

# Legislature takes an intermission on summer action

By Gary A. Warner  
For the Oregon Capital Bureau

One down and one to go. The Oregon Legislature wrapped-up its "2020 1st Special Session" and headed for the exits out of Salem on Friday, leaving at least as many questions as answers from the three days of rapid-fire lawmaking.

While the House and Senate met, Oregon's rate of new COVID-19 infections continued to climb, the state fell deeper into debt and officials churned through more of a record-setting mountain of unemployment applications.

Definitive answers on those issues will linger until Gov. Kate Brown announces the "2020 2nd Special Session."

"I anticipate calling the Legislature into a second special session to rebalance our state budget," Brown said on Saturday.

Oregon has to find a way to plug an estimated \$2.7 billion deficit caused by the economic hit of the coronavirus and steps taken in March to slow the spread that forced many businesses to shutter. The resulting layoffs led to 425,000 new unemployment applications, with some Oregonians still waiting for checks to arrive.

Brown said she wants to give Congress time to come up with a plan to send aid to state and local governments. Billions of dollars in aid has widespread support in the Democratic-controlled U.S. House, while its prospects are questionable at best in the Republican-controlled U.S. Senate.

### Return engagement

Either way, Brown said state lawmakers will have to come back, most likely at the end of July or early August. She said her goals included the full \$9 billion in funding for public schools, which she said were still on track for students to return to classrooms this fall.

Plans for the largest cuts and possible tax increases are just now getting underway.

For the first session, lawmakers came to Salem to pass 24 policy bills,

highlighted by a package of legislation limiting chokeholds and the use of tear gas, and other law enforcement reforms.

Brown called the session as many Legislatures across the country met on the same issue following worldwide protests of the Memorial Day death of George Floyd. The Black man from Minneapolis was killed when a white police officer knelt on his neck until he was unconscious.

In addition to the police reforms, other bills voted on this past week included protections for mortgage holders who can't pay on time, a cellphone tax to pay for rural broadband and more than a dozen other topics.

Brown said the Legislature "shined" during the session.

### Watching the numbers

The next task, she said, was to see how Oregonians respond to an alarming uptick in the rate of COVID-19 infections in the state as the Fourth of July holiday approaches.

The response will determine whether the reopening of businesses, allowing larger gatherings and lifting of other restrictions that can spur the economy can safely continue.

Oregon's overall official COVID-19 infection rate is among the lowest in the nation, at less than 5% of the population. But the rate of infections has been trending up in recent weeks.

"I am asking Oregonians to take this very, very seriously," Brown said. "The increase in cases is alarming. We have done a really good job so far."

If the infections cannot be kept in check, Brown said she would use all the "tools in the toolbox" to stop the virus from getting out of control as it has in several states in recent days.

"If we continue on this path, we will have to button down the economy," Brown said.

Just before her press conference on Saturday, the Oregon Health Authority released its latest bad news: a total of 277 new cases of COVID-19, the second-highest one-day total this year. All but one of the highest one-day totals have occurred in the past two weeks, coinciding with the reopening of much of the state.



Oregon Capital Bureau file photo  
**Senate President Peter Courtney lists tens earlier this year as Legislative Fiscal Officer Ken Rocco explains the breakdown of \$11.5 million in funding for Umatilla Basin flood relief.**

The virus has killed 202 people in Oregon since March. Officially, there have been 8,094 positive cases of COVID-19 in the state through Saturday, though health officials say the numbers are likely much higher.

### Pandemic politics

The coronavirus this week rarely far from the minds of lawmakers, most of whom arrived wearing face masks or clear plastic shields to avoid spreading infection.

State leaders decided to go ahead with a session in the Capitol despite fears that the coming and going could spread the virus.

The session required calling 60 House members, 30 senators and scores of staff, security and press to travel from around the state to Salem. After working together for three days, they would then fan out to return to their homes and offices.

### Tension and traffic control

House Speaker Tina Kotek, D-Portland, wrestled with a limit of 25 members on the floor at any time. Over the first two days, most shuttled between their offices and the floor. But on Friday, as the session ended, many members chose to sit at their desks.

Bumping up against the maximum, Kotek tread lightly but firmly in suggesting that some Republicans might

move to the aisles, galleries or back to their offices to make way for the several Democrats who had to come to the floor to introduce — "carry" — bills coming up for a vote.

"Carriers are in one caucus, that is just the way it is," Kotek said.

Republicans expressed their frustration at special session rules that allowed only the House Speaker and President of the Senate — both Democrats — to submit bills.

Sen. Dallas Heard, R-Roseburg, said the session had resulted in some "good, worthy" legislation, but increased the animosity between the majority and minority parties. He acknowledged his own role in the tension.

"It is quite obvious that we have all grown to have quite a bit of contempt for each other," he said.

Heard said more respect was needed in Salem, otherwise the partisan divide would be "the cause of freedom dying and a lot of good will squandered."

Senate Minority Leader Fred Girod, R-Stayton, said the decision to not allow the public into the Capitol for the session — while allowing for live video feeds — was not in keeping with what the building stood for.

"It's not ours, it's not the Legislature's, it is the people's," he said.

### Mask-less men

Politics and personal space and expected privileges clashed at times under the pandemic rules.

The 60-member House made masks or faceguards mandatory when in the chamber. Senate President Peter Courtney, D-Salem, made it a strong request.

Sen. Brian Boquist, R-Dallas, came to the Senate floor with no face covering twice during the session.

On June 24, Boquist and Sen. Dennis Linthicum, R-Klamath Falls, went without face coverings. Courtney asked Girod to ask the recalcitrant duo to cover up.

When the Senate next met on Friday, Linthicum had asked to be excused from the session, which was granted.

But a defiant Boquist once again took his seat without a mask.

"The flu is now the virus ... com-

pletely political — lacking zero science," Boquist said in an email. "Everything is the coronavirus. Every state that did not lock down is doing as good as or better than Oregon."

Boquist said lawmakers never should have been called to Salem for the agenda they were dealing with.

"Nothing about the special session is good — nothing," he wrote.

### Hustle and flow in the House

In the House, the main problem was herding lawmakers whose total numbers were double the 25-person limit set for the chamber floor.

That meant much coming and going from offices to desks, with gaggles of lawmakers sometimes passing close to one another in opposite directions.

Kotek admonished House members on Friday about getting lax on social distancing minimums of six feet, at one point saying if nothing else to think about one member who is pregnant.

House members often watched the proceedings on a live feed from their offices, then took the short walk to the House chamber to debate or vote.

The House normally uses an electronic voting system, much faster than the Senate's historic but sometimes tedious roll call. But the virus forced even voting in the House to be done in shifts.

In a nod to the COVID-19 reality, the House rules were changed so that members could go to the aisle or balconies of the chamber and signal their votes with a thumbs up or thumbs down.

Kotek frequently reminded lawmakers watching elsewhere in the building that if they wanted to get into the queue for debating a bill that they should text caucus leaders. Virtual committee meetings and video press conferences often were hung up by mute buttons and video feed issues.

But over 100 people testified remotely on bills, and 600 documents and letters were entered electronically into the record. Staff dealt with multiple drafts of 24 bills and 90 amendments.

The police reforms were overwhelmingly approved by the Legislature on Friday — June 26, 2020.

# Oregon Legislature reaches consensus on police reform bills

By Peter Wong  
Oregon Capital Bureau

Oregon legislators reached a swift consensus Friday on half a dozen bills that one of their chief advocates says will move toward improving police practices and accountability.

The bills were one of the chief aims of the special session, which Gov. Kate Brown called a month after the death of George Floyd in Minneapolis prompted nationwide demonstrations against police misconduct.

The bills restrict — but do not ban — police use of chokeholds on suspects and tear gas on crowds. Instead of transferring investigations of officer-in-

involved shootings from county district attorneys to the state attorney general, a bill sets up a legislative committee to look at police use of force, citizen complaints about police and independent review of officer-involved shootings.

But Sen. Lew Frederick, a Democrat from Portland, said they're a start. Frederick, one of two Black members of the Oregon Senate, has worked on such legislation during his 11-year legislative tenure.

"This is another important step in reforming our law enforcement to become one that all Oregonians can trust," he said.

"While there may be a few bad apples (among police), one

has the power to take a human life — and one is too many."

He has been stopped by police in his own neighborhood in Portland.

Senate Republican Leader Fred Girod of Lyons said his concern was not about reform — he favors it — but about police unions he asserts are a barrier to reform.

"All people are created equal, and we still struggle with that," Girod said. "It is time that it ends. It's been going on for far too long."

Rep. Rick Lewis is a Republican from Silverton, where he was mayor and police chief, and also chairman of the state Public Safety Standards and Training Board. He said most police live up to their professional standards — and welcome steps to weed out bad officers.

"They are the ones who run toward danger, not away from it," he said. "Police work is one of the few professions where

good people undergo ridicule and criticism when there are a few bad cops in the profession, no matter where in the country they are."

Rep. Janelle Bynum, a Democrat from Clackamas who leads the House Judiciary Committee, said she welcomed Lewis' help in shaping the package.

"It is important not to pick on people, but to dismantle the system that is generating outcomes that none of us is happy with," Bynum said. The Black lawmaker was the focus of an incident in 2018, when she was canvassing her district and someone called the Clackamas County sheriff to check on her.

Here's a summary of the police accountability bills as amended by the 14-member special session committee:

Arbitration: Senate Bill 1604 bars a labor arbitrator from lessening the discipline against a police officer if the arbitrator concludes that misconduct is

consistent with the finding of the agency that employed the officer. This bill passed the Senate in 2019 and 2020, but died without a vote in the House.

Deadly force investigations: House Bill 4201, as amended, creates a joint legislative committee to review how complaints about police use of force are investigated, how investigations into use of deadly force are conducted and how independent reviews of police use of force should be done. The amendment substitutes for the original bill, which would have transferred responsibility for use-of-force investigations from district attorneys in Oregon's 36 counties to the state attorney general.

Chokeholds: House Bill 4203, as amended, bans chokeholds or similar techniques unless an officer is faced with using deadly force as defined by a 1971 law. The original bill would have banned such techniques outright.

Officer duty to intervene and report: House Bill 4205, as amended, requires officers to intervene when they witness misconduct, which includes "unjustified or excessive force," unless they cannot do it safely — and to report such misconduct to a supervisor. The original bill would have required a state agency to adopt such rules.

Database: House Bill 4207 directs the Department of Public Safety Standards and Training to create a statewide database of disciplinary records of officers, and certifications, suspensions and revocations.

Use of tear gas: House Bill 4208, as amended, restricts police from using tear gas except to quell a riot. It also requires police to announce the use of tear gas, allow time for the crowd to disperse and repeat the announcement before its use. The original bill would have banned the use of tear gas outright.

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