

# Legislature scrambles as adjournment in sight

Lawmakers have 30 days as of May 28 until they are required to adjourn

By GARY A. WARNER  
Oregon Capital Bureau

SALEM — The Oregon Legislature was hit with a double-dip of stress Friday, May 28, as it dealt with the official beginning of the end of the 2021 session.

Lawmakers have 30 days as of May 28 until they are required to adjourn. The Oregon Constitution authorizes the Legislature to meet for 160 days in odd-numbered years.

What began Jan. 19 must end by June 27. The allotted days include weekends and holidays, making the actual amount of time left for action even shorter.

The second big mark on the calendar on May 28 was the fourth and final “witching hour” that acts as an automatic guillotine to lop-off legislation that has slowed or stalled in committees.

To keep on the 160-day pace, the Legislature sets four deadlines about a month apart when bills must show progress. At the stroke of midnight on the deadline, the stragglers are dead for the year.

The deadline on June 2 not only sends hundreds of dormant bills to oblivion, but also mandates the shutdown of most of the 34 House and Senate committees that act as factories for new bills.

As of May 29, no more hearings. No more amendments. No more votes.

How severe the final culling of bills will be this time won't be known until early next week.

“I'm not sure what will get left behind,” said House Speaker Tina Kotek, D-Portland.

## Legislative concepts

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Kaylee Domzalski/Oregon Public Broadcasting, File

**House Speaker Tina Kotek motions to someone on the House floor on April 11, 2019. Kotek had estimated in early January that about 4,000 “legislative concepts” — ideas for laws — were percolating in the halls of the Legislature as the 2021 session neared its start date.**

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When the session began, about 2,500 bills were introduced. Kotek said this past week that a little over 400 had made it through one chamber (the House or Senate) and were awaiting action in the other.

Gov. Kate Brown has received just over 100 bills. She's vetoed one — to allow motorcycle riders to “lane split” between lanes of traffic during heavy congestion.

The carcasses of the dead or defeated bills can be found throughout the electronic battlefield displayed on the Oregon Legislative Information Service website.

The web pages of each House or Senate panel that have to call it quits May 28 were filled at times with dozens of bills whose status was listed as “in committee.”

With no committee left, they have no future.

There are a small number of “safe harbors,” committees exempt from the clock. The House and Senate committees on rules, revenue, and redistricting can work up until the Legislature adjourns.

Most of the action now moves to the Joint Committee

on Ways and Means, which puts the dollar figures next to each project and program in the state budget.

Though the Legislature's primary remaining job is to generate a balanced budget, Kotek said there were still several initiatives on environment, house, racial equity and other issues she wants to bring up for votes before calling it quits. She admits it is a challenge with time running down.

“How can the legislature take on multiple crises at the same time when there is a month left and a lot of work to do,” Kotek said.

## Legislative quorum

With Democrats holding a 37-22 majority in the House and controlling 18 of 30 seats in the Senate, the party's agenda should theoretically be on a fast track to Brown, also a Democrat.

Oregon is one of a tiny number of states in which the legislative quorum to meet and do business is not a simple majority. Oregon requires two-thirds of members to attend a session for any work to be done at all.

Republicans have walked out to deny the Legislature a minimum quorum of members for long periods in 2019 and to kill the session in 2020. The move was made

primarily to stop consideration of a carbon cap bill.

During the 2021 session, Republicans switched tactics from stopping to slowing. An archaic part of the Oregon Constitution requires bills be read in full before final passage. In the internet era, the text of bills can be accessed anywhere in the world.

In more peaceful times, lawmakers have agreed to waive the reading of bills in full and just announce the bill title. Like the quorum rule, an objection to waiving the reading requires two-thirds of lawmakers to override the objection.

Democrats have countered by scheduling double and triple sessions each day, sometimes on Saturdays. They have also used a high-speed digital device to read the bills.

GOP leaders say the calendar shows the success of their effort to use parliamentary rules to slow debate, at times leaving large chunks of the Democrats' agenda still clogged in the legislative pipeline.

For House Minority Leader Christine Drazen, R-Canby, the three-day Memorial Day weekend signaled that the time left for dealing with legislation was shrinking rapidly.

“With only four weeks left in the session, our time in the Capitol is coming to a close,” Drazen said.

## Internal issues

Along with legislation, the Legislature will continue to deal with internal issues.

The session started with the resignation of Rep. Diego Hernandez, D-Portland, on sexual harassment allegations.

Now, attention is on Rep. Mike Nearman, R-Independence. After an investigation by the Oregon State Police, Nearman has been charged with official misconduct and criminal trespass for intentionally opening a side door

to the Capitol that allowed right-wing activists to charge into the Capitol and clash with police.

Kotek has already stripped Nearman of all his committee assignments. Nearman is scheduled to appear in circuit court in Marion County on June 29, after the Legislature is expected to adjourn.

Currently, Nearman can come to the Capitol if he gives Oregon State Police and House administrators advance notice. Kotek said the House could move to censure or expel Nearman.

Republicans want a review of allegations against Rep. Brad Witt, D-Clatskanie. Rep. Vikki Breese-Iverson, R-Prineville, made an official complaint that Witt had made unwanted sexual comments to her in the Capitol.

The House hired an independent investigator whose report said that while Witt did not believe his comments were sexually intimidating, he had made Breese-Iverson feel unsafe while at work at the Capitol.

Republicans challenged the investigator's conclusions, saying the report did not include interviews with two GOP lawmakers who said Witt had a pattern of inappropriate behavior.

Brown has had a fraught relationship with Republicans in the Legislature this session, which will likely continue beyond adjournment.

When COVID-19 first appeared in Oregon in early 2020, the governor issued an emergency decree that gave her wide power over decisions that affected public health.

Brown used the emergency powers to issue executive orders mandating public health rules, limit business activity, regulate school closures, require masks and social distancing, and other restrictions.

Senate Republicans held a one-day walkout at the beginning of the session to protest what they said was Brown and Democratic leaders' strangle-

hold on power. But Brown has extended the emergency order into June.

Republicans attempted to introduce legislation to end or limit Brown's emergency powers, saying she had crippled the economy with over a year of restrictions on businesses and gathering sizes. Their effort was rebuffed by the majority Democrats who backed Brown's decisions amid a worldwide pandemic that has killed over 591,000 people in the United States, while Oregon has had one of the lowest transmission and death rates in the nation.

## More controversy

One of the biggest — and most controversial — events of the session will come just before it ends.

In what House Republicans said was a deal to get them to stop using parliamentary rules to slow the consideration of bills, Democratic leaders agreed to divvy-up \$240 million in American Rescue Plan Act aid among all the lawmakers — Democrats and Republicans.

Senators would get \$4 million and House members \$2 million for projects of their own choosing. The projects will be included in what's traditionally called “The Christmas Tree Bill” — often the final spending legislation voted on before adjournment.

In late June, the Legislature will vote to “Sine Die” — a Latin term used in politics to mean adjourning without a future date to meet.

The Legislature is officially scheduled to next meet in February for the 35-day “short session” to fine-tune the budget. In recent sessions, there have been attempts to add many additional bills onto the agenda.

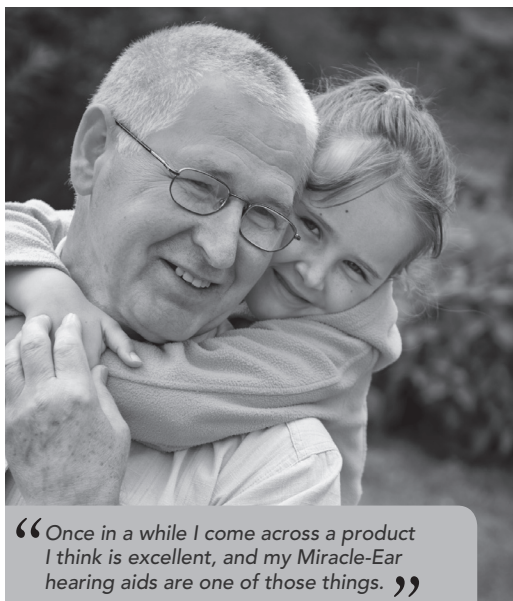
But the House and Senate will actually make its next appearance in Salem in September for a Special Session to draw redistricting maps for congressional and legislative seats.

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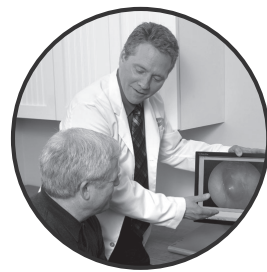
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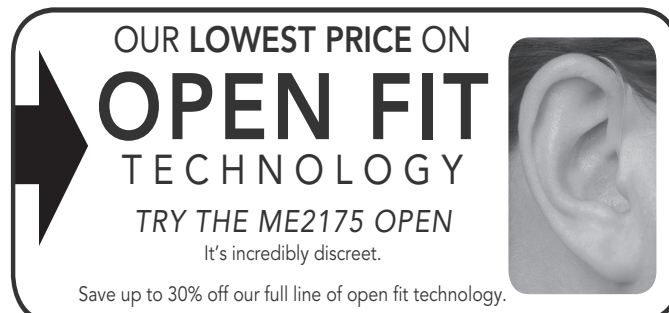
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