Tina Kotek, D-Portland, estimated early in the session that up to 4,000 bills and resolutions were introduced.

Hundreds of bills stuck in the maze of the Legislature's 43



EO Media Group, File

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committees were culled by earlier deadlines. The next witching hour is May 14 when bills must be scheduled for a final committee vote in the second chamber (House bills in the Senate, and vice versa). There are a few "safe harbors" for legislation. Bills in Rules, Revenue and joint (House-Senate) committees are exempt from the deadlines.

Legislation Resurrection

When legislative leaders reverse themselves and want one of the dead bills to move forward after all, the job is done with a "gut and stuff" move. A bill that has moved forward can be sent to the Rules or another deadline-exempt committee where its entire contents are removed (gut) and an amendment becomes the entire text of the bill. Look for the move

as the Legislature scrambles when the end of the session gets close.

Encore, Encore!

Sept. 20 is the start date for the special session of the Legislature to deal with overdue redistricting maps. Lawmakers received a letter from leadership last week.

East meets West

Sept. 20 is also the 30th anniversary of East Germany and West Germany voting to unify into one nation. Getting western Oregon and eastern Oregon to unify might be harder. The Cascades make for a much prettier wall than the one that stood in Berlin.

Feeling for an economic pulse

On April 30, the preliminary June state revenue forecast was

sent to key government planners. The report won't be made public until May 19. But an early version was sent to the Governor's Council of Economic Advisors and the state Department of Administrative Services. The quarterly reports measure how much money the state is taking in and spending.

Wrong way repeat?

The revenue forecasts are a best educated guess — and sometimes prove wrong. The June 2020 report forecast a sharp recession that would require major cuts by the state. By the next report in September 2020, the fiscal storm had disappeared as strong tax revenues from higher earning residents came in. Aided by a major infusion of federal aid, the state has been swimming in cash so far this year.

How fat a wallet?

Oregonians voted yes in November on Measure 107, closing a court-imposed loophole that campaign contributions were protected activity under Oregon's expansive freedom of speech guarantees in the state constitution. Two bills were introduced this session to put numbers on the limits. House Bills 2680 and 3343 are both parked in Rules with no additional action scheduled. The differences between the two bills come down to the size of the biggest donation allowed. The Legislature may punt on the issue and send it as a referendum on the 2022 ballot. After saying "yes" to limits, voters would be asked "how much is too much?"

Empty executive office pending

With Gov. Kate Brown unable to run because of term limits, the 2022 governor's race will be the first since 2010 without an incumbent on the ballot. Democrats have won every election for the state's stop job since 1986. It's not surprising that "every Democrat who can fog a glass," as one wag recently put it, is rumored as eyeing the May 2022 primary. Candidates can't officially file for office until Sept. 9, and can wait to jump in as late as March 8, 2022.

GOP for governor

Speculation of which Republicans might join what recent history has shown as a quixotic run for governor has started early. Bud Pierce, the GOP nominee in the 2016 special election for governor won by Kate Brown, has announced he plans to run.

Oregon Catalyst, a popular conservative website, recently posted an online poll asking readers to pick from among five names getting some early buzz as possible GOP standard-bearers.

Sandy Mayor Stan Puliama came out on top. Others included Pierce, Sen. Dallas Heard, R-Roseburg (who is also the Oregon Republican Party chair), Rep. Bill Post, R-Keizer, and Clackamas County Commissioner Tootie Smith. Candidates can't officially file for office until Sept. 9, but expect more straw polls across the political spectrum over the summer.

STATE NEWS BRIEFS

Four rescued after becoming stranded in Columbia River Gorge

PORTLAND — Crews rescued four people who got stuck on the side of a cliff while exploring canyons in the Columbia River Gorge, authorities said.

The Multnomah County Sheriff's Office received a report about 12:30 a.m. Friday, April 30, that the group had been stranded for about 10 hours and needed to be rescued. The Oregonian/OregonLive reported.

The sheriff's office said the group, who had proper safety equipment and were dressed appropriately, started at the Wahclella Falls Trailhead east of Multnomah Falls.

The group had taken the Gorge 400 Trail and reached a steep canyon that features several cascading waterfalls.

One canyoneer became separated from the rest of the group when a rope became stuck during a descent, the sheriff's office said. The canyoneer was stranded between two waterfalls, and their companions were not able to get them out of the area safely.

The canyoneers called for help after several hours. Four Portland Mountain Rescue crew members reached

the stranded canyoneers, lowered three of them down the side of a 50-foot (15-meter) waterfall and helped the person who was stuck.

The rescuers then helped the group cross a stream and a rocky slope before they all hiked back to the trailhead.

The sheriff's office said canyoneering is becoming more popular. The agency urged canyoneers to research and scout their objectives, take extra gear and create an emergency plan before leaving a trailhead.

Two who shielded \$3.8M in income in tax evasion case sentenced

PORTLAND — An Oregon City couple who shielded more than \$3.8 million in income in a tax evasion case will serve more than three years of probation.

Karl Brady, 59, and Laura Brady, 60, failed to pay \$1.4 million in taxes from 2008 through 2015, and must pay that amount in restitution, The Oregonian/OregonLive reported.

Karl Brady also pleaded guilty to conspiracy to defraud the United States and conspiracy to commit bank fraud.

The plea agreement called for each of them to plead guilty, according to court records.

Karl Brady was one of three owners and vice president of accounting for Northwest Behavioral Healthcare Inc., a Gladstone-based residential mental health treatment center for adolescents. The trio concealed income from the center for more than a decade, between 2002 and 2015, according to court documents.

The owners in 2002 started to pay a promoter of an illegal tax scheme to help them hide their income from the Internal Revenue Service. They each paid the promoter about \$20,000, according to court documents. Each created other companies and accounts and funneled their money into them.

They would meet weekly or monthly to divide money from Northwest Behavioral Healthcare and direct the bookkeeper to issue checks to the other companies to keep the funds off the radar of the IRS, according to federal prosecutors.

Co-defendants Daniel Mahler, president and chief executive officer of the mental health care provider, and Lyndon Fischer, vice president of marketing, were sentenced to five years of home detention, allowed out only for work with no luxuries allowed.

— Associated Press

Rep. Nearman charged in breach

BY ANDREW SELSKY
Associated Press

SALEM — Prosecutors leveled two criminal charges Friday, April 30, against a Republican member of the Oregon House of Representatives who let rioters into the state Capitol in December.

Rep. Mike Nearman, R-Independence, was charged with first-degree official misconduct and second-degree criminal trespass. Oregon State Police struggled to force the rioters back out of the Capitol, which was closed to the public, on Dec. 21 as lawmakers met in emergency session to deal with economic fallout from the coronavirus pandemic.

Marion County Deputy District Attorney Matthew Kemmy told Nearman's attorney, Jason Short, in a letter April 30 his client must appear in court on May 11 or face arrest. Short was out of his office April 30 and not available for comment. Nearman did not respond to phone and email messages seeking comment.

Nearman had been seen on security cameras letting violent protesters into the Oregon Capitol. They attacked authorities with bear spray. Outside the building, some of the protesters assaulted reporters and broke glass doors on



Andrew Selsky/AP Photo, File

Pro-Trump and anti-mask demonstrators rally outside the Oregon State Capitol on Dec. 21, 2020, as legislators meet in Salem. Prosecutors leveled two criminal charges Friday, April 30, 2021, against a Republican member of the Oregon House of Representatives who let rioters into the Capitol that day. Rep. Mike Nearman was charged with first-degree official misconduct and second-degree criminal trespass.

the Capitol. State police investigated the case.

In January, after Nearman's role became clear from the security footage, House Speaker Tina Kotek called for his resignation and stripped him of his committee assignments.

"Rep. Nearman put every person in the Capitol in serious danger," Kotek said on Jan. 11.

She referred to the deadly storming of the U.S. Capitol that had occurred just days before, on Jan. 6, by supporters of then President Donald Trump: "As we tragically saw last week during the insurrection at the United States Capitol, the consequences (here) could have been much worse had law enforcement not stepped in so quickly," Kotek said.

According to court records, the misconduct charge alleges Nearman, who is from the town of Independence west of Salem, "did unlawfully and knowingly perform an act ... with intent to obtain a benefit or to harm another."

The charge is a Class A misdemeanor, punishable by a maximum 364 days in prison and a \$6,250 fine.

The trespass charge accused him of unlawfully letting others into the Capitol. It is a Class C misdemeanor, punishable by a maximum of 30 days in jail and a \$1,250 fine.

Oregon Public Broadcasting was first to report Nearman being charged, later announced by the office of Marion County District Attorney Paige Clarkson.

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