



2020 First and Second Special Legislative Sessions

Summary of Bills

OCTOBER 2020

2020 SPECIAL LEGISLATIVE SESSIONS

OVERVIEW

First Special Session

Oregon's first special session of 2020 ended at 7:09 p.m. on Friday, June 26. While the state has held special sessions in the past, none compare to the scope, urgency, or purpose behind the governor's call for this one. While there had been international focus on a response to the COVID-19 pandemic, the catalyst for calling this special session was Oregon's response to the tragic death of George Floyd, police accountability and reform, and racial justice in America. A package of six bills related to police reform was identified as a priority of the Legislature, and all of them passed with overwhelming support. In addition, a new Special Committee on Transparent Policing was established and has been meeting to address additional elements of the police reform legislation that passed.

For the LOC, one of the key objectives for our legislative efforts was police arbitration, which was covered in SB 1604. The LOC has been supportive of changes for added accountability in policing for years. We were also supportive of legislation allowing cities to adjust public meetings for social distancing and public health, which was included in HB 4212. Finally, establishing a permanent funding source for broadband expansion remained an important priority, and SB 1603 provided the culmination of persistent work from LOC staff, an expanded partnership, and hard work from Rep. Pam Marsh.

The Legislature had been poised to take up liability protection that would have protected cities and other entities that comply with guidance from the governor's executive orders and the Oregon Health Authority for claims resulting from COVID-19. Instead, the presiding officers sent that issue to a workgroup with the hope that it would be taken up in the next special session. Given this protection will not be provided now, cities should be in regular contact with their attorneys and CIS risk managers when implementing their re-opening plans. This is a very disappointing outcome given the broad coalition of support that included local governments, schools and the business community. The LOC will work within the work group process to advance our concerns.

Second Special Session

The Oregon Legislature convened and ended its second special session of 2020 in less than 15 hours on Monday, August 10. The focus was on budget rebalancing, with only one policy bill that modifies the use of force by police officers. The \$1.5 billion gap in funding for the

remainder of this biennium was closed by adding \$400 million from the school stabilization fund and a variety of other fund shifts, fee increases, and agency staffing reductions.

The summary below represents the list of key bills that were considered during both special sessions.

How to Read the Bill Summaries

Click on the bill number to view the full text of the bill.

[HB 4106](#): **Happy Valley Annexation from County Service District**

Effective Date: February 27, 2020

Effective Date - indicates the date on which the bill becomes effective

COVID-19 RESPONSE

Broadband

PASSED BILLS

[SB 1603](#): OUSF Modernization and Broadband Investment

Effective Date: January 1, 2021

SB 1603 was an LOC priority bill for the last two sessions. The LOC is part of a large coalition of supporters that includes schools, cities, counties, telecommunications providers, cable providers and others. SB 1603 will help close the digital divide by expanding the Oregon Universal Service Fund (OUSF) to include cell phone users in the fee pool. The additional funds generated by adding cell phone users to this pool will establish a sustainably funded broadband grant program within the state's newly established Broadband Office to help cities pay for broadband planning and/or infrastructure projects.

Economic Development

PASSED BILLS

[HB 4209](#): Eastern Oregon Border Economic Development Board

Effective Date: July 7, 2020

HB 4209 clarifies that the Eastern Oregon Border Economic Development Board may administer 10 programs as opposed to 10 grants. The bill allows the board to work with a third-party administrator.

Employment

PASSED BILLS

[SB 1701](#): Expands Unemployment Insurance Benefits

Effective Date: September 1, 2020

SB 1701 provides that an unemployed individual receiving unemployment insurance benefits who has earnings from less than full-time employment may earn either \$300, or one-third of that individual's weekly benefit amount before individual's weekly benefit amount is reduced, whichever is greater.

FAILED BILLS

[SB 1702](#): Extend Unemployment Insurance Benefits for Subset of Education Employee

SB 1702 would have temporarily authorized payment of unemployment insurance benefits to individuals performing services in a capacity other than instructional, research or principal administrative for educational institutions or institutions of higher education in circumstances in which payment is currently denied.

Housing

PASSED BILLS

[HB 4204](#): Foreclosure Moratorium

Effective Date: June 30, 2020

HB 4204 enacts a moratorium on foreclosures until September 30, 2020 and gives homeowners an opportunity to roll payments plus interest to the end of their loan. The bill allows the governor to extend the moratorium beyond September 30 through executive order.

[HB 4213](#): Residential and Commercial Evictions Moratorium

Effective Date: June 30, 2020

HB 4213 extends the moratorium on residential and commercial evictions until September 30, 2020, prohibits landlords from assessing late fees and reporting to credit bureaus during this period, and provides a six-month grace period for repayment.

Taxes

PASSED BILLS

[HB 4202](#): Corporate Activity Tax Fix

Effective Date: September 25, 2020

HB 4202 makes a series of technical fixes to the Commercial Activity Tax, which was passed during the 2019 session. Almost all of the changes were discussed at length in [HB 4009](#) from the initial 2020 legislative session, which had passed out of the House Revenue Committee but died as a result of the walkout.

[HB 4211](#): Student Success Act Funds

Effective Date: June 30, 2020

HB 4211 clarifies the timing of when the Oregon Department of Education (ODE) is required to make transfers from the Fund for Student Success. The bill allows the ODE to transfer funds from the Fund for Student Success to the State School Fund, the Student Investment Account, the Statewide Education Initiatives Account, and the Early Learning Account periodically, if the transfers are in amounts that ensure that statutory amounts and percentages are satisfied by the end of the biennium. HB 4211 addresses a concern that timing of revenues from the Corporate Activities Tax (CAT) would not reach schools in time for the upcoming school year.

Transportation

PASSED BILLS

[HB 4210](#): Driver's License Suspension Rules

Effective Date: June 30, 2020

HB 4210, sponsored by House Speaker Kotek, disallows a court from imposing a driver's license suspension for the failure to pay imposed fines. Fines may still be collected through the Oregon Department of Revenue and private collections companies. Suspension for failure to appear is still allowed, and courts may still impose a suspension for contempt of court. Cities should consult with their city attorneys regarding these changes.

SB 1601: State Transportation Improvement Fund

Effective Date: July 7, 2020

SB 1601 allows State Transportation Improvement Fund (STIF) monies to be used to maintain existing public services.

Miscellaneous

PASSED BILLS

HB 4212: Omnibus Relief Bill

Effective Date: June 30, 2020

HB 4212 covered a range of issues, including:

- **Emergency Shelter and Siting (from the 2020 session).** Waives all local siting and zoning regulations and the land use appeals process, for approving the siting of emergency shelters for a 90-day period.
- **Local Government and Special Government Body Public Meetings and Operations.** Provides relief from public meeting law allowing local governments to conduct all meetings using telephone, video conferencing or other electric means, relaxes quorum requirements in case of illness, and allows public testimony through electronic means. Does **not** include relief from public notice requirements.
- **Low Income Utility Bill Assistance.** Establishes the low-income utility payment fund within state treasury independent from the General Fund. Fund will be used specifically for home energy assistance.
- **Garnishment Modifications.** Protects CARES Act recovery rebate payments from garnishment.
- **Judicial Proceeding Extensions and Electronic Appearances**
- **Pilot Program for Remote Notary Services**

SB 1602: Environmental Mediation

Effective Date: July 7, 2020

SB 1602 requires the governor to facilitate mediation sessions between the forest industry and representatives of environmental interest. The bill provides for a registration process to notify parties of aerial spraying of pesticides to forestlands via helicopter.

POLICE ACCOUNTABILITY

PASSED BILLS

[HB 4201: Police Transparency Taskforce](#)

Effective Date: June 30, 2020

HB 4201 creates a taskforce on police reforms that will report back to the Legislature in 2021 with recommendations on police transparency and use of force. It is anticipated that much of the work of this group will be to reform instances of deadly force and force that results in serious physical injury.

[HB 4203: Chokehold Ban](#)

Effective Date: June 30, 2020

HB 4203 limits the use of a choke hold or other physical tactics that restrict the air and blood flow in the neck to situations in which deadly force is authorized under existing law. The practice will be banned as a means of securing custody or control of an individual.

[HB 4205: Excessive Force Reporting](#)

Effective Date: June 30, 2020

HB 4205 requires that all police and reserve officers must intervene in instances of excessive force and other serious misconduct and report that misconduct to a supervisor.

[HB 4207: Police Officer Database](#)

Effective Date: June 30, 2020

HB 4207 creates an online database of officers who have had actions taken against their police certifications and requires police agencies to keep the personnel records of police officers for 10 years and provide those records to any agency seeking to hire a police officer who works for has worked for them. A city would also have immunity from civil action for releasing that information.

[HB 4208: Tear Gas Ban](#)

Effective Date: June 30, 2020

HB 4208 bans the use of projectile fired tear gas or other irritants to disperse during public disturbances but allows their use during a declared riot. Aerosol sprayers, such as the containers an officer carries on their belt and which must be used in close proximity, are not addressed in the bill.

[HB 4301: Modifies Use of Force by Police Officers](#)

Effective Date: September 1, 2020

HB 4301 provides that a peace officer or corrections officer may not use force that impedes normal breathing or circulation of blood of another person by applying pressure on throat or neck except in specified circumstances.

[SB 1604: Police Accountability Matrix](#)

Effective Date: July 7, 2020

HB 1604 makes the establishment of a discipline matrix or guide a mandatory subject of collective bargaining, meaning the topic cannot be refused by one party in a labor negotiation. Once such a guide or matrix is part of a contract, an arbitrator cannot override discipline imposed by a police chief that's in accordance with the agreed upon guide.

STATE BUDGET

PASSED BILLS

[HB 4302: Fee Structure for Mineral Exploration](#)

Effective Date: January 1, 2021

HB 4302 establishes and modifies fees and requirements relating to permits for mineral exploration, mining operations, exclusion certificates, gas and oil drilling and exploration, and geothermal well drilling operation. The bill limits number and distribution of onshore exploration sites and oil, gas, and geothermal wells.

[HB 4303: Fund Transfer from ESF to SSF – PASSED](#)

Effective Date: September 20, 2020

HB 4303 directs the state treasurer to transfer \$400 million from the Education Stability Fund to the State School Fund to maintain a \$9 billion fiscal budget.

[HB 4304: Authority for Statutory Changes to support 2019-2021 Legislatively Adopted Budget](#)

Effective Date: September 20, 2020

HB 4304 was necessary to achieve a balanced budget for the 2019-21 biennium. The measure has an emergency clause and is effective on passage. However, HB 4304 includes

an operative date related to the transfer of funds.

HB 5221: Reallocation of Lottery Funds to State Agencies

Effective Date: September 20, 2020

HB 5221 modifies the amount of lottery funds allocated from Administrative Services Economic Development Fund to state agencies. The bill also modifies the amounts allocated from the Veterans' Services Fund and the Criminal Fine Account.

SB 1703: Emergency Disclosure of Tax Information to State Agencies

Effective Date: September 1, 2020

SB 1703 provides that during a statutorily declared emergency, the governor may authorize the director of the Oregon Department of Revenue to disclose certain information set forth in a tax report or return to any state agency, if the director determines that administration of any federal or state law or program, including, but not limited to, administration of unemployment insurance laws and programs by the Oregon Employment Department. The bill requires the disclosure to enable the agency to verify identity or income level of any person for purposes related to emergency or any consequences of emergency.

SB 5711: Budget Bill

Effective Date: July 7, 2020

SB 5711 is a budget bill needed to implement legislation passed during the first special session.

SB 5721: Authorizes Bonding of University Capital Projects

Effective Date: September 20, 2020

SB 5721 modifies amounts and purposes authorized for issuance of general obligation bonds and revenue bonds for the current biennium to fund university and community college projects across Oregon. The bill requires public universities and community colleges to impose certain requirements relating to apprenticeship, benefits and outreach to women, minority individuals and veterans or contractors for certain projects.

SB 5722: State Agency Capitol Projects

Effective Date: September 20, 2020

SB 5722 modifies limits on the payment of expenses from specified funds by certain state agencies for capital construction.

SB 5723: Budget Rebalancing

Effective Date: September 20, 2020

SB 5723 appropriates monies from the state's General Fund to the legislative Emergency Board for allocations during the current biennium. The bill appropriates monies from the General Fund to specified state agencies for biennial expenses. SB 5723 also modifies certain biennial appropriations made from the General Fund to specified state agencies and the Emergency Board.