

**MAXINE E. DEXTER, MD**  
**STATE REPRESENTATIVE**

DISTRICT 33



**HOUSE OF REPRESENTATIVES**

**To: Members of the House Committee on Rules**

**Date: February 16, 2023**

**Subject: Support HB 2888**

Chair Fahey, Vice Chairs Breese-Iverson and Kropf, and members of the Committee,

For the record, my name is Dr. Maxine Dexter and I am honored to be the State Representative for House District 33, which includes NW & Downtown Portland, Linnton, and Cathedral Park. I am grateful for this opportunity today to testify in support of HB 2888, and urge your support.

This bill, at its core, extends current employment protections legislators enjoy when in session to official duties performed during the interim period and clarifies for the non-legislature employers of legislators what allowance shall be made to improve citizen legislators' ability to effectively balance their public service with their private-sector work.

Oregon's history of part-time legislative sessions begins with its establishment of statehood in 1859. Only since 2010 with Measure 71, has our body met annually. As my colleagues know too well, legislative work does not end with Sine Die. The expectations our constituents, colleagues and partners have for our service is significant and reportedly has continued to evolve toward the more burdensome level as time has passed.

Legislators currently have protections under ORS 171.122, while they perform legislative duties during session. There are no protections extended in the interim despite the fact that we continue to be paid by the state to serve our constituents. Official duties, such as attending committee meetings during legislative days, and serving as an appointed member on task forces, advisory councils, etc. are important opportunities to serve the people of Oregon that should be equitably available to all legislators, regardless of private-sector employment, to participate in and attend. In this era of remote participation there is also no employment protection for being able to participate from a place of employment, which is often on private property, for the purposes of participating in official virtual meetings.

The interest of the state of Oregon and her citizens is sufficiently compelling that a State Legislator who serves in a "citizen legislature" should have employment protection sufficient to be confident they may continue to serve their constituents, even when they must or choose to maintain employment outside of the legislature. The state has a compelling interest in legislators being able to serve their constituents during these important public-facing, official activities where agendas are publicly posted, attendance is taken, and proceedings are recorded or live-streamed.

HB 2888 accomplishes that goal, increasing the confidence Oregonians have that their public servants may be effective in their official capacities to equitably serve, even when not in session. This bill simultaneously provides much needed clarity for employers who seek to support employees through their service in public office, establishing clarity around what can be considered protected official activities.

I will note for the committee that there is a -1 amendment that strikes the reference to "work group" in Section 1(a)(C) and Section 1(b)(C) as this term is felt to be too broad and could encapsulate informal discussions. Additionally, the -1 asserts the right of an employer to seek fair-market compensation from the state for time their facilities are used for state-related activities. A -2 amendment is being drafted and will remove rulemaking authority from the Bureau of Labor and Industries. As we have the ability to amend this bill should it not be serving our shared objectives it seems

appropriate to keep implementation as the sole responsibility of this elected body. Section 3 will also be further clarified to clarify that "official" duties include meetings that are publicly posted where the legislator's name is called in the roll.

I am grateful to my colleagues and partners who will also share their testimony and to each of you for your attention and consideration today. I urge your support for HB 2888 and the upcoming -2 amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Maxine Dexter". The signature is fluid and cursive, with a long horizontal stroke at the end.

Representative Maxine Dexter, M.D.  
House District 33 (NW & Downtown Portland, Linnton, & Cathedral Park)