

REPUBLICANS WALK OUT OF OREGON LEGISLATURE



Sam Stites / Oregon Capital Bureau

Seats in the Oregon House of Representatives remain vacant earlier this week during a Republican boycott of the legislative session.

# Democrats issue 21 subpoenas for absent Republican lawmakers

By Claire Withycombe  
Oregon Capital Bureau

SALEM — Democrats in the Oregon House moved Thursday to force Republicans back to the Capitol Thursday, issuing subpoenas to 21 state representatives that would compel them to explain their disappearing act from Salem.

A process server has been hired to track down the missing Republicans and deliver their subpoenas. If they obeyed, the representatives would have to appear before the Democratically-controlled House Rules Committee on Thursday, March 5.

“Be prepared to testify about your unexcused absences during the 2020 regular session of the Legislative Assembly, the need for members to fulfill their oaths of office and constitutional duties,” the subpoena states.

The move showed that House Speaker Tina Kotek, D-Portland, is determined to stand against Republican demands that the greenhouse gas legislation be killed or sent to Oregon voters.

The absence of Republicans in both the House and Senate has largely stopped action on legislation this week because there is no quorum.

The House needs at least one more Republican to show up to advance legislation on the floor and the Senate needs two.

“We feel like this is within our legal right to ask our colleagues to come back and explain before a committee why they believe it’s OK for them to not do their job,” Kotek told reporters late Thursday.

Kotek said a process server has been hired to chase down wayward Republicans,

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— House Speaker Tina Kotek, D-Portland

although they may be out of state.

It’s not clear whether the Republican representatives would be required to obey the subpoenas. In civil court cases, those who defy subpoenas can face sanctions from a state judge.

Paul Holvey, D-Eugene, that it wasn’t clear to him if lawmakers could face punishment if they don’t comply.

“You know, I’m not an attorney,” said Holvey, with an “aw shucks” grin. “I can’t provide legal advice. Or even, you know, speculate on exactly what kind of penalties might be levied. Certainly a subpoena is a legal document. So, you know, people will have to figure that out for themselves.”

The Oregon Constitution, however, states that legislators “shall not be subject to any civil process” during the legislative session. The current one ends March 8.

“There is, I believe, some immunity,” Holvey said. “But I can’t tell you how far it goes or where the line is drawn.”

“Maybe we don’t have this all perfectly executed,” Kotek said. “We just know this was an option that we should try. And the sooner we started the better because we need to do the work of the people within the constitutional timeline that we have.”

Holvey, whom Kotek describes as the House’s resident rule expert and parliamentarian, approached the speaker

Wednesday night about the tactic of employing subpoenas.

“You can’t negotiate with ghosts,” said Holvey. “They need to be here in a transparent setting so we can work together.”

Kotek has demonstrated a willingness to take brisk, punitive measures, taking away the chairmanship of a budget subcommittee from Rep. Greg Smith, R-Heppner, when Republicans skipped an evening floor session last week.

House Republican Leader Christine Drazan, R-Canby, said in a statement late Thursday that the subpoenas were “just the latest example of the majority party’s strong-arm tactics designed to end negotiations.”

“We will not be intimidated,” Drazan said. “We remain resolved to serve the hard-working families of Oregon who have asked for the abuse of power to end and for cap and trade to be referred to the people.”

A spokeswoman for Senate President Peter Courtney, D-Salem, said he has no plans to issue subpoenas to the 11 Republican senators who have been missing since Monday in an identical protest against climate legislation.

Kotek could ask Gov. Kate Brown to call the Oregon State Police to compel absent Republicans to attend floor sessions, but she said she prefers to keep troopers performing their normal policing duties.

# Pendleton gets \$1.8 million loan for repairs to its levee

■ Following flooding this month, city hopes to make repairs soon

SALEM (AP) — The city of Pendleton will get \$1.8 million through an emergency loan for repairs to a critical levee damaged by massive flooding in Northeastern Oregon earlier this month in hopes the structure can be fixed before the spring snowmelt, Oregon Gov. Kate Brown said Wednesday.

Brown, a Democrat, said in a statement that the no-interest loan is part of a larger \$11.65 million recovery package she outlined last week, but it is the only part of the proposal that can advance without lawmakers’ approval because the remaining dollars come from the state’s general fund or lottery dollars.

GOP politicians in both the Oregon House and Senate walked out Tuesday to stall a vote on a climate change bill championed by Democrats. The walkout stopped the bill to cap Oregon’s carbon emissions, but it has also tied up legislation on wildfire mitigation, homeless assistance and a landmark compromise between the timber industry and

environmentalists.

Recovery funding for Umatilla County is another victim of the walkout, Brown said, as she took a job at state Republicans.

“When legislators deny quorum and shut down government, it puts critical state funding in jeopardy — and not just for flooding relief. This is important work; Oregonians are counting on us,” she said.

At least one GOP lawmaker fired back on Wednesday, saying Brown delayed the loan money unnecessarily.

“I’m not sure why the Governor withheld this funding for two weeks. But no matter what the politics are in the building, it’s the right thing to do,” said Senate Republican Leader Herman Baertschiger Jr. of Grants Pass.

Brown declared a state of emergency in three Oregon counties after unusually heavy rain and snowmelt from the Blue Mountains caused severe flooding in Pendleton and other areas on Feb. 6.

# River study released

By Gillian Flaccus  
Associated Press

PORTLAND — A long-awaited federal report due Friday addresses the feasibility of removing four hydroelectric dams on a major Pacific Northwest river in a last-ditch effort to save more than a dozen species of threatened or endangered salmon.

But the preferred alternative in the draft environmental impact statement calls for retaining the four dams on the lower Snake River in Southeastern Washington. The dams are part of a vast and complex hydroelectric power system operated by the federal government in Washington, Oregon, Idaho and Montana.

The 14 federal dams on the Columbia and Snake rivers together produce 40% of the region’s power — enough electricity to power nearly 5 million homes, or eight cities roughly the size of Seattle. They also contain a system of locks that allows cities nearly 500 miles inland from the Pacific Ocean access to Asian markets via barges that float down the massive rivers to the sea.

At the same time, the towering dams have proven disastrous for salmon that struggle to navigate past them on human-made fish ladders as they swim upstream to spawn and die after spending most of their lives in the Pacific Ocean. Salmon are unique in that they hatch in freshwater streams and then make their way hundreds of miles to the ocean, where they spend years before finding their way back to their natal streams to mate, lay eggs and die.

Snake River sockeye were the first species in

## Preferred alternative doesn’t call for breaching of Snake River dams

The preferred alternative in the draft environmental impact statement released Friday does not call for breaching of the four lower Snake River dams. Removing the dams is outlined in one of the other alternatives analyzed in the draft EIS.

the Columbia River Basin listed under the Endangered Species Act in 1991. Now, 13 salmon runs are listed as federally endangered or threatened. Scientists also warn that southern resident orcas are starving to death because of a dearth of the chinook salmon that are their primary food source.

The Puget Sound population of orcas — also called killer whales — was placed on the endangered species list in 2005.

“It’s urgent that we do something,” and dam removal works, said Todd True, an attorney for Earthjustice who has represented the Nez Perce Tribe, the state of Oregon, environmentalists and fishing groups in ongoing litigation over the dams.

“We have an opportunity to really do something to comprehensively address this issue and chart a course for the future,” he said.

The U.S. government has spent between \$15 billion and \$17 billion on improved salmon passage over the years, but nothing has changed for the salmon, True said. He added that both the Pacific Northwest’s power supply and the ability to use energy more efficiently have vastly improved in the past 20 years.

The Bonneville Power Administration, which sells the power from the system, “is looking at a very different future than they were 10 years ago, or even five years ago,” he said.

Opponents of dam removal say they want salmon to flourish, but they aren’t sure breaching four major hydroelectric dams will help — and it could instead damage the regional economy and the stability of the power supply.

Reservoirs behind some of the dams allow the Bonneville Power Administration to even out the more erratic power supply from wind and solar by spilling water to generate electricity on short notice. And a move away from low-cost coal plants in the Pacific Northwest has some worried about what the future could hold for ratepayers if the Snake River dams are removed, said Kurt Miller, of Northwest River Partners, which represents community-owned utilities across Oregon, Washington, Idaho and Montana.

Ocean warming and acidification from climate change are doing more damage to the salmon than the dams do, he said.

“This is a much, much bigger issue than the Snake River dams. If worldwide salmon populations are doing poorly because of climate change and carbon, does it make sense to tear out 1,000 average megawatts of carbon-free electricity?” he said.

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