

Short session, long list of bills

BY GARY A. WARNER

Oregon Capital Bureau

SALEM — Democrats want to use the 2022 legislative session to pass bills on affordable housing, health care, job training, drought deterrence, timber harvesting, small business relief, expanding daycare, wildfire prevention and criminal justice reform.

Republicans' to-do list for the House and Senate includes tax cuts, limiting the emergency power of the governor, and rolling back the release of prisoners.

All within a 35-day session beginning Tuesday, Feb. 1, which also happens to be the projected peak of the record-breaking surge of hospitalizations because of the omicron variant of COVID-19.

Also working against likely passage of legislation is a series of changes at the top of state government for the first time since 2009, switches in floor leaders for both Democrats and Republicans and a rapidly approaching primary election in May, with a general election in November.

The long list of ideas for the "short session" of the Legislature was rolled out Tuesday during the annual political preview hosted by the Associated Press. Gov. Kate Brown and legislative leaders from both parties took turns discussing the possibilities and pitfalls facing the last regular session before the 2022 elections.

Republicans call for a session limited to budget fixes and technical bills. With the pandemic hitting health, housing and jobs, Democrats said the crisis situation required action now, not next year when the longer 160-day session is held. "There are things that cannot wait two years in between the long sessions," said House Majority Leader Julie Fahey, D-Eugene.

Senate President Peter Courtney, D-Salem, said the mountain of legislation could be too extreme, looking more



The Oregon State Capitol building in Salem. The Legislature will convene on Feb. 1 for a short session.

Oregon Capital Bureau, File

like the amount introduced at the start of the odd-year "long sessions."

"You get the feeling that we're in a 160-day session," Courtney said. "I'm just a worrier, but I don't have confidence today."

Looming over all the proposals was the possibility that Republicans could use parliamentary tactics to bring the session to an abrupt end, as they did in 2020. Or slow it to a painful crawl, as in 2021.

"If we see highly partisan and complex bills being rushed through the Legislature in February, Republicans are prepared to use the tools necessary," said House Minority Leader Vikki Breese Iverson, R-Prineville.

Those tools are quirks in the Oregon state constitution rarely found anywhere else in the nation.

Democrats currently hold a 37-23 supermajority in the House and have 18 of the 30 seats in the Senate. Two of the

12 senators elected as Republicans have declared themselves independent of the GOP caucus.

But Republicans can still halt or hamstring a session by walking out or slowing down the legislative process.

Oregon is one of a handful of states that requires more than a majority to form a quorum in each chamber in order to conduct any business. Democrats are three votes shy of the 60% requirement in the House and two votes short in the Senate.

During the 2020 session, GOP leaders in the House and Senate led a boycott of floor sessions to block a vote on a carbon emissions cap bill backed by environmentalists, but opposed by many businesses.

Sen. Tim Knopp, R-Bend, and Rep. Cheri Helt, R-Bend, were the only Republicans to remain in the Capitol. Both were locked in tight re-election campaigns (Knopp would win, Helt would lose).

Still short of a quorum, time ran out on the 35 days, leaving hundreds of bills to die with the end of the session.

"Everybody got mad at each other and went home, except me," Knopp said.

House Republicans are more likely to use a tactic employed in 2021. The state constitution requires the full text of a bill be read aloud before the vote on final passage.

In the past, the rule was suspended "without objection" and only the short title of legislation read before the debate and vote. If there is an objection, it takes 40 votes in the House (or 20 in the Senate) to override the reading requirement.

Then-House Minority Leader Christine Drazan, R-Canby, objected to every bill that came to the floor, no matter the subject. A logjam of Democratic-sponsored legislation quickly piled up.

House Speaker Tina Kotek, D-Portland, countered by

scheduling morning-to-night daily sessions, including weekends.

But multiple outbreaks of COVID-19 also struck and Kotek, seeing a looming constitutional deadline for the Legislature to adjourn, struck a deal with Drazan to give Republican parity on the House Redistricting Committee.

The pace of passing bills quickened up to the end of the session. When a special session was called to vote on redistricting, Kotek moved to reinstall a Democratic majority on the panel dealing with maps for congressional districts. Drazan tried to have Kotek brought up for censure, but was blocked.

Kotek and Drazan are both leaving the Legislature to run for governor.

Though the principal combatants in the slowdown battle are gone, the bitterness remains. Democrats are frustrated with the ability of the minority to unilaterally thwart majority will. Republicans say

they can't rely on promises from Democrats if they strike any deals, given Kotek's reversal on the redistricting panel.

Brown said she hoped the Legislature would move on the Private Forest Accord, a deal between environmentalists, forest landowners, fishing interests and the state that she has said would ensure new protections for sensitive species on over 10 million acres in Oregon. She asked that \$200 million be spent on workforce programs, \$100 million on childcare, and \$38 million to help small businesses and aid economic development.

Knopp said the short session was not the right time for major policy initiatives. But he believed there was room for Democrats and Republicans to agree on essential worker pay, tax cuts on some essential items such as diapers, and job training programs that can quickly fill the employment gaps faced by many businesses.

"Employers need workforce now," Knopp said.

Senate Majority Leader Rob Wagner, D-Lake Oswego, noted the Legislature has worked through one regular and five special sessions during the pandemic. Some state and federal data is showing the current omicron spike — the sixth to surge through Oregon since February 2020 — is showing signs of waning.

"We're turning the corner on this last wave — I hope it's the last wave," he said.

Knopp said the two-year-old COVID-19 pandemic had warped the usual workings of the Legislature, with online Zoom meetings replacing in-person hearings and the lack of the kind of casual conversations that can sometimes lead to consensus. He's looking forward to a legislative session in the future that brings back near-normal operations in the Capitol.

"Here's hoping that's the 2023 long session," he said.

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