

D R A F T

SUMMARY

Prohibits residential and commercial evictions under specified conditions during emergency period.

Establishes temporary limitations on lenders being able to enforce default remedies on obligations secured by mortgages, trust deeds, land sale contracts or other instruments.

Authorizes governing bodies of public bodies, other than State of Oregon, to conduct all public meetings using telephone or video conferencing technology or through other electronic or virtual means. Requires public body, in cases in which governing body elects to conduct virtual public meeting, to supply means by which public can listen to or observe meeting. Provides exceptions.

Modifies quorum requirements of local governing bodies to exclude members who are unable to attend because of illness due to COVID-19. Provides that recovery rebate payments made under Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and deposited in debtor's account in financial institution are not subject to garnishment. Applies to garnishments issued on or before date 90 days after expiration of state of emergency declared March 8, 2020, and any extension of declaration.

Authorizes Chief Justice of Supreme Court, during emergency period and for 60 days thereafter, and upon finding of good cause, to extend or suspend time period or time requirement in rule or statute in specified court proceedings. Authorizes presiding judge of circuit court to extend custody and postpone trials upon finding of good cause, and within specified limits. Authorizes Chief Justice to direct or permit electronic court appearances. Extends time to commence civil action or give notice of civil claim if expiration of time falls within emergency period or within 90 days after end of emergency period. Sunsets authority of judicial officers to modify time periods and other procedures on December 31, 2021.

Requires local governments to allow siting of qualifying emergency shelters by qualifying entities notwithstanding land use laws. Removes certain limits on motor vehicle camping. Sunsets 90 days after taking effect.

Directs Housing and Community Services Department to distribute fund moneys so as to provide energy bill payment assistance to low-income

1 households, prioritizing low-income households affected by pandemic.

2 Temporarily allows notary public to perform notarial act using commu-
3 nication technology for remotely located individual under certain circum-
stances.

4 Immunizes owner, officer, operator, employee or agent of isolation shelter,
5 or public entity, from civil liability that is predicated on claim of illness,
6 injury or death from COVID-19. Exempts from immunity conduct that con-
stitutes gross negligence, malice or fraud, that is willful, intentional or
reckless, that is criminal or that is unrelated to COVID-19.

7 Delays termination of enterprise zone that would otherwise terminate on
8 June 30, 2020, to December 31, 2020. Authorizes redesignation of enterprise
9 zone that terminates on December 31, 2020, on any date before January 1,
2021.

10 Allows individual development accounts to be established for emergency
11 savings.

12 Requires Director of Department of Consumer and Business Services to
13 adopt temporary and permanent rules establishing emergency temporary in-
fectious disease standards. Directs Oregon Health Authority to adopt rules
14 regarding race and ethnicity data collection by health care providers.

15 Declares emergency, effective on passage.

16 **A BILL FOR AN ACT**

17 Relating to strategies to protect Oregonians from the effects of the COVID-19
18 pandemic; creating new provisions; amending ORS 18.784, 93.810, 194.225,
19 194.290, 194.305, 194.400 and 458.685; and declaring an emergency.

20 **Be It Enacted by the People of the State of Oregon:**

21
22 **EVICITION MORATORIUM**

23
24 **SECTION 1. The Legislative Assembly finds and declares that:**

25 **(1) The provisions of section 3 or 5 of this 2020 special session Act**
26 **might affect the terms and conditions of certain contracts entered into**
27 **in this state.**

28 **(2) The effects of the provisions of section 3 or 5 of this 2020 special**
29 **session Act are not substantial because the provisions have a limited**
30 **scope and duration and are necessary to protect the public health,**
31 **safety and welfare. For these reasons the provisions do not undermine**

1 a contractual bargain, interfere with a party's reasonable expectations
2 or prevent a party from safeguarding or reinstating the party's rights.

3 (3) Even if a provision of section 3 or 5 of this 2020 special session
4 Act has the effect of undermining a contractual bargain, interfering
5 with a party's reasonable expectations or preventing a party from
6 safeguarding or reinstating the party's rights, the provision is appro-
7 priate and reasonable to carry out the significant and legitimate public
8 purpose of responding to the declaration of a state of emergency issued
9 by the Governor on March 8, 2020.

10 SECTION 2. Section 3 of this 2020 special session Act is added to
11 and made a part of ORS chapter 90.

12 SECTION 3. (1) As used in this section:

13 (a) "Emergency period" means the period beginning on March 22,
14 2020, and ending on the date that is 90 days after the date on which
15 the declaration of a state of emergency issued by the Governor on
16 March 8, 2020, and any extension of the declaration, is no longer in
17 effect.

18 (b) "Nonpayment" means the nonpayment of a payment that be-
19 comes due during the emergency period to a landlord, including a
20 payment of rent, late charges, utility or service charges or any other
21 charge or fee as described in the rental agreement or ORS 90.140,
22 90.302, 90.315, 90.392, 90.394, 90.560 to 90.584 or 90.630.

23 (c) "Nonpayment balance" means the net total amount of all items
24 of nonpayment by a tenant.

25 (2) During and after the emergency period and notwithstanding this
26 chapter or ORS 105.105 to 105.168, a landlord may not, and may not
27 threaten to:

28 (a) Deliver a notice of termination of a rental agreement based on
29 a tenant's nonpayment balance;

30 (b) Initiate or continue an action under ORS 105.110 to take pos-
31 session of a dwelling unit based on a notice of termination for non-

1 **payment delivered on or after March 22, 2020;**

2 **(c) Take any action that would interfere with a tenant's possession**
3 **or use of a dwelling unit based on a tenant's nonpayment balance;**

4 **(d) Assess a late fee or any other penalty on a tenant's nonpayment**
5 **balance; or**

6 **(e) Report a tenant's nonpayment balance as delinquent to any**
7 **consumer credit reporting agency.**

8 **(3) Notwithstanding ORS 90.220 (9), before applying payments re-**
9 **ceived from a tenant to a tenant's nonpayment balance, a landlord**
10 **shall first apply the payments, in the following order, to:**

11 **(a) Rent for the current rental period;**

12 **(b) Utility or service charges;**

13 **(c) Late rent payment charges; and**

14 **(d) Fees or charges owed by the tenant under ORS 90.302 or other**
15 **fees or charges related to damage claims or other claims against the**
16 **tenant.**

17 **(4) During the emergency period, a landlord may provide a written**
18 **notice to a tenant stating that the tenant continues to owe any rent**
19 **due. The notice must also include a statement that eviction for non-**
20 **payment is not allowed before the date that is 90 days after the date**
21 **on which the declaration of a state of emergency issued by the Gov-**
22 **ernor on March 8, 2020, and any extension of the declaration, is no**
23 **longer in effect.**

24 **(5) A landlord may not deliver a termination notice under ORS**
25 **90.427 (3)(b) or (8) and may not file an eviction action under ORS**
26 **105.110 for notices given under ORS 90.427 (3)(b) or (8).**

27 **(6) If a landlord violates this section, a tenant may obtain**
28 **injunctive relief to recover possession or address any other violation**
29 **of this section and may recover from the landlord an amount up to**
30 **three month's periodic rent plus any actual damages.**

31 **(7) ORS 90.412 does not apply to a landlord that accepts a partial**

1 rent payment.

2 **SECTION 4.** Section 3 of this 2020 special session Act is repealed on
3 the date that is 270 days after the date on which the declaration of a
4 state of emergency issued by the Governor on March 8, 2020, and any
5 extension of the declaration, is no longer in effect.

6 **SECTION 5.** (1) As used in this section:

7 (a) “Emergency period” means the period beginning on March 22,
8 2020, and ending on the date that is 90 days after the date on which
9 the declaration of a state of emergency issued by the Governor on
10 March 8, 2020, and any extension of the declaration, is no longer in
11 effect.

12 (b) “Landlord” means the owner, lessor or sublessor of a rental unit
13 or the building or premises of which the rental unit is a part, or a
14 person who is authorized by the owner, lessor or sublessor to manage
15 the premises or to enter into a rental agreement.

16 (c) “Nonpayment” includes the nonpayment of rent, late charges,
17 utility charges or any other service charge or fee, as described in the
18 rental agreement or ORS 91.090, 91.210 or 91.220, during the emergency
19 period.

20 (d) “Rental unit” means a structure or part of a structure for use
21 as a commercial space by a tenant.

22 (e) “Tenant” means an individual or organization entitled under a
23 rental agreement to occupy a rental unit to the exclusion of others.

24 (2) During and after the emergency period and notwithstanding
25 ORS chapter 91 and ORS 105.105 to 105.168, a landlord may not, and
26 may not threaten to:

27 (a) Deliver a notice terminating a rental agreement for a rental
28 unit based on a tenant’s nonpayment;

29 (b) Initiate or continue an action under ORS 105.110 to take pos-
30 session of a rental unit based on a termination notice for nonpayment
31 delivered on or after March 22, 2020; or

1 (c) Take any action that would interfere with a tenant's possession
2 or use of a rental unit based on a tenant's nonpayment.

3 (3) The tenant shall pay all received publicly funded rent assistance
4 to the landlord as payment for rent.

5 (4) Notwithstanding any provision in the rental agreement, a land-
6 lord may not impose a late fee or other penalty on a tenant for non-
7 payment under this section.

8 (5) A landlord may provide a written notice to a tenant stating that
9 the tenant continues to owe any rent and other charges due. The no-
10 tice must also include a statement that eviction for nonpayment is not
11 allowed before the date that is 90 days after the date on which the
12 declaration of a state of emergency issued by the Governor on March
13 8, 2020, and any extension of the declaration, is no longer in effect.

14 (6) If a landlord violates this section, a tenant may obtain
15 injunctive relief to recover possession or address any other violation
16 of this section and may recover from the landlord an amount up to
17 three months periodic rent plus any actual damages.

18 SECTION 6. Section 5 of this 2020 special session Act is repealed on
19 the date that is 270 days after the date on which the declaration of a
20 state of emergency issued by the Governor on March 8, 2020, and any
21 extension of the declaration, is no longer in effect.

22
23 **FORECLOSURE PROTECTIONS**

24
25 SECTION 7. (1) The Legislative Assembly finds and declares that:

26 (a) The provisions of this section might affect the terms and con-
27 ditions of certain contracts into which residents of this state have
28 entered.

29 (b) The effects of the provisions of this section are not substantial
30 because the provisions have a limited scope and duration and are
31 necessary to protect the public health, safety and welfare. For these

1 reasons the provisions do not undermine a contractual bargain, inter-
2 fere with a party's reasonable expectations or prevent a party from
3 safeguarding or reinstating the party's rights.

4 (c) Even if a provision of this section has the effect of undermining
5 a contractual bargain, interfering with a party's reasonable expecta-
6 tions or preventing a party from safeguarding or reinstating the
7 party's rights, the provision is appropriate and reasonable as a means
8 by which to implement the significant and legitimate public purpose
9 of responding to the declaration of a state of emergency issued by the
10 Governor on March 8, 2020.

11 (2) As used in this section:

12 (a) "Borrower" means a mortgagor of real property, a grantor, as
13 defined in ORS 86.705, a purchaser in a land sale contract or a person
14 that gives a security interest to a lender in personal property that is
15 used as a residence.

16 (b) "Emergency period" means any period during which the decla-
17 ration of a state of emergency issued by the Governor on March 8,
18 2020, and any extension of the declaration, is in effect, plus 60 calendar
19 days.

20 (c) "Financing agreement" means a contract under which a bor-
21 rower must make payments to a lender to satisfy an obligation that
22 is secured by a mortgage, a trust deed, a land sale contract or a lien
23 or other security interest in subject property.

24 (d) "Foreclosure avoidance measure" has the meaning given that
25 term in ORS 86.707.

26 (e) "Forfeiture remedy" has the meaning given that term in ORS
27 93.905.

28 (f) "Lender" means a beneficiary or trustee, both as defined in ORS
29 86.705, a mortgagee, as defined in ORS 87.005, a seller in a land sale
30 contract, a licensee, as defined in ORS 86A.303, or an agent, affiliate
31 or employee of a beneficiary, trustee, mortgagee, seller or licensee.

1 (g) "Subject property" means real property or personal property
2 that is used as a residence.

3 (h) "Trust deed" has the meaning given that term in ORS 86.705.

4 (i) "Trustee" has the meaning given that term in ORS 86.705.

5 (3)(a) During the emergency period, a lender may not treat a
6 borrower's failure to make a periodic installment payment or any
7 other amount that is due on or in connection with an obligation se-
8 cured by a mortgage, trust deed, land sale contract or other lien or
9 security interest on subject property as a default if the borrower no-
10 tifies the lender that the borrower will not be able to make the peri-
11 odic installment payment within 30 days after the periodic installment
12 payment is due. In lieu of declaring a default, and unless the borrower
13 and lender agree to modify, defer or otherwise mitigate a loan, in-
14 cluding by agreeing to a different foreclosure avoidance measure in
15 accordance with ORS 86.726, 86.729, 86.732, 86.736, 86.741 and 86.744, the
16 lender shall:

17 (A) Defer or forbear from collecting the periodic installment pay-
18 ment during the emergency period; and

19 (B) Waive or modify the payment terms or other terms of the ob-
20 ligation in a manner that permits the borrower to pay the sum owed
21 and due:

22 (i) After the previously scheduled or anticipated date on which full
23 performance of the obligation is due; and

24 (ii) In a series of periodic installment payments, each of which is
25 the same amount, at the same interest rate, as applied to a periodic
26 installment payment that was due during the emergency period.

27 (b) A borrower does not need to provide a notification to a lender
28 under paragraph (a) of this subsection more than once. A borrower
29 may provide the lender with documentation or other evidence that the
30 borrower's failure to pay is a direct or indirect result of conditions
31 that prompted the Governor's declaration of emergency on March 8,

1 **2020, including evidence of a loss of income caused by restrictions the**
2 **state or a local government imposed to respond to the emergency**
3 **declaration.**

4 **(c) A lender may not:**

5 **(A) Impose or collect a charge, fee, penalty or other amount that,**
6 **but for the provisions of this section, the lender might have imposed**
7 **or collected from a borrower for failing to make a periodic installment**
8 **payment or other amount due on or in connection with the borrower's**
9 **obligation during the emergency period;**

10 **(B) Treat in any manner the borrower's failure during the emer-**
11 **gency period to make a periodic installment payment or other amount**
12 **due on or in connection with the obligation as an ineligibility for a**
13 **foreclosure avoidance measure;**

14 **(C) Require or charge for an inspection, appraisal or a broker**
15 **opinion of value, not otherwise required in the absence of a default;**

16 **(D) Initiate cash management not already in existence before the**
17 **effective date of this 2020 special session Act;**

18 **(E) Implement lockbox procedures not already in existence before**
19 **the effective date of this 2020 special session Act;**

20 **(F) Take control of the operating revenue from real property se-**
21 **cured by the financing document unless the control was established**
22 **prior to the effective date of this 2020 special session Act;**

23 **(G) Declare a default based on the failure of a borrower to meet**
24 **financial covenants due to inadequate operating revenue resulting**
25 **from the COVID-19 pandemic; or**

26 **(H) Impose extra or excessive loan servicing fees, loan workout fees**
27 **or any other charge or practice that the lender would not undertake**
28 **in the absence of a default.**

29 **(4) Notwithstanding ORS 18.860 to 18.993, 86.752, 87.262, 87.272, 88.010**
30 **and 93.905 to 93.940, and except as provided in subsection (10) of this**
31 **section, a lender may not at any time during the emergency period:**

1 (a) Foreclose a trust deed by advertisement and sale;

2 (b) Bring an action or suit to foreclose a mortgage or trust deed;

3 (c) Enforce a forfeiture remedy; or

4 (d) Bring an action or suit to foreclose a lien or other security in-
5 terest on, or petition for an order of foreclosure by advertisement and
6 sale of, subject property.

7 (5) Notwithstanding ORS 18.920, 18.924, 86.764 and 93.915 and except
8 as provided in subsection (10) of this section, a notice given during the
9 emergency period of a trustee's sale, of a default under a contract for
10 the conveyance of real property or of an execution sale of subject
11 property is hereby withdrawn. After the emergency period expires:

12 (a) A notice of a trustee's sale withdrawn under this subsection
13 may again be given as provided in ORS 86.764 and the time period
14 specified in ORS 86.764 must elapse before a trustee's sale may occur.

15 (b) A notice of an execution sale withdrawn under this subsection
16 may again be given as provided in ORS 18.920 or 18.924, as appropriate,
17 and the time period specified in ORS 18.920 or 18.924, as appropriate,
18 must elapse before an execution sale may occur.

19 (c) A notice of default under a contract for the conveyance of real
20 property withdrawn under this subsection may again be given as pro-
21 vided in ORS 93.915 and the appropriate time period specified in ORS
22 93.915 must elapse before a lender may enforce a forfeiture remedy.

23 (d) A lien foreclosure on personal property that is used as a resi-
24 dence may proceed in accordance with the procedures that apply to
25 such foreclosures.

26 (6) Notwithstanding ORS 18.860 to 18.993 and 88.010 and except as
27 provided in subsection (10) of this section, during the emergency pe-
28 riod a court may not enter a judgment of foreclosure and sale or issue
29 a writ of execution with respect to subject property. A court shall
30 dismiss without prejudice any action or suit commenced during the
31 emergency period to foreclose a lien upon subject property.

1 **(7)(a) Notwithstanding ORS 86.782 and except as provided in sub-**
2 **section (10) of this section, a trustee’s sale may not occur during the**
3 **emergency period. Any purported trustee’s sale during the emergency**
4 **period is void and does not transfer or foreclose any rights to subject**
5 **property.**

6 **(b) Notwithstanding ORS 18.860 to 18.993 and except as provided in**
7 **subsection (10) of this section, an execution sale of subject property**
8 **may not occur during the emergency period. Any purported execution**
9 **sale during the emergency period is void and does not transfer or**
10 **foreclose any rights to subject property.**

11 **(8) A borrower that suffers an ascertainable loss of money or prop-**
12 **erty because a lender took an action prohibited under subsection (3)**
13 **of this section may bring an action in a circuit court of this state to**
14 **recover the borrower’s actual damages. A borrower who prevails in the**
15 **action may also recover the borrower’s court costs and attorney fees.**

16 **(9) Within 15 days following the effective date of this 2020 special**
17 **session Act, each lender authorized to do business in this state must**
18 **notify all of the lender’s borrowers of a borrower’s rights for accom-**
19 **modation under this section.**

20 **(10) This section does not:**

21 **(a) Apply to judgments of foreclosure and sale or writs of execution**
22 **issued before the emergency period began or to a trustee’s sale for**
23 **which notice was given before the emergency period began.**

24 **(b) Relieve a borrower of the duty to repay the full amount of any**
25 **obligation that is subject to a waiver, deferral, modification or**
26 **forbearance under the provisions of this section.**

27 **SECTION 8. Section 7 of this 2020 special session Act is repealed 90**
28 **days after the expiration of the emergency period as defined in section**
29 **7 of this 2020 special session Act.**

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31 **LOCAL GOVERNMENT AND SPECIAL GOVERNMENT BODY**

PUBLIC MEETINGS AND OPERATIONS

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SECTION 9. (1) Notwithstanding ORS 192.610 to 192.690, the governing body of a public body may hold all meetings by telephone or video conferencing technology or through some other electronic or virtual means. When a governing body meets using telephone or video conferencing technology, or through other electronic or virtual means, the public body shall make available a method by which the public can listen to or observe the meeting. If a governing body meets using telephone or video conferencing technology, or through other electronic or virtual means:

(a) The public body does not have to provide a physical space for the public to attend the meeting; and

(b) If the telephone or video conferencing technology allows the public body to do so, the public body shall record the meeting and make the meeting available to the public. This paragraph does not apply to executive sessions.

(2) If the governing body of the public body elects not to use telephone or video conferencing technology or other electronic or virtual means to conduct meetings, all persons attending meetings held in person must maintain social distancing, including maintaining intervals of six feet or more between individuals, wherever possible.

(3) For any executive session at which the media are permitted to attend, whether conducted in person or using electronic or virtual means, the governing body shall provide a means for media to attend the executive session through telephone or other electronic or virtual means.

(4) If a public body posts notices of governing body public meetings on the public body's website, the public body shall also send notices of these public meetings by electronic mail to persons who have requested the notice. This subsection does not apply to public bodies that

1 do not have personnel available to send electronic mail notices.

2 (5) Notwithstanding ORS 192.610 to 192.690 or any other applicable
3 law or policy, any public testimony or comment taken during a meet-
4 ing need not be taken in person if the public body provides an oppor-
5 tunity to submit testimony or comment by telephone or video
6 conferencing technology, or through other electronic or virtual means,
7 or provides a means of submitting written testimony, including by
8 electronic mail or other electronic methods, and the governing body
9 is able to consider the submitted testimony in a timely manner.

10 (6) Notwithstanding any requirement that establishes a quorum re-
11 quired for a governing body to act, the minimum number of members
12 of a governing body required for the body to act shall exclude any
13 member unable to attend because of illness due to COVID-19.

14 (7) If the public health threat underlying the declaration of a state
15 of emergency issued by the Governor on March 8, 2020, or compliance
16 with an executive order issued under ORS 401.165 to 401.236 in con-
17 nection with that emergency, causes a municipal corporation or
18 council of governments to fail to comply with ORS 294.305 to 294.565
19 or 294.900 to 294.930, the municipal corporation or council of govern-
20 ments may make reasonable expenditures for continued operations
21 within the existing or most recently adopted budget, provided that any
22 failure to comply with ORS 294.305 to 294.565 or 294.900 to 294.930 is
23 cured as soon as is reasonably practicable.

24 (8) Notwithstanding ORS 221.770, a city may satisfy the require-
25 ments of holding a public hearing under ORS 221.770 (1)(b) and (c) by
26 holding the hearing in accordance with this section and by making
27 certification to the Oregon Department of Administrative Services as
28 soon as is reasonably practicable after the city adopts its budget.

29 (9) As used in this section:

30 (a) Terms used in this section have the meanings given those terms
31 in ORS 192.610, except that “public body” excludes the state or any

1 **board, department, commission, council, bureau, committee, subcom-**
2 **mittee, advisory group or other agency of the state.**

3 **(b) “Budget” and “municipal corporation” have the meanings given**
4 **those terms in ORS 294.311.**

5 **(c) “Council of governments” has the meaning given that term in**
6 **ORS 294.900.**

7 **SECTION 10. Section 9 of this 2020 special session Act is repealed**
8 **30 days after the date on which the declaration of a state of emergency**
9 **issued by the Governor on March 8, 2020, and any extension of the**
10 **declaration, is no longer in effect.**

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GARNISHMENT MODIFICATIONS

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14 **SECTION 11. ORS 18.784 is amended to read:**

15 18.784. (1) Except as provided in subsection [(6)] (7) of this section, if a
16 writ of garnishment is delivered to a financial institution that has an ac-
17 count of the debtor, the financial institution shall conduct a garnishment
18 account review of all accounts in the name of the debtor before taking any
19 other action that may affect funds in those accounts. If the financial insti-
20 tution determines from the garnishment account review that one or more
21 payments described in subsection (3) of this section were deposited in an
22 account of the debtor by direct deposit or electronic payment during the
23 lookback period described in subsection (2) of this section, an amount equal
24 to the lesser of the sum of those payments or the total balance in the
25 debtor’s account is not subject to garnishment.

26 (2) The provisions of this section apply only to payments described in
27 subsection (3) of this section that are deposited during the lookback period
28 that ends on the day before the day on which the garnishment account re-
29 view is conducted and begins on:

30 (a) The day in the second calendar month preceding the month in which
31 the garnishment account review is conducted, that has the same number as

1 the day on which the period ends; or

2 (b) If there is no day as described in paragraph (a) of this subsection, the
3 last day of the second calendar month preceding the month in which the
4 garnishment account review is conducted.

5 (3) The provisions of this section apply only to:

6 (a) Federal benefit payments;

7 (b) Payments from a public or private retirement plan as defined in ORS
8 18.358;

9 (c) Public assistance or medical assistance, as defined in ORS 414.025,
10 payments from the State of Oregon or an agency of the State of Oregon;

11 (d) Unemployment compensation payments from the State of Oregon or
12 an agency of the State of Oregon;

13 (e) Black lung benefits payments from the United States Department of
14 Labor; and

15 (f) Workers' compensation payments from a workers' compensation car-
16 rier.

17 (4) The provisions of this section apply only to a payment that a financial
18 institution can identify as being one of the types of payments described in
19 subsection (3) of this section from information transmitted to the financial
20 institution by the payor.

21 **(5) If a financial institution determines from a garnishment account**
22 **review conducted under this section that a recovery rebate payment**
23 **made under section 2201(a) of the Coronavirus Aid, Relief, and Eco-**
24 **nomic Security Act (P.L. 116-136) was deposited in an account of the**
25 **debtor at any time, an amount equal to the lesser of the sum of those**
26 **payments or the total balance in the debtor's account is not subject**
27 **to garnishment.**

28 [(5)] (6) A financial institution shall perform a garnishment account re-
29 view only one time for a specific garnishment. If the same garnishment is
30 served on a financial institution more than once, the financial institution
31 may not perform a garnishment account review or take any other action re-

1 relating to the garnishment based on the second and subsequent service of the
2 garnishment.

3 [(6)] (7) A financial institution may not conduct a garnishment account
4 review under this section if a Notice of Right to Garnish Federal Benefits
5 from the United States Government or from a state child support enforce-
6 ment agency is attached to or included in the garnishment as provided in 31
7 C.F.R. part 212. If a Notice of Right to Garnish Federal Benefits is attached
8 to or included in the garnishment, the financial institution shall proceed on
9 the garnishment as otherwise provided in ORS 18.600 to 18.850.

10 [(7)] (8) The provisions of this section do not affect the ability of a debtor
11 to claim any exemption that otherwise may be available to the debtor under
12 law for any amounts in an account in a financial institution.

13 **SECTION 12.** ORS 18.784, as amended by section 11 of this 2020 special
14 session Act, is amended to read:

15 18.784. (1) Except as provided in subsection [(7)] (6) of this section, if a
16 writ of garnishment is delivered to a financial institution that has an ac-
17 count of the debtor, the financial institution shall conduct a garnishment
18 account review of all accounts in the name of the debtor before taking any
19 other action that may affect funds in those accounts. If the financial insti-
20 tution determines from the garnishment account review that one or more
21 payments described in subsection (3) of this section were deposited in an
22 account of the debtor by direct deposit or electronic payment during the
23 lookback period described in subsection (2) of this section, an amount equal
24 to the lesser of the sum of those payments or the total balance in the
25 debtor's account is not subject to garnishment.

26 (2) The provisions of this section apply only to payments described in
27 subsection (3) of this section that are deposited during the lookback period
28 that ends on the day before the day on which the garnishment account re-
29 view is conducted and begins on:

30 (a) The day in the second calendar month preceding the month in which
31 the garnishment account review is conducted, that has the same number as

1 the day on which the period ends; or

2 (b) If there is no day as described in paragraph (a) of this subsection, the
3 last day of the second calendar month preceding the month in which the
4 garnishment account review is conducted.

5 (3) The provisions of this section apply only to:

6 (a) Federal benefit payments;

7 (b) Payments from a public or private retirement plan as defined in ORS
8 18.358;

9 (c) Public assistance or medical assistance, as defined in ORS 414.025,
10 payments from the State of Oregon or an agency of the State of Oregon;

11 (d) Unemployment compensation payments from the State of Oregon or
12 an agency of the State of Oregon;

13 (e) Black lung benefits payments from the United States Department of
14 Labor; and

15 (f) Workers' compensation payments from a workers' compensation car-
16 rier.

17 (4) The provisions of this section apply only to a payment that a financial
18 institution can identify as being one of the types of payments described in
19 subsection (3) of this section from information transmitted to the financial
20 institution by the payor.

21 *[(5) If a financial institution determines from a garnishment account review*
22 *conducted under this section that a recovery rebate payment made under sec-*
23 *tion 2201(a) of the Coronavirus Aid, Relief, and Economic Security Act (P.L.*
24 *116-136) was deposited in an account of the debtor at any time, an amount*
25 *equal to the lesser of the sum of those payments or the total balance in the*
26 *debtor's account is not subject to garnishment.]*

27 [(6)] (5) A financial institution shall perform a garnishment account re-
28 view only one time for a specific garnishment. If the same garnishment is
29 served on a financial institution more than once, the financial institution
30 may not perform a garnishment account review or take any other action re-
31 lating to the garnishment based on the second and subsequent service of the

1 garnishment.

2 [(7)] (6) A financial institution may not conduct a garnishment account
3 review under this section if a Notice of Right to Garnish Federal Benefits
4 from the United States Government or from a state child support enforce-
5 ment agency is attached to or included in the garnishment as provided in 31
6 C.F.R. part 212. If a Notice of Right to Garnish Federal Benefits is attached
7 to or included in the garnishment, the financial institution shall proceed on
8 the garnishment as otherwise provided in ORS 18.600 to 18.850.

9 [(8)] (7) The provisions of this [section] do not affect the ability of a debtor
10 to claim any exemption that otherwise may be available to the debtor under
11 law for any amounts in an account in a financial institution.

12 **SECTION 13. (1) The amendments to ORS 18.784 by section 12 of this**
13 **2020 special session Act become operative 90 days after the date on**
14 **which the declaration of a state of emergency issued by the Governor**
15 **on March 8, 2020, and any extension of the declaration, is no longer**
16 **in effect.**

17 **(2) The amendments to ORS 18.784 by section 11 of this 2020 special**
18 **session Act apply to garnishments issued on or before the operative**
19 **date specified in subsection (1) of this section.**

20

21 **JUDICIAL PROCEEDING EXTENSIONS**

22 **AND ELECTRONIC APPEARANCES**

23

24 **SECTION 14. (1)(a) Notwithstanding any other statute or rule to the**
25 **contrary, during the time in which any declaration of a state of**
26 **emergency issued by the Governor related to COVID-19, and any ex-**
27 **ension of the declaration, is in effect, and continuing for 60 days after**
28 **the declaration and any extension is no longer in effect, and upon a**
29 **finding of good cause, the Chief Justice of the Supreme Court may**
30 **extend or suspend any time period or time requirement established by**
31 **statute or rule that:**

1 (A) Applies in any case, action or proceeding after the case, action
2 or proceeding is initiated in any circuit court, the Oregon Tax Court,
3 the Court of Appeals or the Supreme Court;

4 (B) Applies to the initiation of an appeal to the magistrate division
5 of the Oregon Tax Court or an appeal from the magistrate division to
6 the regular division;

7 (C) Applies to the initiation of an appeal or judicial review pro-
8 ceeding in the Court of Appeals; or

9 (D) Applies to the initiation of any type of case or proceeding in the
10 Supreme Court.

11 (b) The Chief Justice may extend or suspend a time period or time
12 requirement under this subsection notwithstanding the fact that the
13 date of the time period or time requirement has already passed as of
14 the effective date of this 2020 special session Act.

15 (2)(a) Notwithstanding ORS 133.060 (1), during the time in which any
16 declaration of a state of emergency issued by the Governor related to
17 COVID-19, and any extension of the declaration, is in effect, and con-
18 tinuing for 90 days after the declaration and any extension is no longer
19 in effect, the date specified in a criminal citation on which a person
20 served with the citation shall appear may be more than 30 days after
21 the date the citation was issued.

22 (b) During the time in which any declaration of a state of emer-
23 gency issued by the Governor related to COVID-19, and any extension
24 of the declaration, is in effect, and continuing for 60 days after the
25 declaration and any extension is no longer in effect, the presiding
26 judge of a circuit court may, upon the motion of a party or the court's
27 own motion, and upon a finding of good cause, postpone the date of
28 appearance described in paragraph (a) of this subsection for all pro-
29 ceedings within the jurisdiction of the court.

30 (3)(a) Notwithstanding ORS 136.290 and 136.295, and subject to par-
31 agraph (b) of this subsection, during the time in which any declaration

1 of a state of emergency issued by the Governor related to COVID-19,
2 and any extension of the declaration, is in effect, and continuing for
3 60 days after the declaration and any extension is no longer in effect,
4 the presiding judge of a circuit court may, upon the motion of a party
5 or its own motion, and upon a finding of good cause, order an exten-
6 sion of custody and postponement of the date of the trial beyond the
7 time limits described in ORS 136.290 and 136.295.

8 (b) Notwithstanding paragraph (a) of this subsection, for a defend-
9 ant to whom ORS 136.290 and 136.295 applies, the presiding judge may
10 not extend custody and postpone the defendant's trial date if, as a re-
11 sult, the defendant will be held in custody before trial for more than
12 a total of 180 days, unless the court holds a hearing and proceeds as
13 follows:

14 (A) If the defendant is charged with a violent felony, the court may
15 deny release upon making the findings described in ORS 135.240 (4),
16 notwithstanding the fact that a court did not previously make such
17 findings;

18 (B) If the defendant is charged with a violent felony but the court
19 does not deny release under ORS 135.240 (4), the court may set a trial
20 date that results in the defendant being held in custody before trial for
21 more than a total of 180 days if the court:

22 (i) Determines the extension of custody is based upon good cause
23 due to circumstances caused by the COVID-19 pandemic, public health
24 measures resulting from the COVID-19 pandemic or a situation de-
25 scribed in ORS 136.295 (4)(b) caused by or related to COVID-19; and

26 (ii) Finds, by clear and convincing evidence, that there is an
27 articulable risk of physical injury or sexual victimization to the victim
28 or members of the public by the defendant if the defendant is released;
29 or

30 (C) If the defendant is charged with a crime other than a violent
31 felony, the court may set a trial date that results in the defendant

1 **being held in custody before trial for more than a total of 180 days if**
2 **the court:**

3 **(i) Determines the extension of custody is based upon good cause**
4 **due to circumstances caused by the COVID-19 pandemic, public health**
5 **measures resulting from the COVID-19 pandemic or a situation de-**
6 **scribed in ORS 136.295 (4)(b) caused by or related to COVID-19; and**

7 **(ii) Finds, by clear and convincing evidence, that there is a sub-**
8 **stantial and specific danger of physical injury or sexual victimization**
9 **to the victim or members of the public by the defendant if the de-**
10 **fendant is released, and that no release condition, or combination of**
11 **release conditions, is available that would sufficiently mitigate the**
12 **danger.**

13 **(c) The result of a hearing held pursuant this subsection does not**
14 **affect the ability of a party to request a modification of the release**
15 **decision under ORS 135.285.**

16 **(d) This subsection does not authorize a defendant to be held in**
17 **custody before trial for a period longer than the maximum term of**
18 **imprisonment the defendant could receive as a sentence under ORS**
19 **161.605 and 161.615.**

20 **(e) If the court proceeds under paragraph (b)(B) of this subsection,**
21 **the defendant shall continue to be eligible for security release and the**
22 **court may maintain, lower or raise the security amount at the hear-**
23 **ing.**

24 **(f) As used in this subsection:**

25 **(A) “Good cause” means situations described in ORS 136.295 (4)(b),**
26 **circumstances caused by the COVID-19 pandemic or public health**
27 **measures resulting from the COVID-19 pandemic.**

28 **(B) “Release decision” has the meaning given that term in ORS**
29 **135.230.**

30 **(C) “Violent felony” has the meaning given that term in ORS**
31 **135.240.**

1 **(4)(a) Notwithstanding any other statute or rule to the contrary,**
2 **during the time in which any declaration of a state of emergency is-**
3 **sued by the Governor related to COVID-19, and any extension of the**
4 **declaration, is in effect, and continuing for 90 days after the declara-**
5 **tion and any extension is no longer in effect, the Chief Justice may**
6 **direct or permit any appearance before a court or magistrate to be by**
7 **telephone, other two-way electronic communication device or simul-**
8 **taneous electronic transmission.**

9 **(b) If an appearance is set to occur by electronic means as described**
10 **in paragraph (a) of this subsection, a presiding judge may instead or-**
11 **der that the appearance be in person if, upon the request of a party,**
12 **the presiding judge determines that there is a particular need for an**
13 **in-person hearing or that a party has a constitutional right to an in-**
14 **person hearing.**

15 **(5) The Chief Justice may delegate the exercise of any of the powers**
16 **described in this section to the presiding judge of a court.**

17 **(6) Nothing in this section affects the rights of a defendant under**
18 **the Oregon and United States Constitutions.**

19 **SECTION 15.** (1) **If the expiration of the time to commence an**
20 **action or give notice of a claim falls within the time in which any**
21 **declaration of a state of emergency issued by the Governor related to**
22 **COVID-19, and any extension of the declaration, is in effect, or within**
23 **90 days after the declaration and any extension is no longer in effect,**
24 **the expiration of the time to commence the action or give notice of**
25 **the claim is extended to a date 90 days after the declaration and any**
26 **extension is no longer in effect.**

27 **(2) Subsection (1) of this section applies to:**

28 **(a) Time periods for commencing an action established in ORS**
29 **chapter 12;**

30 **(b) The time period for commencing an action for wrongful death**
31 **established in ORS 30.020;**

1 (c) The time period for commencing an action or giving a notice
2 of claim under ORS 30.275; and

3 (d) Any other time limitation for the commencement of a civil
4 cause of action or the giving of notice of a civil claim established by
5 statute.

6 (3) Subsection (1) of this section does not apply to:

7 (a) Time limitations for the commencement of criminal actions;

8 (b) The initiation of an appeal to the magistrate division of the
9 Oregon Tax Court or an appeal from the magistrate division to the
10 regular division;

11 (c) The initiation of an appeal or judicial review proceeding in the
12 Court of Appeals; or

13 (d) The initiation of any type of case or proceeding in the Supreme
14 Court.

15 **SECTION 16.** (1) Sections 14 and 15 of this 2020 special session Act
16 are repealed on December 31, 2021.

17 (2) The repeal of section 14 of this 2020 special session Act by sub-
18 section (1) of this section does not affect the release status of a de-
19 fendant determined under section 14 (3) of this 2020 special session Act.

20
21 **EMERGENCY SHELTER**

22
23 **SECTION 17.** ORS 446.265 and sections 18 and 19 of this 2020 special
24 session Act are added to and made a part of ORS chapter 197.

25 **SECTION 18.** (1) As used in this section and section 19 of this 2020
26 special session Act, “emergency shelter” means a building that pro-
27 vides shelter on a temporary basis for individuals and families who
28 lack permanent housing.

29 (2) A building used as an emergency shelter under an approval
30 granted under section 19 of this 2020 special session Act:

31 (a) May resume its use as an emergency shelter after an inter-

1 **ruption or abandonment of that use for two years or less, notwith-**
2 **standing ORS 215.130 (7).**

3 **(b) May not be used for any purpose other than as an emergency**
4 **shelter except upon application for a permit demonstrating that the**
5 **construction of the building and its use could be approved under cur-**
6 **rent land use laws and local land use regulations.**

7 **SECTION 19. (1) A local government shall approve an application**
8 **for the development or use of land for an emergency shelter on any**
9 **property, notwithstanding ORS chapter 195, 197, 215 or 227 or ORS**
10 **197A.300 to 197A.325, 197A.405 to 197A.409 or 197A.500 to 197A.521 or any**
11 **statewide land use planning goal, rule of the Land Conservation and**
12 **Development Commission, local land use regulation, zoning ordinance,**
13 **regional framework plan, functional plan or comprehensive plan, if the**
14 **emergency shelter:**

15 **(a) Includes sleeping and restroom facilities for clients;**

16 **(b) Will comply with applicable building codes;**

17 **(c) Is located inside an urban growth boundary or in an area zoned**
18 **for rural residential use as defined in ORS 215.501;**

19 **(d) Will not result in the development of a new building that is sited**
20 **within an area designated under a statewide land use planning goal**
21 **relating to natural disasters and hazards, including floodplains or**
22 **mapped environmental health hazards, unless the development com-**
23 **plies with regulations directly related to the hazard;**

24 **(e) Has adequate transportation access to commercial and medical**
25 **services; and**

26 **(f) Will not pose any unreasonable risk to public health or safety.**

27 **(2) An emergency shelter allowed under this section must be oper-**
28 **ated by:**

29 **(a) A local government as defined in ORS 174.116;**

30 **(b) An organization with at least two years' experience operating**
31 **an emergency shelter using best practices that is:**

1 (A) A local housing authority as defined in ORS 456.375;

2 (B) A religious corporation as defined in ORS 65.001; or

3 (C) A public benefit corporation, as defined in ORS 65.001, whose
4 charitable purpose includes the support of homeless individuals and
5 that has been recognized as exempt from income tax under section
6 501(a) of the Internal Revenue Code on or before January 1, 2017; or

7 (c) A nonprofit corporation partnering with any other entity de-
8 scribed in this subsection.

9 (3) An emergency shelter approved under this section:

10 (a) May provide on-site for its clients and at no cost to the clients:

11 (A) Showering or bathing;

12 (B) Storage for personal property;

13 (C) Laundry facilities;

14 (D) Service of food prepared on-site or off-site;

15 (E) Recreation areas for children and pets;

16 (F) Case management services for housing, financial, vocational,
17 educational or physical or behavioral health care services; or

18 (G) Any other services incidental to shelter.

19 (b) May include youth shelters, winter or warming shelters, day
20 shelters and family violence shelter homes as defined in ORS 409.290.

21 (4) The approval of an emergency shelter under this section is not
22 a land use decision and is subject to review only under ORS 34.010 to
23 34.100.

24 SECTION 20. Sections 18 and 19 of this 2020 special session Act are
25 repealed 90 days after the effective date of this 2020 special session Act.

26 SECTION 21. (1) Notwithstanding ORS 203.082 (2), a political subdi-
27 vision may allow any person to offer any number of overnight camping
28 spaces on the person's property to homeless individuals who are living
29 in vehicles, without regard to whether the motor vehicle was designed
30 for use as temporary living quarters. A religious institution offering
31 camping space under this section shall also provide campers with ac-

1 cess to sanitary facilities, including toilet, handwashing and trash
2 disposal facilities.

3 (2) A local government may regulate vehicle camping spaces under
4 this section as transitional housing accommodations under ORS
5 446.265.

6 SECTION 22. Section 21 of this 2020 special session Act is repealed
7 90 days after the effective date of this 2020 special session Act.

8 SECTION 23. Section 24 of this 2020 special session Act is added to
9 and made a part of ORS 458.600 to 458.665.

10 SECTION 24. (1) As used in this section:

11 (a) “Low-barrier emergency shelter” means an emergency shelter,
12 as defined in section 18 of this 2020 special session Act, that follows
13 established best practices to deliver shelter services that minimize
14 barriers and increase access to individuals and families experiencing
15 homelessness.

16 (b) “Navigation center” means a low-barrier emergency shelter that
17 is open seven days per week and connects individuals and families with
18 health services, permanent housing and public benefits.

19 (2) The Oregon Department of Administrative Services shall award
20 grants to local governments to:

21 (a) Plan the location, development or operations of a navigation
22 center;

23 (b) Construct, purchase or lease a building for use as a navigation
24 center;

25 (c) Operate a navigation center that has been constructed, pur-
26 chased or leased under paragraph (b) of this subsection; or

27 (d) Contract for the performance of activities described in this
28 subsection.

29 SECTION 25. Section 24 of this 2020 special session Act is repealed
30 on January 2, 2022.

31

1 **LOW INCOME UTILITY BILL ASSISTANCE**

2

3 **SECTION 26. (1) The Low-Income Utility Payment Fund is estab-**
4 **lished in the State Treasury, separate and distinct from the General**
5 **Fund. The Low-Income Utility Payment Fund shall consist of all**
6 **moneys credited to the fund, including but not limited to moneys re-**
7 **ceived from the federal government for the purpose of providing low-**
8 **income energy bill payment assistance. Interest earned by the**
9 **Low-Income Utility Payment Fund shall be credited to the fund. The**
10 **moneys in the fund are continuously appropriated to the Housing and**
11 **Community Services Department for the purpose of funding low-**
12 **income energy bill payment assistance.**

13 **(2) The department shall distribute the moneys deposited in the**
14 **fund to persons that, as of the effective date of this 2020 special session**
15 **Act, have a contract with the department to serve as subgrantees to**
16 **provide eligible program services under the federal Low-Income Home**
17 **Energy Assistance Act of 1981, as amended. The department shall al-**
18 **locate the moneys to the subgrantees through the formula established**
19 **by the department for distribution of moneys to subgrantees under the**
20 **federal Low-Income Home Energy Assistance Act of 1981, as amended.**

21 **(3) Subgrantees that receive moneys distributed by the department**
22 **from the fund shall use the moneys to provide low-income households**
23 **with energy bill payment assistance, with priority given to low-income**
24 **households affected by the coronavirus disease 2019 (COVID-19)**
25 **pandemic through impacts that include but are not limited to reduced**
26 **work hours, medical conditions, loss of work or dependents in the**
27 **home. A subgrantee may determine standards for low-income house-**
28 **holds to be eligible for assistance. Eligibility may, but need not, be**
29 **based on categorical eligibility.**

30 **(4) Subgrantees shall report to the department on the use of moneys**
31 **distributed from the fund in a manner prescribed by the department.**

NOTARIAL ACTS

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SECTION 27. Section 28 of this 2020 special session Act is added to and made a part of ORS chapter 194.

SECTION 28. (1) As used in this section:

(a) “Communication technology” means an electronic device or process that:

(A) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(B) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a visual, hearing or speech impairment.

(b) “Foreign state” means a jurisdiction other than the United States, a state or a federally recognized Indian tribe.

(c) “Identity proofing” means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

(d) “Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States.

(e) “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a notarial act under subsection (3) of this section.

(2) A remotely located individual may comply with ORS 194.235 by using communication technology to appear before a notary public.

(3) A notary public located in this state may perform a notarial act using communication technology for a remotely located individual if:

(a) The notary public:

(A) Has personal knowledge under ORS 194.240 (1) of the identity

1 of the remotely located individual;

2 (B) Has satisfactory evidence of the identity of the remotely located
3 individual by a verification on oath or affirmation from a credible
4 witness appearing before and identified by the notary public as a re-
5 motely located individual under this section or in the physical pres-
6 ence of the notary public under ORS 194.240 (2); or

7 (C) Has obtained satisfactory evidence of the identity of the re-
8 motely located individual by using at least two different types of
9 identity proofing;

10 (b) The notary public is reasonably able to confirm that a record
11 before the notary public is the same record in which the remotely lo-
12 cated individual made a statement or on which the individual executed
13 a signature;

14 (c) The notary public, or a person acting on behalf of the notary
15 public, creates an audiovisual recording of the performance of the
16 notarial act; and

17 (d) For a remotely located individual who is located outside the
18 United States:

19 (A) The record:

20 (i) Is to be filed with or relates to a matter before a public official
21 or court, governmental entity or other entity subject to the jurisdic-
22 tion of the United States; or

23 (ii) Involves property located in the territorial jurisdiction of the
24 United States or involves a transaction substantially connected with
25 the United States; and

26 (B) The act of making the statement or signing the record is not
27 prohibited by the foreign state in which the remotely located individ-
28 ual is located.

29 (4) If a notarial act is performed under this section, the certificate
30 of notarial act required by ORS 194.280 and the short form certificate
31 provided in ORS 194.285 must indicate that the notarial act was per-

1 **formed using communication technology.**

2 **(5) A short form certificate provided in ORS 194.285 for a notarial**
3 **act subject to this section is sufficient if it:**

4 **(a) Complies with rules adopted under subsection (8)(a) of this sec-**
5 **tion; or**

6 **(b) Is in the form provided in ORS 194.285 and contains a statement**
7 **substantially as follows: “This notarial act involved the use of com-**
8 **munication technology.”**

9 **(6) A notary public, a guardian, conservator, trustee or agent of a**
10 **notary public, or a personal representative of a deceased notary public**
11 **shall retain the audiovisual recording created under subsection (3)(c)**
12 **of this section or cause the recording to be retained by a repository**
13 **designated by or on behalf of the person required to retain the re-**
14 **ording. Unless a different period is required by rule adopted under**
15 **subsection (8)(d) of this section, the recording must be maintained for**
16 **a period of at least 10 years after the recording is made.**

17 **(7) Before a notary public performs the notary public’s initial**
18 **notarial act under this section, the notary public shall notify the**
19 **Secretary of State that the notary public will be performing notarial**
20 **acts with respect to remotely located individuals and identify the**
21 **technologies the notary public intends to use. If the Secretary of State**
22 **has established standards under subsection (8) of this section or ORS**
23 **194.360 for approval of communication technology or identity proofing,**
24 **the communication technology and identity proofing used by the**
25 **notary public must conform to those standards.**

26 **(8) In addition to adopting rules under ORS 194.360, the Secretary**
27 **of State may adopt rules under this section regarding the performance**
28 **of a notarial act. The rules may:**

29 **(a) Prescribe the means of performing a notarial act involving a**
30 **remotely located individual using communication technology;**

31 **(b) Establish standards for communication technology and identity**

1 **proofing;**

2 (c) **Establish requirements or procedures to approve providers of**
3 **communication technology and the process of identity proofing; and**

4 (d) **Establish standards and a period for the retention of an audi-**
5 **ovisual recording created under subsection (3)(c) of this section.**

6 (9) **Before adopting, amending or repealing a rule governing the**
7 **performance of a notarial act with respect to a remotely located indi-**
8 **vidual, the Secretary of State shall consider:**

9 (a) **The most recent standards regarding the performance of a**
10 **notarial act with respect to a remotely located individual promulgated**
11 **by national standard-setting organizations and the recommendations**
12 **of the National Association of Secretaries of State;**

13 (b) **Standards, practices and customs of other jurisdictions that**
14 **have laws substantially similar to this section; and**

15 (c) **The views of governmental officials and entities and other in-**
16 **terested persons.**

17 **SECTION 29.** ORS 194.225 is amended to read:

18 194.225. (1) A notarial officer may perform a notarial act authorized by
19 this chapter or by law of this state other than this chapter.

20 (2) A notarial officer may not perform a notarial act with respect to a
21 record to which the officer or the officer's spouse is a party, or in which
22 either the officer or the officer's spouse has a direct beneficial interest. A
23 notarial act performed in violation of this subsection is voidable.

24 (3) **A notarial officer may certify that a tangible copy of an elec-**
25 **tronic record is an accurate copy of the electronic record.**

26 **SECTION 30.** ORS 194.225, as amended by section 29 of this 2020 special
27 session Act, is amended to read:

28 194.225. (1) A notarial officer may perform a notarial act authorized by
29 this chapter or by law of this state other than this chapter.

30 (2) A notarial officer may not perform a notarial act with respect to a
31 record to which the officer or the officer's spouse is a party, or in which

1 either the officer or the officer's spouse has a direct beneficial interest. A
2 notarial act performed in violation of this subsection is voidable.

3 [(3) *A notarial officer may certify that a tangible copy of an electronic re-*
4 *cord is an accurate copy of the electronic record.*]

5 **SECTION 31.** ORS 194.290 is amended to read:

6 194.290. (1) The official stamp of a notary public must:

7 [(1)] (a) Include the notary public's name, jurisdiction, commission expi-
8 ration date and other information required by the Secretary of State by rule;
9 and

10 [(2)] (b) Be a legible imprint capable of being copied together with the
11 record to which it is affixed or attached or with which it is logically asso-
12 ciated.

13 **(2) The official stamp of a notary public is an official notarial seal**
14 **for all purposes under the laws of this state.**

15 **SECTION 32.** ORS 194.290, as amended by section 31 of this 2020 special
16 session Act, is amended to read:

17 194.290. [(1)] The official stamp of a notary public must:

18 [(a)] (1) Include the notary public's name, jurisdiction, commission expi-
19 ration date and other information required by the Secretary of State by rule;
20 and

21 [(b)] (2) Be a legible imprint capable of being copied together with the
22 record to which it is affixed or attached or with which it is logically asso-
23 ciated.

24 [(2) *The official stamp of a notary public is an official notarial seal for all*
25 *purposes under the laws of this state.*]

26 **SECTION 33.** ORS 194.305 is amended to read:

27 194.305. (1) A notary public may select one or more tamper-evident tech-
28 nologies to perform notarial acts with respect to electronic records. A person
29 may not require a notary public to perform a notarial act with respect to
30 an electronic record with a technology that the notary public has not se-
31 lected.

1 (2) Before a notary public performs the notary public's initial notarial act
2 with respect to an electronic record, a notary public shall notify the Secre-
3 tary of State that the notary public will be performing notarial acts with
4 respect to electronic records and identify the technology the notary public
5 intends to use. If the Secretary of State, by rule, has established standards
6 pursuant to ORS 194.360 for approval of technology, the technology must
7 conform to the standards. If the technology conforms to the standards, the
8 Secretary of State shall approve the use of the technology.

9 **(3) A county clerk may accept for recording a tangible copy of an**
10 **electronic record containing a notarial certificate as satisfying any**
11 **requirement that a record accepted for recording be an original, if the**
12 **notarial officer executing the notarial certificate certifies that the**
13 **tangible copy is an accurate copy of the electronic record.**

14 **SECTION 34.** ORS 194.305, as amended by section 33 of this 2020 special
15 session Act, is amended to read:

16 194.305. (1) A notary public may select one or more tamper-evident tech-
17 nologies to perform notarial acts with respect to electronic records. A person
18 may not require a notary public to perform a notarial act with respect to
19 an electronic record with a technology that the notary public has not se-
20 lected.

21 (2) Before a notary public performs the notary public's initial notarial act
22 with respect to an electronic record, a notary public shall notify the Secre-
23 tary of State that the notary public will be performing notarial acts with
24 respect to electronic records and identify the technology the notary public
25 intends to use. If the Secretary of State, by rule, has established standards
26 pursuant to ORS 194.360 for approval of technology, the technology must
27 conform to the standards. If the technology conforms to the standards, the
28 Secretary of State shall approve the use of the technology.

29 *[(3) A county clerk may accept for recording a tangible copy of an electronic*
30 *record containing a notarial certificate as satisfying any requirement that a*
31 *record accepted for recording be an original, if the notarial officer executing*

1 *the notarial certificate certifies that the tangible copy is an accurate copy of*
2 *the electronic record.]*

3 **SECTION 35. A tangible copy of an electronic record containing a**
4 **notarial certificate that is accepted for recording by a county clerk**
5 **before the effective date of this 2020 special session Act satisfies any**
6 **requirement that the record be an original, if the notarial officer ex-**
7 **ecuting the notarial certificate certifies that the tangible copy is an**
8 **accurate copy of the electronic record.**

9 **SECTION 36.** ORS 93.810 is amended to read:

10 93.810. The following are subjects of validating or curative Acts applica-
11 ble to this chapter:

- 12 (1) Evidentiary effect and recordation of conveyances before 1854.
- 13 (2) Evidentiary effect and recordation of certified copies of deeds issued
14 by the State Land Board before 1885 where the original deed was lost.
- 15 (3) Defective acknowledgments of married women to conveyances before
16 1891.
- 17 (4) Foreign instruments executed before 1903.
- 18 (5) Deeds of married women before 1907, validity; executed under power
19 of attorney and record as evidence.
- 20 (6) Conveyances by reversioners and remainderpersons to life tenant.
- 21 (7) Decrees or judgments affecting lands in more than one county.
- 22 (8) Irregular deeds and conveyances; defective acknowledgments; irreg-
23 ularities in judicial sales; sales and deeds of executors, personal represen-
24 tatives, administrators, conservators and guardians; vested rights arising by
25 adverse title; recordation.
- 26 (9) Defective acknowledgments.
- 27 (10) Title to lands from or through aliens.
- 28 (11) An instrument that is presented for recording as an electronic image
29 or by electronic means and that is recorded before June 16, 2011.
- 30 (12) **A tangible copy of an electronic record containing a notarial**
31 **certificate that is accepted for recording by a county clerk before the**

1 **effective date of this 2020 special session Act.**

2 **SECTION 37.** ORS 93.810, as amended by section 36 of this 2020 special
3 session Act, is amended to read:

4 93.810. The following are subjects of validating or curative Acts applica-
5 ble to this chapter:

6 (1) Evidentiary effect and recordation of conveyances before 1854.

7 (2) Evidentiary effect and recordation of certified copies of deeds issued
8 by the State Land Board before 1885 where the original deed was lost.

9 (3) Defective acknowledgments of married women to conveyances before
10 1891.

11 (4) Foreign instruments executed before 1903.

12 (5) Deeds of married women before 1907, validity; executed under power
13 of attorney and record as evidence.

14 (6) Conveyances by reversioners and remainderpersons to life tenant.

15 (7) Decrees or judgments affecting lands in more than one county.

16 (8) Irregular deeds and conveyances; defective acknowledgments; irreg-
17 ularities in judicial sales; sales and deeds of executors, personal represen-
18 tatives, administrators, conservators and guardians; vested rights arising by
19 adverse title; recordation.

20 (9) Defective acknowledgments.

21 (10) Title to lands from or through aliens.

22 (11) An instrument that is presented for recording as an electronic image
23 or by electronic means and that is recorded before June 16, 2011.

24 *[(12) A tangible copy of an electronic record containing a notarial certificate*
25 *that is accepted for recording by a county clerk before the effective date of this*
26 *2020 special session Act.]*

27 **SECTION 38.** ORS 194.400 is amended to read:

28 194.400. (1) The fee that a notary public may charge for performing a
29 notarial act may not exceed \$10 per notarial act, **except that a notary**
30 **public may charge a fee not to exceed \$25 per notarial act for a nota-**
31 **rial act performed under section 28 of this 2020 special session Act.**

1 (2) A notary public may charge an additional fee for traveling to perform
2 a notarial act if:

3 (a) The notary public explains to the person requesting the notarial act
4 that the fee is in addition to a fee specified in subsection (1) of this section
5 and is in an amount not determined by law; and

6 (b) The person requesting the notarial act agrees in advance upon the
7 amount of the additional fee.

8 (3) If a notary public charges fees under this section for performing
9 notarial acts, the notary public shall display, in English, a list of the fees
10 the notary public will charge.

11 (4) A notary public who is employed by a private entity may enter into
12 an agreement with the entity under which fees collected by the notary public
13 under this section are collected by and accrue to the entity.

14 (5) A public body as defined in ORS 174.109 may collect the fees described
15 in this section for notarial acts performed in the course of employment by
16 notaries public who are employed by the public body.

17 **SECTION 39.** ORS 194.400, as amended by section 38 of this 2020 special
18 session Act, is amended to read:

19 194.400. (1) The fee that a notary public may charge for performing a
20 notarial act may not exceed \$10 per notarial act[, *except that a notary public*
21 *may charge a fee not to exceed \$25 per notarial act for a notarial act performed*
22 *under section 28 of this 2020 special session Act*].

23 (2) A notary public may charge an additional fee for traveling to perform
24 a notarial act if:

25 (a) The notary public explains to the person requesting the notarial act
26 that the fee is in addition to a fee specified in subsection (1) of this section
27 and is in an amount not determined by law; and

28 (b) The person requesting the notarial act agrees in advance upon the
29 amount of the additional fee.

30 (3) If a notary public charges fees under this section for performing
31 notarial acts, the notary public shall display, in English, a list of the fees

1 the notary public will charge.

2 (4) A notary public who is employed by a private entity may enter into
3 an agreement with the entity under which fees collected by the notary public
4 under this section are collected by and accrue to the entity.

5 (5) A public body as defined in ORS 174.109 may collect the fees described
6 in this section for notarial acts performed in the course of employment by
7 notaries public who are employed by the public body.

8 **SECTION 40. (1) Sections 27, 28 and 35 of this 2020 special session**
9 **Act are repealed on June 30, 2021.**

10 (2) The amendments to ORS 93.810, 194.225, 194.290, 194.305 and
11 194.400 by sections 30, 32, 34, 37 and 39 of this 2020 special session Act
12 become operative on June 30, 2021.

13

14 **ISOLATION SHELTER LIABILITY LIMITS**

15

16 **SECTION 41. (1) As used in this section:**

17 (a) “Covered condition” means an occupational disease, as defined
18 in ORS 656.802, that for the purposes of this section includes infection
19 by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or
20 diagnosis with coronavirus disease 2019 (COVID-19).

21 (b) “Isolation shelter” means a privately owned and operated hotel,
22 motel or other lodging for transient occupancy that has entered into
23 a sheltering agreement.

24 (c) “Public entity” means the state government, as defined in ORS
25 174.111, an agency or instrumentality of the state government, a local
26 government, as defined in ORS 174.116, an agency or instrumentality
27 of a local government, or a public official acting in an official capacity.

28 (d) “Sheltering agreement” means an agreement between a public
29 entity and the owner, officer, operator or agent of an isolation shelter
30 under which the owner, officer, operator or agent agrees to:

31 (A) House and provide goods and services to individuals who choose

1 to or are obeying a directive to remain isolated because of exposure
2 to or infection by SARS-CoV-2 or who are recovering from COVID-19;
3 and

4 (B) Adhere to federal and state public health guidance with respect
5 to cleaning and disinfecting areas of public accommodation for the
6 purpose of reducing exposure to and transmission of SARS-CoV-2.

7 (2) Except as provided in subsection (3) of this section:

8 (a) An owner, officer, operator, employee or agent of an isolation
9 shelter is immune in any action or proceeding from civil liability that
10 is predicated upon a claim of illness, injury or death from COVID-19
11 or exposure to or infection by SARS-CoV-2.

12 (b) An owner, officer, operator or agent of an isolation shelter is
13 immune in any action or proceeding by an employee of the isolation
14 shelter from civil liability that is predicated upon a claim of illness,
15 injury or death from COVID-19 or exposure to or infection by
16 SARS-CoV-2.

17 (c) A public entity is immune in any action or proceeding from civil
18 liability that is predicated upon a claim of illness, injury or death from
19 COVID-19 or exposure to or infection by SARS-CoV-2 as a direct or
20 foreseeable result of the public entity's entering into a sheltering
21 agreement with an owner, officer, operator or agent of an isolation
22 shelter.

23 (3)(a) Subsection (2) of this section does not apply to an owner, of-
24 ficer, operator, employee or agent of an isolation shelter that engages
25 in conduct that results in another person's illness, injury, death or
26 other loss and that:

27 (A) Constitutes gross negligence, malice or fraud;

28 (B) Is willful, intentional or reckless;

29 (C) Is criminal; or

30 (D) Is unrelated to a claim for illness, injury or death from
31 COVID-19 or exposure to or infection by SARS-CoV-2.

1 (b) An employee of an isolation shelter may bring a claim under
2 ORS 656.802 for a covered condition that arises out of or occurs in the
3 course of employment by, at or in the isolation shelter. The proce-
4 dures, presumptions, evidence and other requirements set forth for
5 occupational disease claims in ORS 656.802, 656.804 and 656.807 apply
6 to any claim an employee makes under this paragraph.

7
8 **ENTERPRISE ZONE TERMINATION EXTENSIONS**

9
10 **SECTION 42.** Section 43 of this 2020 special session Act is added to
11 and made a part of ORS 285C.050 to 285C.250.

12 **SECTION 43.** (1) Notwithstanding ORS 285C.245 (2):

13 (a) An enterprise zone that would otherwise terminate on June 30,
14 2020, shall terminate on December 31, 2020.

15 (b) If this section takes effect after June 30, 2020, the sponsor of an
16 enterprise zone that terminated on June 30, 2020, may rescind the
17 termination and the enterprise zone shall terminate on December 31,
18 2020.

19 (2) Notwithstanding ORS 285C.250 (1)(a), the sponsor of an enter-
20 prise zone described in subsection (1) of this section may redesignate
21 the enterprise zone under ORS 285C.250 on any date before January 1,
22 2021. The redesignation may not take effect before December 31, 2020.

23 (3) All other deadlines that relate to the termination date and re-
24 designation of an enterprise zone described in subsection (1) of this
25 section shall be interpreted as relating to December 31, 2020.

26
27 **INDIVIDUAL DEVELOPMENT ACCOUNT**
28 **MODIFICATIONS**

29
30 **SECTION 44.** ORS 458.685 is amended to read:

31 458.685. (1) A person may establish an individual development account

1 only for a purpose approved by a fiduciary organization. Purposes that the
2 fiduciary organization may approve are:

3 (a) The acquisition of post-secondary education or job training.

4 (b) If the account holder has established the account for the benefit of a
5 household member who is under the age of 18 years, the payment of extra-
6 curricular nontuition expenses designed to prepare the member for post-
7 secondary education or job training.

8 (c) If the account holder has established a savings network account for
9 higher education under ORS 178.300 to 178.360 on behalf of a designated
10 beneficiary, the funding of qualified higher education expenses as defined in
11 ORS 178.300 by one or more deposits into a savings network account for
12 higher education on behalf of the same designated beneficiary.

13 (d) The purchase of a primary residence. In addition to payment on the
14 purchase price of the residence, account moneys may be used to pay any
15 usual or reasonable settlement, financing or other closing costs. The account
16 holder must not have owned or held any interest in a residence during the
17 three years prior to making the purchase. However, this three-year period
18 shall not apply to displaced homemakers, individuals who have lost home
19 ownership as a result of divorce or owners of manufactured homes.

20 (e) The rental of a primary residence when housing stability is essential
21 to achieve state policy goals. Account moneys may be used for security de-
22 posits, first and last months' rent, application fees and other expenses nec-
23 essary to move into the primary residence, as specified in the account
24 holder's personal development plan for increasing the independence of the
25 person.

26 (f) The capitalization of a small business. Account moneys may be used
27 for capital, plant, equipment and inventory expenses and to hire employees
28 upon capitalization of the small business, or for working capital pursuant to
29 a business plan. The business plan must have been developed by a financial
30 institution, nonprofit microenterprise program or other qualified agent dem-
31 onstrating business expertise and have been approved by the fiduciary or-

1 ganization. The business plan must include a description of the services or
2 goods to be sold, a marketing plan and projected financial statements.

3 (g) Improvements, repairs or modifications necessary to make or keep the
4 account holder's primary dwelling habitable, accessible or visitable for the
5 account holder or a household member. This paragraph does not apply to
6 improvements, repairs or modifications made to a rented primary dwelling
7 to achieve or maintain a habitable condition for which ORS 90.320 (1) places
8 responsibility on the landlord. As used in this paragraph, "accessible" and
9 "visitable" have the meanings given those terms in ORS 456.508.

10 (h) The purchase of equipment, technology or specialized training re-
11 quired to become competitive in obtaining or maintaining employment or to
12 start or maintain a business, as specified in the account holder's personal
13 development plan for increasing the independence of the person.

14 (i) The purchase or repair of a vehicle, as specified in the account holder's
15 personal development plan for increasing the independence of the person.

16 (j) The saving of funds for retirement, as specified in the account holder's
17 personal development plan for increasing the independence of the person.

18 (k) The payment of debts owed for educational or medical purposes when
19 the account holder is saving for another allowable purpose, as specified in
20 the account holder's personal development plan for increasing the independ-
21 ence of the person.

22 (L) The creation or improvement of a credit score by obtaining a secured
23 loan or a financial product that is designed to improve credit, as specified
24 in the account holder's personal development plan for increasing the inde-
25 pendence of the person.

26 (m) The replacement of a primary residence when replacement offers sig-
27 nificant opportunity to improve habitability or energy efficiency.

28 **(n) The establishment of savings for emergency expenses to pro-**
29 **mote financial stability and to protect existing assets. As used in this**
30 **paragraph, "emergency expenses" includes expenses for extraordinary**
31 **medical costs, during periods of unanticipated unemployment or other**

1 **unexpected and substantial personal expenses that would significantly**
2 **impact the account holder’s noncash assets, health, housing or**
3 **standard of living if not promptly addressed.**

4 (2)(a) *[If an emergency occurs,]* An account holder may withdraw all or
5 part of the account holder’s deposits to an individual development account
6 for *[a purpose not described in subsection (1) of this section. As used in this*
7 *paragraph, “emergency” includes making payments for necessary medical ex-*
8 *penditures, to avoid eviction of the account holder from the account holder’s resi-*
9 *dence and for necessary living expenses following a loss of employment.]*
10 **emergency expenses as defined in subsection (1)(n) of this section,**
11 **without regard to whether the account was established for emergency**
12 **savings.**

13 (b) The account holder must reimburse *[the account]* **an account estab-**
14 **lished for a purpose listed under subsection (1)(a) to (m) of this section**
15 for the amount withdrawn under this subsection *[within 12 months after the*
16 *date of the withdrawal. Failure of an account holder to make a timely re-*
17 *imbursement to the account is grounds for removing the account holder from*
18 *the individual development account program]*. Until the reimbursement has
19 been made in full, an account holder may not withdraw any matching de-
20 posits or accrued interest on matching deposits from the account **except**
21 **under this subsection.**

22 (3) If an account holder withdraws moneys from an individual develop-
23 ment account for other than an approved purpose, the fiduciary organization
24 may remove the account holder from the program.

25 (4)(a) If the account holder of an account established for the purpose set
26 forth in subsection (1)(c) or (j) of this section has achieved the account’s
27 approved purpose in accordance with the personal development plan devel-
28 oped by the account holder under ORS 458.680, the account holder may
29 withdraw, or authorize the withdrawal of, the remaining amount of all de-
30 posits, including matching deposits, and interest in the account as follows:

31 (A) For an account established for the purpose set forth in subsection

1 (1)(c) of this section, by rolling over the entire withdrawal amount, not to
2 exceed the limit established pursuant to ORS 178.335, into one or more of the
3 savings network accounts for higher education under ORS 178.300 to 178.360,
4 the establishment of which is the purpose of the individual development ac-
5 count; or

6 (B) For an account established for the purpose set forth in subsection
7 (1)(j) of this section, by rolling over the entire withdrawal amount into an
8 individual retirement account, a retirement plan or a similar account or plan
9 established under the Internal Revenue Code.

10 (b) Upon withdrawal of all moneys in the individual development account
11 as provided in paragraph (a) of this subsection, the account relationship
12 shall terminate.

13 (c) The rollover of moneys into a savings network account for higher ed-
14 ucation under this subsection may not cause the amount in the savings net-
15 work account for higher education to exceed the limit on total contributions
16 established pursuant to ORS 178.335.

17 (d) Any amount of the rollover that has been subtracted on the taxpayer's
18 federal return pursuant to section 219 of the Internal Revenue Code shall
19 be added back in the determination of taxable income.

20 (5) If an account holder moves from the area where the program is con-
21 ducted or is otherwise unable to continue in the program, the fiduciary or-
22 ganization may remove the account holder from the program.

23 (6) If an account holder is removed from the program under subsection
24 [(2),] (3) or (5) of this section, all matching deposits in the account and all
25 interest earned on matching deposits shall revert to the fiduciary organiza-
26 tion. The fiduciary organization shall use the reverted funds as a source of
27 matching deposits for other accounts.

28

29

30

31

OREGON OSHA
INFECTIOUS DISEASE STANDARDS

1 **SECTION 45.** Sections 46 and 47 of this 2020 special session Act are
2 added to and made a part of ORS chapter 654.

3 **SECTION 46.** (1) As used in this section and section 47 of this 2020
4 special session Act:

5 (a) “Administrative controls” means managerial measures taken by
6 an employer, including but not limited to changes in workplace poli-
7 cies or standard operating procedures, to reduce the risk of occupa-
8 tional exposure.

9 (b) “Agricultural worker” has the meaning given that term in ORS
10 315.163.

11 (c) “Clinical laboratory” has the meaning given that term in ORS
12 438.010.

13 (d) “Emergency medical services provider” has the meaning given
14 that term in ORS 682.025.

15 (e) “Engineering controls” means protective control measures, in-
16 cluding but not limited to the installation of physical barriers or
17 high-efficiency ventilation systems, to reduce, isolate or remove the
18 risk of occupational exposure.

19 (f) “Food processor” has the meaning given that term in ORS
20 307.455.

21 (g) “Grocery store or food market” has the meaning given that term
22 in ORS 616.850.

23 (h) “Health care facility” has the meaning given that term in ORS
24 442.015.

25 (i) “Health care worker” means a person who is licensed or certified
26 to provide health care under ORS chapter 677, 678, 679, 680, 684 or 685
27 or an employee of a health care facility, of a licensed health care
28 provider or of a clinical laboratory.

29 (j) “Occupational exposure” means the reasonably anticipated ex-
30 posure to agents of transmissible infectious diseases resulting from a
31 worker’s performance of job duties.

1 (k) “Personal protective equipment” means specialized clothing,
2 equipment or products designed to create a barrier to penetration of
3 substances or solid, liquid or airborne particles, or to minimize expo-
4 sure to hazards that may cause serious illness, including but not lim-
5 ited to:

6 (A) Surgical face masks;

7 (B) Disposable gloves; or

8 (C) Eye protection, including goggles or face shields.

9 (2) No later than August 1, 2020, the Director of the Department of
10 Consumer and Business Services shall adopt temporary rules estab-
11 lishing an emergency temporary infectious disease standard to address
12 the immediate health risks posed by occupational exposure and impose
13 control measures designed to protect workers against such exposure.

14 (3) Temporary rules adopted under this section shall be adopted in
15 accordance with ORS 183.335 (5) and shall be effective until the direc-
16 tor adopts rules pursuant to section 47 of this 2020 special session Act.

17 (4) At a minimum, the emergency temporary infectious disease
18 standard established under this section must:

19 (a) Categorize workers who may be susceptible to elevated levels
20 of risk of occupational exposure while working, including but not
21 limited to:

22 (A) Health care workers;

23 (B) Emergency medical service providers;

24 (C) Grocery store or food market personnel;

25 (D) Clinical laboratory personnel;

26 (E) Food processors;

27 (F) Agricultural workers; or

28 (G) Public transit operators.

29 (b) Establish requirements for the selection, use, cleaning and dis-
30 posal of personal protective equipment based on the level of risk of
31 occupational exposure in a specific workspace and the availability of

1 equipment.

2 (c) Incorporate a framework for implementing the following control
3 measures to mitigate or eliminate the risk of occupational exposure,
4 prioritized in the following order:

- 5 (A) Engineering controls;
- 6 (B) Administrative controls;
- 7 (C) Safe work practices; and
- 8 (D) Personal protective equipment.

9 (d) Establish a risk-based model to help employers assess the level
10 of risk of occupational exposure in a particular workplace setting,
11 identify sources of potential exposure and adopt specific measures to
12 address the exposure risks identified in that setting.

13 **SECTION 47.** (1) The Director of the Department of Consumer and
14 Business Services shall, no later than July 31, 2021, adopt by rule a
15 permanent infectious disease standard to address occupational expo-
16 sure and to impose required protective measures to protect workers
17 against the risks of such exposure.

18 (2) The permanent infectious disease standard adopted under this
19 section may be based in part on the emergency temporary infectious
20 disease standard described in section 46 of this 2020 special session Act.

21

22 **RACE AND ETHNICITY DATA COLLECTION**
23 **AND REPORTING DURING COVID-19 PANDEMIC**

24

25 **SECTION 48.** (1) As used in this section:

26 (a) “COVID-19” means a disease caused by the severe acute respir-
27 atory syndrome coronavirus 2 (SARS-CoV-2).

28 (b) “Encounter” means an interaction between a patient, or the
29 patient’s legal representative, and a health care provider, whether that
30 interaction is in person or through telehealth, including messaging
31 through an online platform, for the purpose of the provision of health

1 **care services related to COVID-19, including but not limited to order-**
2 **ing a COVID-19 test.**

3 **(c) “Health care provider” means any of the following:**

4 **(A) An individual licensed by any of the following health profes-**
5 **sional regulatory boards:**

6 **(i) State Board of Examiners for Speech-Language Pathology and**
7 **Audiology;**

8 **(ii) State Board of Chiropractic Examiners;**

9 **(iii) State Board of Licensed Social Workers;**

10 **(iv) Oregon Board of Licensed Professional Counselors and Thera-**
11 **pists;**

12 **(v) Oregon Board of Dentistry;**

13 **(vi) State Board of Massage Therapists;**

14 **(vii) Oregon Board of Naturopathic Medicine;**

15 **(viii) Oregon State Board of Nursing;**

16 **(ix) Oregon Board of Optometry;**

17 **(x) State Board of Pharmacy;**

18 **(xi) Oregon Medical Board;**

19 **(xii) Occupational Therapy Licensing Board;**

20 **(xiii) Oregon Board of Physical Therapy;**

21 **(xiv) Oregon Board of Psychology; and**

22 **(xv) Board of Medical Imaging.**

23 **(B) The Oregon Health Authority, to the extent that the authority**
24 **licenses emergency medical services providers.**

25 **(C) A clinical laboratory licensed under ORS 438.110.**

26 **(D) A health care facility as defined in ORS 442.015.**

27 **(2) A health care provider must:**

28 **(a) During an encounter, collect data on race, ethnicity, preferred**
29 **spoken and written languages, English proficiency, interpreter needs**
30 **and disability status pursuant to the standards adopted by the au-**
31 **thority under ORS 413.161.**

1 (b) Report data collected under paragraph (a) of this subsection to:

2 (A) A laboratory if ordering a COVID-19 test; and

3 (B) The authority and the Department of Human Services if the
4 reporting is otherwise required by law.

5 (3) The authority shall adopt rules that include but are not limited
6 to:

7 (a) Establishing the deadline by which a health care provider must
8 begin collecting the data required under subsection (2) of this section,
9 that is no later than August 1, 2020;

10 (b) Providing guidance on the frequency of reporting for COVID-19
11 reporting required under ORS 433.004 and rules adopted thereunder,
12 that is applicable to reporting occurring on or after August 1, 2020, and
13 that may apply to other reporting periods; and

14 (c) Establishing the manner of reporting.

15 (5) The authority or department may provide incentives to health
16 care providers to help defer the costs of making changes to electronic
17 health records or similar systems.

18 (6) This section may be enforced by any means permitted under the
19 law by:

20 (a) A health professional regulatory board with jurisdiction over the
21 health care provider.

22 (b) The authority or the department with regard to health care fa-
23 cilities under each agency's respective jurisdiction.

24 (c) The authority with regard to licensed laboratories.

25 SECTION 49. Section 50 of this 2020 special session Act is added to
26 and made a part of the Insurance Code.

27 SECTION 50. A person may not use the information required to be
28 collected under section 48 of this 2020 special session Act to reject,
29 deny, limit, cancel, refuse to renew, increase the rates of, affect the
30 terms and conditions of or otherwise affect:

31 (1) Any policy for hospital or medical expenses.

1 **(2) Any policy of insurance.**

2 **SECTION 51. Sections 48 to 50 of this 2020 special session Act are**
3 **repealed on the date that is 270 days after the date on which the dec-**
4 **laration of a state of emergency issued by the Governor on March 8,**
5 **2020, and any extension of the declaration, is no longer in effect.**

6

7

CAPTIONS

8

9 **SECTION 52. The unit captions used in this 2020 special session Act**
10 **are provided only for the convenience of the reader and do not become**
11 **part of the statutory law of this state or express any legislative intent**
12 **in the enactment of this 2020 special session Act.**

13

14

EMERGENCY CLAUSE

15

16 **SECTION 53. This 2020 special session Act being necessary for the**
17 **immediate preservation of the public peace, health and safety, an**
18 **emergency is declared to exist, and this 2020 special session Act takes**
19 **effect on its passage.**

20
