

3/19/20 (REB)

## Legislative Concept

### SUMMARY

Provides exceptions and alternatives to various state law requirements during a statewide emergency due to infectious disease.

#### A BILL FOR AN ACT

Relating to certain state laws during an emergency due to infectious disease; creating new provisions; and declaring an emergency.

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

**SECTION 1. During any period in which the Governor has declared a state of emergency under ORS 401.165 related to an infectious disease:**

**(1) Notwithstanding ORS 192.640, a public meeting to consider or take action related to an infectious disease may be held upon such notice as is appropriate to the circumstances.**

**(2) Notwithstanding ORS 192.660, the governing body of a public body may hold an executive session to consider information related to an infectious disease. Representatives of the news media shall be allowed to attend an executive session conducted under this subsection, but the governing body may require that specified information be undisclosed. No executive session may be held under this subsection for the purpose of taking any final action or making any final decision. ORS 192.680 to 192.695 do not apply to an executive session conducted under this subsection.**

**(3) Notwithstanding ORS 192.670, when telephone or other electronic means of communication is used for a public meeting, or used for the public to listen to a public meeting, the governing body of the public body is not required to make available to the public a physical location where the public can listen to the communication at the time it occurs. However, if a physical location where the public can listen to the communication at the time it occurs is not provided, the governing body of the public body shall make available a method by which the public can listen to the public meeting at the time it occurs or, if that is impracticable, the posting on the internet of a recording or minutes of the public meeting as soon as practicable.**

**(4) ORS 192.630(5), relating to interpreters at public meetings, does not apply.**

**(5) Notwithstanding any other provision of law, any statutory requirement that testimony during a public hearing or public meeting be taken in person does not apply if the governing body provides an opportunity for the submission of written testimony.**

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1           **(6) Notwithstanding any other provision of law, a quorum of the governing body of a public**  
2 **body consists of a majority of its members excluding those unable to attend because of medical**  
3 **restrictions resulting from the infectious disease.**

4           **(7) The timelines of ORS 192.324(2) and 192.329(5), relating to responses to public records**  
5 **requests, do not apply, unless a request is from the media and directly relates to the infectious disease.**  
6 **A public body shall, as soon as practicable and without unreasonable delay, acknowledge a public**  
7 **records request and complete the response to the request.**

8           **(8) Any appeal under ORS 192.407 to 192.415, relating to appeals of public records requests,**  
9 **are stayed until the state of emergency has expired.**

10           **(9) ORS 294.338(1), relating to expenditure of money by certain municipal corporations in**  
11 **compliance with local budget law, does not apply to the extent that the failure of the municipal**  
12 **corporation to comply with the local budget law arises from the infectious disease or state of**  
13 **emergency if the municipal corporation makes only those expenditures necessary for its continued**  
14 **operation, and the municipal corporation cures any lack of compliance with the local budget law as**  
15 **soon as is reasonably practicable after the state of emergency has expired.**

16           **(10) The requirement of ORS 294.426(1)(b), relating to providing members of the public with**  
17 **an opportunity to ask questions about and comment on a budget document, may be satisfied by**  
18 **providing the public with a means of written communication prior to final approval of the budget**  
19 **document by the budget committee pursuant to ORS 294.428(1).**

20           **(11) The provisions of ORS 294.438(8), relating to certain local budget hearing notices, do not**  
21 **apply. Instead, the meeting notice required under subsection ORS 294.438(1) must:**

22           **(a) State the date and time of the budget hearing at which the approved budget document**  
23 **may be discussed with the governing body of the municipal corporation;**

24           **(b) State the location on the internet where the complete budget document is available for**  
25 **inspection by the general public;**

26           **(c) State that the budget has been prepared in accordance with the basis of accounting used**  
27 **in the preceding year or preceding budget period unless a change in the basis of accounting is**  
28 **anticipated; and**

29           **(d) If a change in the basis of accounting is to be made, explain the change and the effects of**  
30 **the change.**

31           **(12) The requirement of ORS 294.453(1), relating to providing members of the public with**  
32 **an opportunity to appear for or against any item in a local budget document may be satisfied by**  
33 **providing the public with a means of written communication prior to final adoption of the budget**  
34 **document by the governing body of the municipal corporation pursuant to ORS 294.456(1).**

1           (13) The requirement of ORS 294.453, relating to the requirement for certain municipal  
2 corporations to meet with taxpayers at a public hearing may be satisfied by providing the public with  
3 a means of written communication.

4           (14) The requirement to publish any notice under ORS 294.305 to 294.565 may be satisfied  
5 by posting the notice in a conspicuous place on the website of the municipal corporation.

6           (15) All timelines and refund obligations under ORS chapters 197, 215, and 227 relating to  
7 land use decisions and appeals are stayed until the state of emergency has expired.

8           (16) The timelines of ORS 243.712, relating to mediation and arbitration for unresolved  
9 public employee collective bargaining, are stayed until the state of emergency has expired.

10          (17) The requirements of ORS 205.242, relating to the presentment of instruments for  
11 recording to the county clerk, may be satisfied by providing a means of electronic filing and  
12 recording.

13          (18) The Department of Administrative Services is granted authority to extend the timeframe  
14 for expenditure of the amounts provided in Section 1(5)(M)(A) to (D) of Chapter 661, Oregon Laws  
15 2019 (Enrolled House Bill 5005), related to general obligation bonding for county courthouse  
16 projects, up to June 30, 2023.

17          (19) The timelines and refund obligations under ORS chapters 92 and 209, relating to  
18 requirements for subdivisions, partition plats, condominium plats, maps, narratives or reports of  
19 survey, are stayed until the state of emergency has expired.

20          (20) “Public improvement,” as defined in ORS 279A.010(1)(d), does not include the alteration  
21 or construction of alterations or facilities related to preserving public health, welfare, and safety  
22 during the state of emergency.

23          (21)(a) The requirement of ORS 166.293, relating to the timeline for processing an application  
24 for a concealed handgun license, is stayed until the state of emergency has expired.

25          (b) Any concealed handgun license issued pursuant to ORS chapter 166 that is scheduled to  
26 expire during the declared emergency shall remain valid until thirty days after the emergency  
27 declaration is lifted. This provision shall not affect any revocation of a concealed handgun license  
28 pursuant to ORS 166.293(3) or any seizure of a concealed handgun license pursuant to ORS  
29 166.293(4).

30          (22) All timelines under ORS chapter 163A, relating to sex offender registration, are stayed  
31 until the state of emergency has expired.

32          (23) All actions required of a sheriff under ORS chapter 18, relating to enforcement of civil  
33 judgments, are stayed until the state of emergency has expired.

1           **(24) Notwithstanding any other provision of law, a sheriff may release any adult in custody**  
2 **who is being held on a Misdemeanor or Class C Felony, as the sheriff deems necessary to ensure the**  
3 **safety of staff or adults in custody.**

4           **(25)(a) Notwithstanding any other provision of law, a peace officer is not required to arrest a**  
5 **person on a warrant if the underlying criminal charge is a Misdemeanor or Class C felony. If the**  
6 **peace officer does not arrest a person pursuant to a warrant described in this subsection, the peace**  
7 **officer shall issue and serve a criminal citation in lieu of arrest. The peace officer shall deliver a copy**  
8 **of the criminal citation to the person. The criminal citation shall require the person to appear at the**  
9 **court of the magistrate before whom the person would be taken pursuant to ORS 133.450 if the**  
10 **person were arrested for the offense.**

11           **(b) This subsection does not apply to arrests under ORS 133.055(2) relating to domestic**  
12 **violence.**

13           **(26)(a) Notwithstanding any other provision of law, a peace officer is not required to arrest a**  
14 **person on a warrant for a violation of probation, parole, or post prison supervision. If the peace**  
15 **officer does not arrest a person pursuant to a warrant described in this subsection, the peace officer**  
16 **shall issue and serve a citation in lieu of arrest. The peace officer shall deliver a copy of the criminal**  
17 **citation to the person, as well as to the supervising authority that issued the warrant. The citation**  
18 **shall require the person to appear at the court of the magistrate before whom the person would be**  
19 **taken pursuant to ORS 133.450 if the person were arrested for the offense.**

20           **(b) This subsection does not apply to arrests under ORS 133.055(2) relating to domestic**  
21 **violence.**

22           **(27)(a) Notwithstanding ORS 133.060, a person who has been served with a criminal citation**  
23 **shall appear before a magistrate of the county in which the person was cited at the time, date and**  
24 **court specified in the citation, which shall not be later than 120 days after the date the citation was**  
25 **issued.**

26           **(b) If the cited person fails to appear at the time, date and court specified in the criminal**  
27 **citation, and a complaint or information is filed, the magistrate shall issue a warrant of arrest, upon**  
28 **application for its issuance, upon the person’s failure to appear.**

29           **SECTION 2.** **This 2020 Act being necessary for the immediate preservation of the public**  
30 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect on its**  
31 **passage.**