

E. WERNER RESCHKE
STATE REPRESENTATIVE

DISTRICT 56
Klamath and Lake Counties



HOUSE OF REPRESENTATIVES

December 21, 2020

To: Tim Sekerak
Chief Clerk, Oregon House of Representatives
Salem, OR 97301

Re: Vote Explanation: HB 4402

I have been a strong proponent for several months for reopening our schools in Oregon. One of the main reasons school districts have been unwilling to reopen for in-person instruction is due to the possibility of frivolous COVID-19 lawsuits that potentially could bankrupt the district.

I was disappointed this body did not bring forward a liability protection bill in June, during the 1st Special Session, or in August, during the 2nd special session. That said, I did not vote against HB 4402A because I believe granting temporary immunity to these organizations, these school districts, this class of citizens is bad or wrong. On the contrary. Instead my "No" vote is based on the principle of fairness to all Oregonians. Furthermore, my understanding of Oregon's constitution — specifically Article I Section 20 — means this bill may be unconstitutional.

Article I - Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.—

Let me ask, "Does HB 4402A allow the Chicken Shack in Klamath Falls to receive such liability protection? Will the Malin Country Diner receive such protection? How about Foundry Four in Prineville or the Happy Horse Deli in Lakeview?"

Of course the answer is "No" to these questions AND not only for these alone but for an entire multitude of other businesses all across Oregon — and that is my point. There is yet to be a bill or set of bills that provide such liability protections for everyone, including for those who work, create wealth and pay taxes in our state. For a legislative body that is increasingly concerned about equity, this approach to liability protection seems to fall far short of the bar.

Again, I am not opposed to liability protection for schools. I am all for it. But I am against the idea if liability protection is not available to all Oregonians, then it isn't fair.

What is good for the goose is good for the gander except, apparently, in Oregon.

Best regards,

A handwritten signature in blue ink, appearing to read 'E. Werner Reschke', with a stylized flourish at the end.

E. WERNER RESCHKE

State Representative, HD 56