

# Oregon House panel finishes 10 bills to overhaul policing

Legislation receives bipartisan support

By Peter Wong  
Oregon Capital Bureau

Ten bills to overhaul Oregon policing practices got a bipartisan seal of approval from Democratic Gov. Kate Brown, Attorney General Ellen Rosenblum and House Republican Leader Christine Drazen.

All of them spoke before the House Judiciary Committee voted unanimously to approve amended versions of the bills, half of which go to a vote of the full House and half to the Legislature's joint budget panel because of their price-tag implications for state agencies. A few bills are pending, although they may not reach a committee vote.

Though none of the bills goes as far as some advocates of change want — for instance, there is no outright ban on tear gas or rubber bullets to

disperse violence — they build on the work that lawmakers did in a 2020 special session called a month after the death of George Floyd triggered nationwide protests about police conduct toward racial and ethnic minorities.

Brown set up a task force to examine public safety standards and training, and a Racial Justice Council to look at broader aspects of racism in Oregon.

"During this past year, we have heard urban and rural Oregonians standing up to make their voices heard and calling for racial justice and police accountability, even in the midst of a pandemic, because the need for change is so pressing," she said before the House committee voted April 6.

"We have responded with action... We are here to get these bills one step closer to the finish line."

Most of the task force's recommendations are incorporated in House Bill 3162, but



PMG file photo

**A Portland Police vehicle. The Oregon House Judiciary Committee has approved 10 bills to amend policing practices.**

the 10 bills cover a range of issues.

"Oregon is doing the work to reimagine how police interact with the communities they serve and how we hold officers and departments accountable," Rosenblum said. "It will help our communities build faith in law enforcement and in our justice system."

Rosenblum gave credit to the Oregon Association Chiefs of Police and the Oregon State Sheriffs Association for coming up with suggestions to

advance the process.

Three of the current Judiciary Committee members also were involved in the 2020 bills. They are Democratic Chairwoman Janelle Bynum of Clackamas, a Black businesswoman who had an encounter with police in 2018 when someone reported her as a "suspicious person" while canvassing her district, and Republican Reps. Ron Noble of McMinnville and Rick Lewis of Silverton, retired police chiefs in their communities.

## Justices say lawmakers can have first crack at redistricting

By Peter Wong  
Oregon Capital Bureau

A decision by the Oregon Supreme Court will enable lawmakers, not Secretary of State Shemia Fagan, to get first crack at redrawing legislative district boundaries despite a pandemic-caused delay in federal census data.

The court, in an opinion issued Friday, gives legislators until Sept. 27 to come up with a plan — even though the Oregon Constitution sets a deadline of July 1. After Sept. 27, if legislators do not come up with a plan, the Constitution gives the task to the secretary of state.

The Census Bureau says it will be late summer before it will release census-block data, which Oregon and other states rely on to redraw their political maps after each 10-year census. Nothing in state law bars Oregon from using other sources of data.

Senate President Peter Courtney and House Speaker Tina Kotek, joined by Republican minority leaders, asked the court for an extension beyond July 1. Fagan said the court lacked the authority to order an extension, and that any delay would interfere with the timetables for the 2022 primary election. The filing deadline for the May 17, 2022, election is March 8.

The justices decided the matter based entirely on written arguments and did not conduct a hearing.

The court's order takes effect April 19, unless Fagan requests a reconsideration from the court — a request that the court rarely takes up.

The court, in the opinion written by Chief Justice Martha Walters, said the deadlines specified in the Oregon Constitution are less important than the process laid out in amendments that voters approved in 1952 and updated in 1986.

Walters wrote: "We have been presented with no reason why the voters who adopted the 1952 amendments would have been concerned with the exact date by which the Legislative Assembly or secretary (of state) are required to enact or make a plan, except as part of a larger framework calculated to result in the adoption of a timely final plan."

"Nor is there any indication that the voters would have intended to require the Legislative Assembly to adhere to the July 1 deadline for legislative action in the unforeseen event that federal census data — the

impetus for drawing new district lines in the first place — was not available by that date.

"Instead, the voters' paramount interests seem to have been to direct the Legislative Assembly to enact a reapportionment plan based on census data in advance of the next general election cycle and to provide an alternative means by which a plan would still be made if the Legislative Assembly fails to act."

### Democrats react

Courtney, a Democrat from Salem, and Kotek, a Democrat from Portland, issued this statement after the court announced its decision:

"The Supreme Court has done its job. Now it's time for the Legislature to do its constitutional duty: to redraw the district boundaries for the state of Oregon in a way that's fair and accurate. We have full faith in the legislative redistricting committees to lead this work."

The court said that lawmakers can adopt a plan in a special session, rather than the 2021 regular session, which is scheduled to end June 28. If lawmakers do not meet the new deadline of Sept. 27, the court said that Fagan will have until Oct. 18 to come up with her own plan.

The court also set timelines for legal challenges to either plan. It said a plan must be final by Feb. 1 or Feb. 8, depending on whether lawmakers or the secretary of state draws up a plan.

The timelines do not change the filing deadline for the 2022 primary or the actual date of the election.

Fagan said in a statement afterward: "Our agency's core objectives were to prevent moving the 2022 election dates and to preserve robust public input by starting the process with available population data. We appreciate that the Oregon Supreme Court thoughtfully adopted both of our objectives. Representation matters and that is what redistricting is all about. That is why we will continue to engage Oregonians in the Legislature's public hearings from all corners of the state.... Every Oregonian has a stake in this process, which is why we must continue to work together to ensure all Oregonians have the fair, equitable representation they deserve."

### Republicans comment

Senate Republican Leader Fred Girod of Lyons said he was satisfied that the court

left the initial stage of redistricting to the Legislature.

"Oregonians expect their district to be fairly drawn," he said in a statement. "The most important principles for Republicans are 'One-Person-One-Vote' and upholding the Voting Rights Act. Gerrymandering is unacceptable and by keeping this process in the Legislature, we have a chance to come to a bipartisan agreement to draw fair lines."

House Republican Leader Christine Drazen of Canby restated her support for an independent commission to redraw both legislative and congressional district lines. A proposed initiative failed to qualify for the 2020 general election ballot, although its advocates went to federal court in an attempt to reduce the signature requirements because of the coronavirus pandemic. A measure to create such a commission is pending, but even if lawmakers referred it to voters, it would not come to a statewide election until 2022.

"Oregon needs to commit to a nonpartisan and transparent redistricting process," Drazen said. "Shockingly, we are the only state on the West Coast that does not currently have an independent redistricting commission. In fact, we're behind 26 other states in the country that have or are moving to an independent system this year. Oregonians deserve better, and they overwhelmingly support independent redistricting."

### Congress excluded

The court's decision does not apply directly to congressional redistricting. Although the court is the final arbiter of such a plan if lawmakers do not come up with one — the court appoints a special panel under a law passed in 2013 — the rules governing congressional redistricting are in state law and not the Oregon Constitution.

Oregon expects to gain a sixth U.S. House seat as a result of the 2020 Census.

Lawmakers approved both legislative and congressional redistricting plans in 2011, and neither was challenged in court. For legislative redistricting, it was the first time since 1911 that lawmakers completed the task themselves without intervention by the secretary of state or the court. For congressional redistricting, it was the first time since 1981, when Oregon gained a fifth U.S. House seat after the 1980 Census.

## Official: Feeling we're at pandemic 'finish line' driving increase in COVID-19 cases

By Gary A. Warner  
Oregon Capital Bureau

COVID-19 infection rates are rising again in Oregon, but the growing number of vaccinated residents will likely blunt the severity far short of last year's spikes, state health officials said April 7.

The forecast came during an appearance by Oregon Health Authority Director Pat Allen and State Health Director Dean Sidelinger on a virtual hearing of the House Subcommittee on COVID-19.

Much of the nation is seeing a sharp rise in cases of the more contagious and virulent B.1.1.7 mutation of the COVID-19 first seen in Britain. But in Oregon, two less harmful forms of COVID-19 are "crowding out" the U.K. variant for now.

The UK variant — 50% more contagious and likely more lethal — now makes up about 32% of new infections in the U.S.

The two variants from California are more dominant in Oregon. The California variants are about 20% more contagious than the original virus, but so far have not been shown to be significantly more harmful.

Sidelinger said the variants are "in competition," and the dominance of the California variants gives Oregon "a little more time" to vaccinate residents than states in the east and Midwest.

"We are a different pandemic than the rest of the country," said Sidelinger,

enforcing a higher standard of conduct for law enforcement officers and ensuring an accountable, fair and just disciplinary process."

But it does so in the context of setting up a 15-member commission that will recommend statewide standards for conduct and discipline — and those issues will no longer be subject to collective bargaining between police agencies and unions.

Noble said the current bills set in motion other processes by agencies and commissions that lawmakers will have to review over the next year or two, just as the half-dozen bills passed in 2020 set the stage for committee work this session.

"In some ways, they are more significant because we have improved on those," he said. "However, we have more work to do. But I appreciate the opportunity to come together in a time when our society is pretty split and torn apart."

Sidelinger said the spread of even the slightly more contagious variants mixed with people getting out more and seeing others was fueling the upswing.

"Travel is up, people are moving about more," Sidelinger said. "The feeling that we are at the finish line is driving the increase."

Gov. Kate Brown said last week that a "fourth wave" of infections was hitting Oregon.

"This virus is at our doorstep — our numbers are rising and we are back on alert," Brown said during an April 2 press conference.

After falling steadily since January, new cases bottomed out in late February at 249 per day on average. The case count rose to an average of 419 cases per day at the end of March. During the winter spike, daily average cases in early December topped 1,500.

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