

DRAFT

SUMMARY

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 households, prioritizing low-income households affected by pandemic.

Temporarily allows notary public to perform notarial act using communication technology for remotely located individual under certain circumstances.

Immunizes owner, officer, operator, employee or agent of isolation shelter,

or public entity, from civil liability that is predicated on claim of illness, injury or death from COVID-19. Exempts from immunity conduct that constitutes gross negligence, malice or fraud, that is willful, intentional or reckless, that is criminal or that is unrelated to COVID-19.

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

Allows individual development accounts to be established for emergency savings.

Directs Oregon Health Authority to adopt rules regarding race and ethnicity data collection by health care providers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

**LOCAL GOVERNMENT AND SPECIAL GOVERNMENT BODY
PUBLIC MEETINGS AND OPERATIONS**

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

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

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

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

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

(9) As used in this section:

(a) Terms used in this section have the meanings given those terms in ORS 192.610, except that “public body” excludes the state or any board, department, commission, council, bureau, committee, subcommittee, advisory group or other agency of the state.

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

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

SECTION 2. Section 1 of this 2020 special session Act is repealed 30 days after the date on which the declaration of a state of emergency issued by the Governor on March 8, 2020, and any extension of the declaration, is no longer in effect.

GARNISHMENT MODIFICATIONS

SECTION 3. ORS 18.784 is amended to read:

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

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

(a) The day in the second calendar month preceding the month in which the garnishment account review is conducted, that has the same number as the day on which the period ends; or

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

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

(a) Federal benefit payments;

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

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

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

(e) Black lung benefits payments from the United States Department of

1 Labor; and

2 (f) Workers' compensation payments from a workers' compensation car-
3 rier.

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

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

15 [(5)] (6) A financial institution shall perform a garnishment account re-
16 view only one time for a specific garnishment. If the same garnishment is
17 served on a financial institution more than once, the financial institution
18 may not perform a garnishment account review or take any other action re-
19 lating to the garnishment based on the second and subsequent service of the
20 garnishment.

21 [(6)] (7) A financial institution may not conduct a garnishment account
22 review under this section if a Notice of Right to Garnish Federal Benefits
23 from the United States Government or from a state child support enforce-
24 ment agency is attached to or included in the garnishment as provided in 31
25 C.F.R. part 212. If a Notice of Right to Garnish Federal Benefits is attached
26 to or included in the garnishment, the financial institution shall proceed on
27 the garnishment as otherwise provided in ORS 18.600 to 18.850.

28 [(7)] (8) The provisions of this section do not affect the ability of a debtor
29 to claim any exemption that otherwise may be available to the debtor under
30 law for any amounts in an account in a financial institution.

31 **SECTION 4.** ORS 18.784, as amended by section 3 of this 2020 special

session Act, is amended to read:

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

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

(a) The day in the second calendar month preceding the month in which the garnishment account review is conducted, that has the same number as the day on which the period ends; or

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

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

(a) Federal benefit payments;

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

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

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

(e) Black lung benefits payments from the United States Department of

Labor; and

(f) Workers' compensation payments from a workers' compensation carrier.

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

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

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

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

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

SECTION 5. (1) The amendments to ORS 18.784 by section 4 of this 2020 special session Act become operative 90 days after the date on

1 which the declaration of a state of emergency issued by the Governor
2 on March 8, 2020, and any extension of the declaration, is no longer
3 in effect.

4 (2) The amendments to ORS 18.784 by section 3 of this 2020 special
5 session Act apply to garnishments issued on or before the operative
6 date specified in subsection (1) of this section.

7
8 **JUDICIAL PROCEEDING EXTENSIONS**
9 **AND ELECTRONIC APPEARANCES**
10

11 **SECTION 6.** (1)(a) Notwithstanding any other statute or rule to the
12 contrary, during the time in which any declaration of a state of
13 emergency issued by the Governor related to COVID-19, and any ex-
14 tension of the declaration, is in effect, and continuing for 60 days after
15 the declaration and any extension is no longer in effect, and upon a
16 finding of good cause, the Chief Justice of the Supreme Court may
17 extend or suspend any time period or time requirement established by
18 statute or rule that:

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

22 (B) Applies to the initiation of an appeal to the magistrate division
23 of the Oregon Tax Court or an appeal from the magistrate division to
24 the regular division;

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

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

29 (b) The Chief Justice may extend or suspend a time period or time
30 requirement under this subsection notwithstanding the fact that the
31 date of the time period or time requirement has already passed as of

1 the effective date of this 2020 special session Act.

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

9 (b) During the time in which any declaration of a state of emer-
10 gency issued by the Governor related to COVID-19, and any extension
11 of the declaration, is in effect, and continuing for 60 days after the
12 declaration and any extension is no longer in effect, the presiding
13 judge of a circuit court may, upon the motion of a party or the court's
14 own motion, and upon a finding of good cause, postpone the date of
15 appearance described in paragraph (a) of this subsection for all pro-
16 ceedings within the jurisdiction of the court.

17 (3)(a) Notwithstanding ORS 136.290 and 136.295, and subject to par-
18 agraph (b) of this subsection, during the time in which any declaration
19 of a state of emergency issued by the Governor related to COVID-19,
20 and any extension of the declaration, is in effect, and continuing for
21 60 days after the declaration and any extension is no longer in effect,
22 the presiding judge of a circuit court may, upon the motion of a party
23 or its own motion, and upon a finding of good cause, order an exten-
24 sion of custody and postponement of the date of the trial beyond the
25 time limits described in ORS 136.290 and 136.295.

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

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

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

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

13 (ii) Finds, by clear and convincing evidence, that there is an
14 articulable risk of physical injury or sexual victimization to the victim
15 or members of the public by the defendant if the defendant is released;
16 or

17 (C) If the defendant is charged with a crime other than a violent
18 felony, the court may set a trial date that results in the defendant
19 being held in custody before trial for more than a total of 180 days if
20 the court:

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

25 (ii) Finds, by clear and convincing evidence, that there is a sub-
26 stantial and specific danger of physical injury or sexual victimization
27 to the victim or members of the public by the defendant if the de-
28 fendant is released, and that no release condition, or combination of
29 release conditions, is available that would sufficiently mitigate the
30 danger.

31 (c) The result of a hearing held pursuant this subsection does not

1 affect the ability of a party to request a modification of the release
2 decision under ORS 135.285.

3 (d) This subsection does not authorize a defendant to be held in
4 custody before trial for a period longer than the maximum term of
5 imprisonment the defendant could receive as a sentence under ORS
6 161.605 and 161.615.

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

11 (f) As used in this subsection:

12 (A) "Good cause" means situations described in ORS 136.295 (4)(b),
13 circumstances caused by the COVID-19 pandemic or public health
14 measures resulting from the COVID-19 pandemic.

15 (B) "Release decision" has the meaning given that term in ORS
16 135.230.

17 (C) "Violent felony" has the meaning given that term in ORS
18 135.240.

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

27 (b) If an appearance is set to occur by electronic means as described
28 in paragraph (a) of this subsection, a presiding judge may instead or-
29 der that the appearance be in person if, upon the request of a party,
30 the presiding judge determines that there is a particular need for an
31 in-person hearing or that a party has a constitutional right to an in-

1 person hearing.

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

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

6 SECTION 7. (1) If the expiration of the time to commence an action
7 or give notice of a claim falls within the time in which any declaration
8 of a state of emergency issued by the Governor related to COVID-19,
9 and any extension of the declaration, is in effect, or within 90 days
10 after the declaration and any extension is no longer in effect, the ex-
11 piration of the time to commence the action or give notice of the
12 claim is extended to a date 90 days after the declaration and any ex-
13 tension is no longer in effect.

14 (2) Subsection (1) of this section applies to:

15 (a) Time periods for commencing an action established in ORS
16 chapter 12;

17 (b) The time period for commencing an action for wrongful death
18 established in ORS 30.020;

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

21 (d) Any other time limitation for the commencement of a civil
22 cause of action or the giving of notice of a civil claim established by
23 statute.

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

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

26 (b) The initiation of an appeal to the magistrate division of the
27 Oregon Tax Court or an appeal from the magistrate division to the
28 regular division;

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

31 (d) The initiation of any type of case or proceeding in the Supreme

1 Court.

2 **SECTION 8. (1) Sections 6 and 7 of this 2020 special session Act are**
3 **repealed on December 31, 2021.**

4 **(2) The repeal of section 6 of this 2020 special session Act by sub-**
5 **section (1) of this section does not affect the release status of a de-**
6 **fendant determined under section 6 (3) of this 2020 special session Act.**

7
8 **EMERGENCY SHELTER**
9

10 **SECTION 9. ORS 446.265 and sections 10 and 11 of this 2020 special**
11 **session Act are added to and made a part of ORS chapter 197.**

12 **SECTION 10. (1) As used in this section and section 11 of this 2020**
13 **special session Act, “emergency shelter” means a building that pro-**
14 **vides shelter on a temporary basis for individuals and families who**
15 **lack permanent housing.**

16 **(2) A building used as an emergency shelter under an approval**
17 **granted under section 11 of this 2020 special session Act:**

18 **(a) May resume its use as an emergency shelter after an inter-**
19 **ruption or abandonment of that use for two years or less, notwith-**
20 **standing ORS 215.130 (7).**

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

25 **SECTION 11. (1) A local government shall approve an application**
26 **for the development or use of land for an emergency shelter on any**
27 **property, notwithstanding ORS chapter 195, 197, 215 or 227 or ORS**
28 **197A.300 to 197A.325, 197A.405 to 197A.409 or 197A.500 to 197A.521 or any**
29 **statewide land use planning goal, rule of the Land Conservation and**
30 **Development Commission, local land use regulation, zoning ordinance,**
31 **regional framework plan, functional plan or comprehensive plan, if the**

emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

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

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

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

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

(2) An emergency shelter allowed under this section must be operated by:

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

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

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

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

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

(c) A nonprofit corporation partnering with any other entity described in this subsection.

(3) An emergency shelter approved under this section:

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

(A) Showering or bathing;

(B) Storage for personal property;

(C) Laundry facilities;

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

2 (E) Recreation areas for children and pets;

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

5 (G) Any other services incidental to shelter.

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

8 (4) The approval of an emergency shelter under this section is not
9 a land use decision and is subject to review only under ORS 34.010 to
10 34.100.

11 SECTION 12. Sections 10 and 11 of this 2020 special session Act are
12 repealed 90 days after the effective date of this 2020 special session Act.

13 SECTION 13. (1) Notwithstanding ORS 203.082 (2), a political subdi-
14 vision may allow any person to offer any number of overnight camping
15 spaces on the person's property to homeless individuals who are living
16 in vehicles, without regard to whether the motor vehicle was designed
17 for use as temporary living quarters. A religious institution offering
18 camping space under this section shall also provide campers with ac-
19 cess to sanitary facilities, including toilet, handwashing and trash
20 disposal facilities.

21 (2) A local government may regulate vehicle camping spaces under
22 this section as transitional housing accommodations under ORS
23 446.265.

24 SECTION 14. Section 13 of this 2020 special session Act is repealed
25 90 days after the effective date of this 2020 special session Act.

26 SECTION 15. Section 16 of this 2020 special session Act is added to
27 and made a part of ORS 458.600 to 458.665.

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

29 (a) "Low-barrier emergency shelter" means an emergency shelter,
30 as defined in section 10 of this 2020 special session Act, that follows
31 established best practices to deliver shelter services that minimize

1 barriers and increase access to individuals and families experiencing
2 homelessness.

3 (b) "Navigation center" means a low-barrier emergency shelter that
4 is open seven days per week and connects individuals and families with
5 health services, permanent housing and public benefits.

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

8 (a) Plan the location, development or operations of a navigation
9 center;

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

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

14 (d) Contract for the performance of activities described in this
15 subsection.

16 SECTION 17. Section 16 of this 2020 special session Act is repealed
17 on January 2, 2022.

18
19 **LOW INCOME UTILITY BILL ASSISTANCE**
20

21 SECTION 18. (1) The Low-Income Utility Payment Fund is estab-
22 lished in the State Treasury, separate and distinct from the General
23 Fund. The Low-Income Utility Payment Fund shall consist of all
24 moneys credited to the fund, including but not limited to moneys re-
25 ceived from the federal government for the purpose of providing low-
26 income energy bill payment assistance. Interest earned by the
27 Low-Income Utility Payment Fund shall be credited to the fund. The
28 moneys in the fund are continuously appropriated to the Housing and
29 Community Services Department for the purpose of funding low-
30 income energy bill payment assistance.

31 (2) The department shall distribute the moneys deposited in the

fund to persons that, as of the effective date of this 2020 special session Act, have a contract with the department to serve as subgrantees to provide eligible program services under the federal Low-Income Home Energy Assistance Act of 1981, as amended. The department shall allocate the moneys to the subgrantees through the formula established by the department for distribution of moneys to subgrantees under the federal Low-Income Home Energy Assistance Act of 1981, as amended.

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

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

NOTARIAL ACTS

SECTION 19. Section 20 of this 2020 special session Act is added to and made a part of ORS chapter 194.

SECTION 20. (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.

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

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

7 (d) “Outside the United States” means a location outside the ge-
8 ographic boundaries of the United States, Puerto Rico, the United
9 States Virgin Islands and any territory, insular possession or other
10 location subject to the jurisdiction of the United States.

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

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

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

18 (a) The notary public:

19 (A) Has personal knowledge under ORS 194.240 (1) of the identity
20 of the remotely located individual;

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

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

29 (b) The notary public is reasonably able to confirm that a record
30 before the notary public is the same record in which the remotely lo-
31 cated individual made a statement or on which the individual executed

1 a signature;

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

5 (d) For a remotely located individual who is located outside the
6 United States:

7 (A) The record:

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

11 (ii) Involves property located in the territorial jurisdiction of the
12 United States or involves a transaction substantially connected with
13 the United States; and

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

17 (4) If a notarial act is performed under this section, the certificate
18 of notarial act required by ORS 194.280 and the short form certificate
19 provided in ORS 194.285 must indicate that the notarial act was per-
20 formed using communication technology.

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

23 (a) Complies with rules adopted under subsection (8)(a) of this sec-
24 tion; or

25 (b) Is in the form provided in ORS 194.285 and contains a statement
26 substantially as follows: "This notarial act involved the use of com-
27 munication technology."

28 (6) A notary public, a guardian, conservator, trustee or agent of a
29 notary public, or a personal representative of a deceased notary public
30 shall retain the audiovisual recording created under subsection (3)(c)
31 of this section or cause the recording to be retained by a repository

designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under subsection (8)(d) of this section, the recording must be maintained for a period of at least 10 years after the recording is made.

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

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

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

(b) Establish standards for communication technology and identity proofing;

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

(d) Establish standards and a period for the retention of an audiovisual recording created under subsection (3)(c) of this section.

(9) Before adopting, amending or repealing a rule governing the performance of a notarial act with respect to a remotely located individual, the Secretary of State shall consider:

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

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

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

5 **SECTION 21.** ORS 194.225 is amended to read:

6 194.225. (1) A notarial officer may perform a notarial act authorized by
7 this chapter or by law of this state other than this chapter.

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

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

14 **SECTION 22.** ORS 194.225, as amended by section 21 of this 2020 special
15 session Act, is amended to read:

16 194.225. (1) A notarial officer may perform a notarial act authorized by
17 this chapter or by law of this state other than this chapter.

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

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

24 **SECTION 23.** ORS 194.290 is amended to read:

25 194.290. (1) The official stamp of a notary public must:

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

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

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

SECTION 24. ORS 194.290, as amended by section 23 of this 2020 special session Act, is amended to read:

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

[(a)] **(1)** Include the notary public's name, jurisdiction, commission expiration date and other information required by the Secretary of State by rule; and

[(b)] **(2)** Be a legible imprint capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

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

SECTION 25. ORS 194.305 is amended to read:

194.305. (1) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

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

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

tangible copy is an accurate copy of the electronic record.

SECTION 26. ORS 194.305, as amended by section 25 of this 2020 special session Act, is amended to read:

194.305. (1) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

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

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

SECTION 27. A tangible copy of an electronic record containing a notarial certificate that is accepted for recording by a county clerk before the effective date of this 2020 special session Act satisfies any requirement that the record be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

SECTION 28. ORS 93.810 is amended to read:

93.810. The following are subjects of validating or curative Acts applicable to this chapter:

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

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

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

(4) Foreign instruments executed before 1903.

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

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

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

(8) Irregular deeds and conveyances; defective acknowledgments; irregularities in judicial sales; sales and deeds of executors, personal representatives, administrators, conservators and guardians; vested rights arising by adverse title; recordation.

(9) Defective acknowledgments.

(10) Title to lands from or through aliens.

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

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

SECTION 29. ORS 93.810, as amended by section 28 of this 2020 special session Act, is amended to read:

93.810. The following are subjects of validating or curative Acts applicable to this chapter:

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

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

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

(4) Foreign instruments executed before 1903.

(5) Deeds of married women before 1907, validity; executed under power

of attorney and record as evidence.

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

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

(8) Irregular deeds and conveyances; defective acknowledgments; irregularities in judicial sales; sales and deeds of executors, personal representatives, administrators, conservators and guardians; vested rights arising by adverse title; recordation.

(9) Defective acknowledgments.

(10) Title to lands from or through aliens.

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

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

SECTION 30. ORS 194.400 is amended to read:

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

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

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

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

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

(4) A notary public who is employed by a private entity may enter into an agreement with the entity under which fees collected by the notary public

under this section are collected by and accrue to the entity.

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

SECTION 31. ORS 194.400, as amended by section 30 of this 2020 special session Act, is amended to read:

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

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

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

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

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

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

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

SECTION 32. (1) **Sections 19, 20 and 27 of this 2020 special session Act are repealed on June 30, 2021.**

(2) **The amendments to ORS 93.810, 194.225, 194.290, 194.305 and 194.400 by sections 22, 24, 26, 29 and 31 of this 2020 special session Act become operative on June 30, 2021.**

ISOLATION SHELTER LIABILITY LIMITS

SECTION 33. (1) As used in this section:

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

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

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

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

(A) House and provide goods and services to individuals who choose to or are obeying a directive to remain isolated because of exposure to or infection by SARS-CoV-2 or who are recovering from COVID-19; and

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

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

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

(b) An owner, officer, operator or agent of an isolation shelter is immune in any action or proceeding by an employee of the isolation

1 shelter from civil liability that is predicated upon a claim of illness,
2 injury or death from COVID-19 or exposure to or infection by
3 SARS-CoV-2.

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

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

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

15 (B) Is willful, intentional or reckless;

16 (C) Is criminal; or

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

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

25
26 **ENTERPRISE ZONE TERMINATION EXTENSIONS**

27
28 **SECTION 34.** Section 35 of this 2020 special session Act is added to
29 and made a part of ORS 285C.050 to 285C.250.

30 **SECTION 35.** (1) Notwithstanding ORS 285C.245 (2):

31 (a) An enterprise zone that would otherwise terminate on June 30,

2020, shall terminate on December 31, 2020.

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

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

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

INDIVIDUAL DEVELOPMENT ACCOUNT MODIFICATIONS

SECTION 36. ORS 458.685 is amended to read:

458.685. (1) A person may establish an individual development account only for a purpose approved by a fiduciary organization. Purposes that the fiduciary organization may approve are:

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

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

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

(d) The purchase of a primary residence. In addition to payment on the

1 purchase price of the residence, account moneys may be used to pay any
2 usual or reasonable settlement, financing or other closing costs. The account
3 holder must not have owned or held any interest in a residence during the
4 three years prior to making the purchase. However, this three-year period
5 shall not apply to displaced homemakers, individuals who have lost home
6 ownership as a result of divorce or owners of manufactured homes.

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

13 (f) The capitalization of a small business. Account moneys may be used
14 for capital, plant, equipment and inventory expenses and to hire employees
15 upon capitalization of the small business, or for working capital pursuant to
16 a business plan. The business plan must have been developed by a financial
17 institution, nonprofit microenterprise program or other qualified agent dem-
18 onstrating business expertise and have been approved by the fiduciary or-
19 ganization. The business plan must include a description of the services or
20 goods to be sold, a marketing plan and projected financial statements.

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

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

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

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

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

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

(m) The replacement of a primary residence when replacement offers significant opportunity to improve habitability or energy efficiency.

(n) The establishment of savings for emergency expenses to promote financial stability and to protect existing assets. As used in this paragraph, "emergency expenses" includes expenses for extraordinary medical costs, during periods of unanticipated unemployment or other unexpected and substantial personal expenses that would significantly impact the account holder's noncash assets, health, housing or standard of living if not promptly addressed.

(2)(a) *[If an emergency occurs,]* An account holder may withdraw all or part of the account holder's deposits to an individual development account for *[a purpose not described in subsection (1) of this section. As used in this paragraph, "emergency" includes making payments for necessary medical expenses, to avoid eviction of the account holder from the account holder's residence and for necessary living expenses following a loss of employment.]*
emergency expenses as defined in subsection (1)(n) of this section, without regard to whether the account was established for emergency savings.

(b) The account holder must reimburse *[the account]* **an account estab-**

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

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

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

(A) For an account established for the purpose set forth in subsection
 (1)(c) of this section, by rolling over the entire withdrawal amount, not to
 exceed the limit established pursuant to ORS 178.335, into one or more of the
 savings network accounts for higher education under ORS 178.300 to 178.360,
 the establishment of which is the purpose of the individual development ac-
 count; or

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

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

(c) The rollover of moneys into a savings network account for higher ed-

ucation under this subsection may not cause the amount in the savings net-work account for higher education to exceed the limit on total contributions established pursuant to ORS 178.335.

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

(5) If an account holder moves from the area where the program is conducted or is otherwise unable to continue in the program, the fiduciary organization may remove the account holder from the program.

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

RACE AND ETHNICITY DATA COLLECTION AND REPORTING DURING COVID-19 PANDEMIC

SECTION 37. (1) As used in this section:

(a) "COVID-19" means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(b) "Encounter" means an interaction between a patient, or the patient's legal representative, and a health care provider, whether that interaction is in person or through telehealth, including messaging through an online platform, for the purpose of the provision of health care services related to COVID-19, including but not limited to ordering a COVID-19 test.

(c) "Health care provider" means any of the following:

(A) An individual licensed by any of the following health professional regulatory boards:

(i) State Board of Examiners for Speech-Language Pathology and

Audiology;

(ii) State Board of Chiropractic Examiners;

(iii) State Board of Licensed Social Workers;

(iv) Oregon Board of Licensed Professional Counselors and Therapists;

(v) Oregon Board of Dentistry;

(vi) State Board of Massage Therapists;

(vii) Oregon Board of Naturopathic Medicine;

(viii) Oregon State Board of Nursing;

(ix) Oregon Board of Optometry;

(x) State Board of Pharmacy;

(xi) Oregon Medical Board;

(xii) Occupational Therapy Licensing Board;

(xiii) Oregon Board of Physical Therapy;

(xiv) Oregon Board of Psychology; and

(xv) Board of Medical Imaging.

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

(C) A clinical laboratory licensed under ORS 438.110.

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

(2) A health care provider must:

(a) During an encounter, collect data on race, ethnicity, preferred spoken and written languages, English proficiency, interpreter needs and disability status pursuant to the standards adopted by the authority under ORS 413.161.

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

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

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

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

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

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

8 (c) Establishing the manner of reporting.

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

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

14 (a) A health professional regulatory board with jurisdiction over the
15 health care provider.

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

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

19 SECTION 38. Section 39 of this 2020 special session Act is added to
20 and made a part of the Insurance Code.

21 SECTION 39. A person may not use the information required to be
22 collected under section 37 of this 2020 special session Act to reject,
23 deny, limit, cancel, refuse to renew, increase the rates of, affect the
24 terms and conditions of or otherwise affect:

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

26 (2) Any policy of insurance.

27 SECTION 40. Sections 37 to 39 of this 2020 special session Act are
28 repealed on the date that is 270 days after the date on which the dec-
29 laration of a state of emergency issued by the Governor on March 8,
30 2020, and any extension of the declaration, is no longer in effect.

CAPTIONS

SECTION 41. The unit captions used in this 2020 special session Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2020 special session Act.

EMERGENCY CLAUSE

SECTION 42. This 2020 special session Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2020 special session Act takes effect on its passage.
