

OREGON BRIEFING

Bid to have vote on Brown's emergency powers fails

SALEM — Members of the Oregon House narrowly defeated a move on Tuesday, May 4, to consider a bill that would give the Oregon Legislature oversight of the governor's emergency powers, enacted most recently to address the coronavirus pandemic.

The motion by Rep. Rick Lewis, R-Silverton, who along with a Democrat is one of the two chief sponsors of the bill, to pull the bill from the rules committee and fast-track a House floor vote was defeated with 28 votes against and 27 in favor.

Several Democrats were among those in favor, as were all Republicans who were present. The other chief co-sponsor of the bill is Rep. Marty Wilde, D-Eugene.

The House Republican caucus said in a statement after the vote that it wants "to make the governor accountable to the Legislature."

The bill requires that declarations and extensions of states of emergency under certain statutes be accompanied by written explanations. It also provides that, after termination of a state of emergency, the governor may not declare another state of emergency for the same purpose unless the Legislature authorizes it.

In its statement, the Republican caucus complained that Gov. Kate Brown, in unilaterally extending her own emergency powers, has "the ability to issue shutdowns without involving another governing body."

The bill remains alive in the rules committee, where the committee chair can schedule it for a public hearing at any time before the end of the session.

Man pleads guilty to cashing aunt's Social Security checks

KLAMATH FALLS — A Klamath Falls man pleaded guilty to theft of government funds after collecting more than \$458,000 of his aunt's Social Security checks for years after she died.

Investigators began monitoring George Doumar in February 2020 after the Social Security Administration identified a 114-year-old woman who was still receiving benefits, a statement from the U.S. Attorney's Office said. Prosecutors said that would have made her the second-oldest person in the country receiving them.

The last update to her record was a 1989 address change to Klamath Falls, prosecutors said. Her nieces told investigators they remembered her dying in the 1960s or 1970s and that they attended her funeral in New York, where she had lived for her entire life.

Investigators obtained a copy of her death certificate saying she died on March 7, 1971, in Brooklyn. They also found that Doumar collected Social Security to the same Klamath Falls address and he had added his aunt to the checking account he shared with his wife.

When asked about his aunt, Doumar sighed and said it was a long story but that he had been collecting her Social Security, prosecutors said.

As part of his plea agreement, Doumar, 74, has agreed to pay back the money to the Social Security Administration.

Man wanted for deaths of two in burning car arrested

ALBANY — A Cave Junction man wanted in connection with the deaths of two people whose bodies were found in a burned car was arrested on Monday, May 3, Oregon State Police said.

Police said Michael Moeh-

ring was arrested in Linn County without incident at an Interstate 5 rest area by personnel from multiple agencies, *The Albany Democrat-Herald* reported.

He is facing two counts of murder, two counts of abuse of a corpse, arson and felon in possession of a firearm.

The charges stem from the March 24 discovery of the bodies of Daniel Hill, 24, and Paul Folk, 26, in a burning car in Selma.

The Josephine County Sheriff's Office earlier arrested Harley Boitz in Cave Junction in connection with the incident. It wasn't immediately known if they have attorneys to comment.

Businesses challenge restrictions in suit against Brown

SALEM — A group of businesses has filed a lawsuit against Oregon Gov. Kate Brown over her recent extension of Oregon's state of emergency because of the COVID-19 pandemic.

Brown last week extended the state of emergency by 60 days, giving her the authority to issue restrictions on business operations, *The Oregonian/OregonLive* reported.

Brown said on Tuesday, May 4, all counties would be moved out of extreme risk, ending the ban on indoor dining by Friday, May 7. It wasn't immediately known how Brown's announcement would affect the lawsuit.

The group suing includes the political action committees Oregon Moms Union and Heart of Main Street, as well as the owner of Gresham restaurant Spud Monkeys.

The group objects to "unfair restrictions" they said Brown has placed upon businesses and public school children, according to the lawsuit, which was filed on May 4. They asked the court to issue an injunction halting restriction enforcement.

The lawsuit also claimed Brown's executive order failed to differentiate between vaccinated and unvaccinated people, "subjecting all to the same regulations and deprivations of liberty."

Brown's office did not immediately respond to a request for comment from the newspaper.

Oregon State University to require COVID-19 vaccines

CORVALLIS — Oregon State University has announced that it will require COVID-19 vaccinations before the fall term.

The university in Corvallis said on Tuesday, May 4, students and employees who study and work on-site at the university's locations must be vaccinated.

"As we advance our plans to resume traditional on-site and in-person activities for the 2021-22 academic year, high rates of vaccination among our students, faculty and staff are needed to help improve the safety and well-being of our community," Interim President Becky Johnson said in a statement.

OSU's vaccination requirements plans were informed by state and federal guidance related to vaccines, advice from public health experts, and guidance from other organizations, such as the American College Health Association, the statement said.

Elsewhere in Oregon, the University of Portland, Willamette University, and Lewis and Clark College have also announced vaccine requirements, as has the University of Washington and Washington State University.

Nationally, more than 100 colleges and universities have announced vaccination requirements for students and/or employees, according to *The Chronicle of Higher Education*.

— *Associated Press*

Oregon extends COVID-19 workplace mask, social distancing rule indefinitely

By SARA CLINE
Associated Press/Report for America

PORTLAND — Oregon adopted a controversial rule on Tuesday, May 4, that indefinitely extends coronavirus mask and social distancing requirements for all businesses in the state.

State officials say the rule, which garnered thousands of public comments, will be in place until it is "no longer necessary to address the effects of the pandemic in the workplace."

"We reviewed all of the comments — including the many comments that opposed the rule — and we gave particular consideration to those comments that explained their reasoning or provided concrete information," said Michael Wood, administrator of the state's department of Occupational Safety and Health. "Although we chose to move forward with the rule, the final product includes a number of changes based on that record."

Oregon, which has been among those with the country's most stringent COVID-19 restrictions, had previously had a mask rule for businesses, but it was only temporary and could not be extended beyond 180 days. That prompted Wood to create a permanent rule with the intent to repeal it at some point.

"To allow the workplace COVID-19 protections to simply go away would have left workers far less protected. And it would have left employers who want to know what is expected of them with a good deal less clarity than the rule provides," Wood said.

But the proposal prompted a flood of angry responses, with everyone from parents to teachers to business owners and



Mark Ylen/Albany Democrat-Herald, File

Oregon National Guard's Ashley Smallwood, of Springfield, counts out boxes of face masks to be given to Willamette Valley farmers while participating in a distribution event on May 27, 2020, at the Oregon State University Extension Service-Linn County office in Tangent.

employees crying government overreach.

Wood's agency received more than 5,000 comments — mostly critical — and nearly 70,000 residents signed a petition against the rule.

Opponents raised concerns that there is no sunset date or specific metric for when the rule would automatically be repealed. As a result, Wood said the final rule includes considerably more detail about the process and criteria that will be used to make the decision to repeal the rule.

The rule requires that employers make sure that under most circumstances people wear masks while working inside and use face coverings outside if they have to be within 6 feet of people. It also mandates that businesses make sure people aren't within 6 feet of each other — unless that's not practical for certain activities.

The agency said it would

be considered if the rule can be repealed, starting no later than July.

Besides mask and distancing requirements, the rule — which also includes requirements and guidelines regarding air flow, ventilation, employee notification in case of an outbreak, and sanitation protocols — dovetails with separate actions and restrictions by Gov. Kate Brown, the latest being increased county risk levels.

Last week, Oregon recorded the fastest-growing COVID-19 infection rate in the nation, and as a result Brown implemented further restrictions in 15 counties, including banning indoor dining at restaurants and bars and significantly decreasing capacity in gyms and indoor entertainment spaces.

The restrictions were criticized by business owners and Republican lawmakers.

On May 4, those counties were moved back a

level, effective Friday, May 7, because the statewide seven-day average increase for hospitalized COVID-19 positive patients dropped below 15 percent. This means indoor dining and other activities will be allowed.

"With Oregonians continuing to get vaccinated each week, my expectation is that we will not return to Extreme Risk again for the duration of this pandemic," Brown said.

So far, about one-third of Oregon's population has been fully vaccinated.

Around 75% of the state's staffed adult ICU beds and about 85% of the state's staffed adult non-ICU beds are occupied, based on Oregon Health Authority data provided.

In the past month, COVID-19 hospitalizations in Oregon have more than doubled, with 345 people hospitalized with the virus as of May 4.

By tiny fraction in metrics, 15 counties moving out of extreme COVID-19 risk

By GARY A. WARNER
Oregon Capital Bureau

SALEM — The indoor dining ban and other major restrictions under COVID-19 rules will be lifted on Friday, May 7, for 15 counties because a key metric was missed by 0.1%.

Gov. Kate Brown announced late on May 4 that 15 counties put on the extreme risk level for spread of the virus — the highest of the four-tier risk levels — could operate under the high risk standards instead.

"Oregon no longer meets the statewide metrics," Brown said in a statement.

The extreme risk level shuts down indoor dining, limits crowd sizes, caps entertainment and exercise activities and requires most businesses to close by 11 p.m. Visits to residents of nursing homes are curtailed. Under high risk, restaurants can offer indoor dining and other restrictions are loosened.

Brown's statement ended a confusing delay of several hours beyond the normal release of risk level ratings.

In early April, when infections were on the wane, Brown announced that counties that would normally be in the extreme risk level could stay at the high risk level as long as hospitalizations statewide didn't top 300.

The policy also required that hospitalizations rise more than 15% to keep the severe limits in place.

The waiver lasted until last week, when the state passed the mark of 300 COVID-19 patients in Oregon hospitals.

The extreme risk restrictions were put in place for

COUNTY RISK CATEGORIES

Effective May 7 - 13

Lower Risk (8)

Gilliam
Harney
Lake
Morrow
Sherman
Union
Wallowa
Wheeler

Moderate Risk (4)

Coos (Moved from High)
Curry
Hood River (Moved from High)
Tillamook

High Risk (24)

Baker (Moved from Extreme)
Benton
Clackamas (Moved from Extreme)
Clatsop
Columbia (Moved from Extreme)
Crook (Moved from Extreme)
Deschutes (Moved from Extreme)

Douglas (Moved from Moderate)
Grant (Moved from Extreme)
Jackson (Moved from Extreme)
Jefferson
Josephine (Moved from Extreme)
Klamath (Moved from Extreme)
Lane (Moved from Extreme)
Lincoln
Linn (Moved from Extreme)
Malheur (Moved from Moderate)
Marion (Moved from Extreme)
Multnomah (Moved from Extreme)
Polk (Moved from Extreme)
Umatilla
Wasco (Moved from Extreme)
Washington
Yamhill

Extreme Risk (0)

Baker, Clackamas, Columbia, Crook, Deschutes, Grant, Jackson, Josephine, Klamath, Lane, Linn, Marion, Multnomah, Polk and Wasco counties.

Umatilla County, which was moved to the high risk category on May 4, remains in the high risk category for COVID-19 under the new guidelines Brown released, while Morrow County remains in the low risk category.

The period on which the next risk levels were based were from April 18 to May 1.

Oregon saw a statewide rise in infections. The state had 11,266 cases — 265.9 per 100,000. Positive tests made up 6.4% of all results.

But on May 4, hospitals reported 345 COVID-19 patients, and the percentage growth of hospitalizations was pegged at 14.9%.

The minimum percentage growth to keep the extreme risk limits fell short by two patients statewide.

The 0.1% miss led to a major policy u-turn.

"Based on (May 4) numbers, I am keeping my commitment to Oregonians," Brown said.

As of (May 7), no counties will be under extreme risk limits. The new numbers put 24 counties at high risk, four at moderate risk, and eight at lower risk.

Oregon Health Authority projections show the

state can handle the current rate of demand for hospital beds.

Brown also said she did not expect the state to move back to the extreme level again at any point. The state is expecting a major increase in vaccine shipments from the federal government.

"Vaccinations are still our best path to protecting our loved ones, and staying on track to fully reopen our economy by the end of June," she said.

Political friction in Oregon has increased with Brown's extreme risk decision and again extending her emergency powers, first put in place in March 2020, through at least June 28.

In the most concrete bid to curb Brown's authority, the House on May 4 narrowly rejected a Republican-led effort to force a vote on limiting Brown's pandemic powers.

The 28-27 vote was against a motion to consider a bill that would give the Oregon Legislature a larger say in a governor's future declarations of emergencies.

"Oregonians deserve a balance of power between their separate branches of government again," said House Minority Leader Christine Drazan, R-Canby.

Brown and the Oregon Health Authority Director Pat Allen have pointed to Oregon's safety during the pandemic that has killed over 575,000 Americans. Oregon has had the third lowest per capita number of cases in the nation, at 4,432 per 100,000 during the entire pandemic.

Brown will next announce any revisions in risk levels on Tuesday, May 11.

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