

Requested by JOINT COMMITTEE ON THE FIRST SPECIAL SESSION OF 2020

**PROPOSED AMENDMENTS TO
HOUSE BILL 4212**

1 On page 2 of the printed bill, delete lines 21 through 24.

2 In line 25, delete “(5)” and insert “(4)”.

3 In line 31, delete “(6)” and insert “(5)”.

4 In line 34, delete “(7)” and insert “(6)”.

5 In line 42, delete “(8)” and insert “(7)”.

6 On page 3, line 1, delete “(9)” and insert “(8)”.

7 Delete lines 14 through 45 and delete page 4.

8 On page 5, delete lines 1 through 41 and insert:

9 **“SECTION 3.** ORS 18.784 is amended to read:

10 “18.784. (1) Except as provided in subsection (6) of this section, if a writ
11 of garnishment is delivered to a financial institution that has an account of
12 the debtor, the financial institution shall conduct a garnishment account
13 review of all accounts in the name of the debtor before taking any other
14 action that may affect funds in those accounts. If the financial institution
15 determines from the garnishment account review that one or more payments
16 described in subsection (3) of this section were deposited in an account of
17 the debtor by direct deposit or electronic payment during the lookback pe-
18 riod described in subsection (2) of this section, an amount equal to the lesser
19 of the sum of those payments or the total balance in the debtor’s account is
20 not subject to garnishment.

21 “(2)(a) The provisions of this section apply [*only*] to payments described

1 in subsection (3)(a) to (f) of this section that are deposited during the
2 lookback period that ends on the day before the day on which the
3 garnishment account review is conducted and begins on:

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

7 “[b)] (B) If there is no day as described in [paragraph (a) of this sub-
8 section,] **subparagraph (A) of this paragraph**, the last day of the second
9 calendar month preceding the month in which the garnishment account re-
10 view is conducted.

11 **“(b) The provisions of this section apply to payments described in**
12 **subsection (3)(g) of this section that are deposited during the lookback**
13 **period that ends on the day before the day on which the garnishment**
14 **account review is conducted and begins on March 8, 2020.**

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

16 “(a) Federal benefit payments;

17 “(b) Payments from a public or private retirement plan as defined in ORS
18 18.358;

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

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

23 “(e) Black lung benefits payments from the United States Department of
24 Labor; [and]

25 “(f) Workers’ compensation payments from a workers’ compensation
26 carrier[.]; **and**

27 **“(g) Recovery rebate payments made under section 2201(a) of the**
28 **Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136)**
29 **deposited in an account of the debtor at any time, unless:**

30 **“(A) The writ of garnishment is issued to collect:**

1 “(i) A judgment in a criminal action that requires the defendant to
2 pay restitution; or

3 “(ii) A civil judgment against a person who has been convicted of
4 a crime if the civil judgment is based on the same underlying facts as
5 the conviction; and

6 “(B) The writ of garnishment contains the following statement:
7 ‘This Garnishment Has Been Issued to Collect a Criminal Money
8 Judgment that Awards Restitution or a Civil Judgment Based on a
9 Criminal Offense.’

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

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

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

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

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

1 session Act, is amended to read:

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

13 “(2)[(a)] The provisions of this section apply **only** to payments described
14 in subsection (3)[(a) to (f)] of this section that are deposited during the
15 lookback period that ends on the day before the day on which the
16 garnishment account review is conducted and begins on:

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

20 “[B] (b) If there is no day as described in [*subparagraph (A) of this*
21 *paragraph,*] **paragraph (a) of this subsection**, the last day of the second
22 calendar month preceding the month in which the garnishment account re-
23 view is conducted.

24 “[*(b) The provisions of this section apply to payments described in sub-*
25 *section (3)(g) of this section that are deposited during the lookback period that*
26 *ends on the day before the day on which the garnishment account review is*
27 *conducted and begins on March 8, 2020.*]

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

29 “(a) Federal benefit payments;

30 “(b) Payments from a public or private retirement plan as defined in ORS

1 18.358;

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

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

6 “(e) Black lung benefits payments from the United States Department of
7 Labor; **and**

8 “(f) Workers’ compensation payments from a workers’ compensation
9 carrier[; *and*].

10 “[g] *Recovery rebate payments made under section 2201(a) of the*
11 *Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) deposited*
12 *in an account of the debtor at any time, unless:]*

13 “[A] *The writ of garnishment is issued to collect:]*

14 “[i] *A judgment in a criminal action that requires the defendant to pay*
15 *restitution; or]*

16 “[ii] *A civil judgment against a person who has been convicted of a crime*
17 *if the civil judgment is based on the same underlying facts as the conviction;*
18 *and]*

19 “[B] *The writ of garnishment contains the following statement: ‘This*
20 *Garnishment Has Been Issued to Collect a Criminal Money Judgment that*
21 *Awards Restitution or a Civil Judgment Based on a Criminal Offense’.]*

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

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

1 garnishment.

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

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

12 **“SECTION 5. (1) The amendments to ORS 18.784 by section 4 of this**
13 **2020 special session Act become operative on September 30, 2020.**

14 **“(2) The amendments to ORS 18.784 by section 3 of this 2020 special**
15 **session Act apply to garnishments issued on or before the operative**
16 **date specified in subsection (1) of this section.”.**

17 Delete pages 6 and 7 and insert:

18 **“SECTION 6. (1)(a) Notwithstanding any other statute or rule to the**
19 **contrary, during the time in which any declaration of a state of**
20 **emergency issued by the Governor related to COVID-19, and any ex-**
21 **ension of the declaration, is in effect, and continuing for 60 days after**
22 **the declaration and any extension is no longer in effect, and upon a**
23 **finding of good cause, the Chief Justice of the Supreme Court may**
24 **extend or suspend any time period or time requirement established by**
25 **statute or rule that:**

26 **“(A) Applies in any case, action or proceeding after the case, action**
27 **or proceeding is initiated in any circuit court, the Oregon Tax Court,**
28 **the Court of Appeals or the Supreme Court;**

29 **“(B) Applies to the initiation of an appeal to the magistrate division**
30 **of the Oregon Tax Court or an appeal from the magistrate division to**

1 the regular division;

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

4 “(D) Applies to the initiation of any type of case or proceeding in
5 the Supreme Court.

6 “(b) The Chief Justice may extend or suspend a time period or time
7 requirement under this subsection notwithstanding the fact that the
8 date of the time period or time requirement has already passed as of
9 the effective date of this 2020 special session Act.

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

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

25 “(3)(a) Notwithstanding ORS 136.290 and 136.295, and subject to
26 paragraph (b) of this subsection, during the time in which any decla-
27 ration of a state of emergency issued by the Governor related to
28 COVID-19, and any extension of the declaration, is in effect, and con-
29 tinuing for 60 days after the declaration and any extension is no longer
30 in effect, the presiding judge of a circuit court may, upon the motion

1 of a party or its own motion, and upon a finding of good cause, order
2 an extension of custody and postponement of the date of the trial be-
3 yond the time limits described in ORS 136.290 and 136.295.

4 “(b) Notwithstanding paragraph (a) of this subsection, for a de-
5 fendant to whom ORS 136.290 and 136.295 applies, the presiding judge
6 may not extend custody and postpone the defendant’s trial date if, as
7 a result, the defendant will be held in custody before trial for more
8 than a total of 180 days, unless the court holds a hearing and proceeds
9 as follows:

10 “(A) If the defendant is charged with a violent felony, the court
11 may deny release upon making the findings described in ORS 135.240
12 (4), notwithstanding the fact that a court did not previously make
13 such findings; or

14 “(B) If the defendant is charged with a person crime, the court may
15 set a trial date that results in the defendant being held in custody
16 before trial for more than a total of 180 days, but not more than a total
17 of 240 days, if the court:

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

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

28 “(c) The result of a hearing held pursuant to this subsection does
29 not affect the ability of a party to request a modification of the release
30 decision under ORS 135.285.

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

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

9 “(f) As used in this subsection:

10 “(A) ‘Good cause’ means situations described in ORS 136.295 (4)(b),
11 circumstances caused by the COVID-19 pandemic or public health
12 measures resulting from the COVID-19 pandemic.

13 “(B) ‘Person crime’ means a person felony or person Class A
14 misdemeanor, as those terms are defined in the rules of the Oregon
15 Criminal Justice Commission.

16 “(C) ‘Release decision’ has the meaning given that term in ORS
17 135.230.

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

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

1 an in-person hearing.

2 “(5) The Chief Justice may delegate the exercise of any of the
3 powers 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 On page 8, delete lines 41 through 45.

7 On page 9, delete lines 1 through 37 and insert:

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

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

17 **“(b) Will comply with applicable building codes;**

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

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

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

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

28 **“(2) An emergency shelter allowed under this section must be op-
29 erated by:**

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

1 **“(b) An organization with at least two years’ experience operating**
2 **an emergency shelter using best practices that is:**

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

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

5 **“(C) A public benefit corporation, as defined in ORS 65.001, whose**
6 **charitable purpose includes the support of homeless individuals and**
7 **that has been recognized as exempt from income tax under section**
8 **501(a) of the Internal Revenue Code on or before January 1, 2017; or**

9 **“(c) A nonprofit corporation partnering with any other entity de-**
10 **scribed in this subsection.**

11 **“(3) An emergency shelter approved under this section:**

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

13 **“(A) Showering or bathing;**

14 **“(B) Storage for personal property;**

15 **“(C) Laundry facilities;**

16 **“(D) Service of food prepared on-site or off-site;**

17 **“(E) Recreation areas for children and pets;**

18 **“(F) Case management services for housing, financial, vocational,**
19 **educational or physical or behavioral health care services; or**

20 **“(G) Any other services incidental to shelter.**

21 **“(b) May include youth shelters, veterans’ shelters, winter or**
22 **warming shelters, day shelters and family violence shelter homes as**
23 **defined in ORS 409.290.**

24 **“(4) An emergency shelter approved under this section may also**
25 **provide additional services not described in subsection (3) of this sec-**
26 **tion to individuals who are transitioning from unsheltered homeless**
27 **status. An organization providing services under this subsection may**
28 **charge a fee of no more than \$300 per month per client and only to**
29 **clients who are financially able to pay the fee and who request the**
30 **services.**

1 **“(5) The approval of an emergency shelter under this section is not**
2 **a land use decision and is subject to review only under ORS 34.010 to**
3 **34.100.**

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

6 **“SECTION 12a. The repeal of sections 10 and 11 of this 2020 special**
7 **session Act by section 12 of this 2020 special session Act does not affect**
8 **an application for the development of land for an emergency shelter**
9 **that was completed and submitted before the date of the repeal.”.**

10 On page 10, line 13, delete “shall” and insert “may”.

11 Delete lines 22 through 45 and insert:

12 **“NOTE: Section 18 was deleted by amendment. Subsequent sections were**
13 **not renumbered.”.**

14 On page 11, delete lines 1 and 2.

15 On page 16, delete lines 17 through 45 and insert:

16 **“NOTE: Section 33 was deleted by amendment. Subsequent sections were**
17 **not renumbered.”.**

18 On page 17, delete lines 1 through 17.

19 Delete lines 39 through 45 and delete pages 18 and 19.

20 On page 20, delete lines 1 and 2 and insert:

21 **“SECTION 36. ORS 458.685 is amended to read:**

22 **“458.685. (1) A person may establish an individual development account**
23 **only for a purpose approved by a fiduciary organization. Purposes that the**
24 **fiduciary organization may approve are:**

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

26 **“(b) If the account holder has established the account for the benefit of**
27 **a household member who is under the age of 18 years, the payment of ex-**
28 **tracurricular nontuition expenses designed to prepare the member for post-**
29 **secondary education or job training.**

30 **“(c) If the account holder has established a savings network account for**

1 higher education under ORS 178.300 to 178.360 on behalf of a designated
2 beneficiary, the funding of qualified higher education expenses as defined in
3 ORS 178.300 by one or more deposits into a savings network account for
4 higher education on behalf of the same designated beneficiary.

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

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

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

26 “(g) Improvements, repairs or modifications necessary to make or keep the
27 account holder’s primary dwelling habitable, accessible or visitable for the
28 account holder or a household member. This paragraph does not apply to
29 improvements, repairs or modifications made to a rented primary dwelling
30 to achieve or maintain a habitable condition for which ORS 90.320 (1) places

1 responsibility on the landlord. As used in this paragraph, ‘accessible’ and
2 ‘visitable’ have the meanings given those terms in ORS 456.508.

3 “(h) The purchase of equipment, technology or specialized training re-
4 quired to become competitive in obtaining or maintaining employment or to
5 start or maintain a business, as specified in the account holder’s personal
6 development plan for increasing the independence of the person.

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

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

13 “(k) The payment of debts owed for educational or medical purposes when
14 the account holder is saving for another allowable purpose, as specified in
15 the account holder’s personal development plan for increasing the independ-
16 ence of the person.

17 “(L) The creation or improvement of a credit score by obtaining a secured
18 loan or a financial product that is designed to improve credit, as specified
19 in the account holder’s personal development plan for increasing the inde-
20 pendence of the person.

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

23 “(n) **The establishment of savings for emergency expenses to pro-**
24 **mote financial stability and to protect existing assets. As used in this**
25 **paragraph, ‘emergency expenses’ includes expenses for extraordinary**
26 **medical costs or other unexpected and substantial personal expenses**
27 **that would significantly impact the account holder’s noncash assets,**
28 **health, housing or standard of living if not promptly addressed.**

29 “(2)(a) [*If an emergency occurs,*] An account holder may withdraw all or
30 part of the account holder’s deposits to an individual development account

1 for [a purpose not described in subsection (1) of this section. As used in this
2 paragraph, 'emergency' includes making payments for necessary medical ex-
3 penses, to avoid eviction of the account holder from the account holder's resi-
4 dence and for necessary living expenses following a loss of employment.]
5 **emergency expenses as defined in subsection (1)(n) of this section,**
6 **without regard to whether the account was established for emergency**
7 **savings.**

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

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

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

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

1 count; or

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

6 “(b) Upon withdrawal of all moneys in the individual development ac-
7 count as provided in paragraph (a) of this subsection, the account relation-
8 ship shall terminate.

9 “(c) The rollover of moneys into a savings network account for higher
10 education under this subsection may not cause the amount in the savings
11 network account for higher education to exceed the limit on total contribu-
12 tions established pursuant to ORS 178.335.

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

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

19 “(6) If an account holder is removed from the program under subsection
20 [(2),] (3) or (5) of this section, all matching deposits in the account and all
21 interest earned on matching deposits shall revert to the fiduciary organiza-
22 tion. The fiduciary organization shall use the reverted funds as a source of
23 matching deposits for other accounts.”.

24 Delete lines 4 through 45 and insert:

25 “**NOTE:** Sections 37 through 39 were deleted by amendment. Subsequent
26 sections were not renumbered.”.

27 On page 21, delete lines 1 through 26.

28 Delete lines 31 through 45 and delete page 22.

29 On page 23, delete line 1 and insert:

30 “**SECTION 40. (1) As used in this section:**

1 “(a) ‘COVID-19’ means a disease caused by the severe acute respir-
2 atory syndrome coronavirus 2 (SARS-CoV-2).

3 “(b) ‘Encounter’ means an interaction between a patient, or the
4 patient’s legal representative, and a health care provider, whether that
5 interaction is in person or through telemedicine, for the purpose of
6 providing health care services related to COVID-19, including but not
7 limited to ordering or performing a COVID-19 test.

8 “(c) ‘Health care provider’ means:

9 “(A) An individual licensed or certified by the:

10 “(i) State Board of Examiners for Speech-Language Pathology and
11 Audiology;

12 “(ii) State Board of Chiropractic Examiners;

13 “(iii) State Board of Licensed Social Workers;

14 “(iv) Oregon Board of Licensed Professional Counselors and Thera-
15 pists;

16 “(v) Oregon Board of Dentistry;

17 “(vi) State Board of Massage Therapists;

18 “(vii) Oregon Board of Naturopathic Medicine;

19 “(viii) Oregon State Board of Nursing;

20 “(ix) Oregon Board of Optometry;

21 “(x) State Board of Pharmacy;

22 “(xi) Oregon Medical Board;

23 “(xii) Occupational Therapy Licensing Board;

24 “(xiii) Oregon Board of Physical Therapy;

25 “(xiv) Oregon Board of Psychology; or

26 “(xv) Board of Medical Imaging;

27 “(B) An emergency medical services provider licensed by the Oregon
28 Health Authority under ORS 682.216;

29 “(C) A clinical laboratory licensed under ORS 438.110; and

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

1 “(d) ‘Telemedicine’ means the delivery of a health service through
2 a two-way communication medium, including but not limited to tele-
3 phone, Voice over Internet Protocol, transmission of telemetry or any
4 Internet or electronic platform that allows a provider to interact in
5 real time with a patient, a parent or guardian of a patient or another
6 provider acting on a patient’s behalf.

7 “(2) The authority shall adopt rules:

8 “(a) Requiring a health provider to:

9 “(A) Collect encounter data on race, ethnicity, preferred spoken and
10 written language, English proficiency, interpreter needs and disability
11 status in accordance with the standards adopted by the authority un-
12 der ORS 413.161; and

13 “(B) Report the data in accordance with rules adopted under ORS
14 433.004 for the reporting of diseases.

15 “(b) Prescribing the manner of reporting.

16 “(c) Ensuring, to the extent practicable, that the data collected and
17 reported under this section by health care providers is not duplicative.

18 “(d) Establishing phased in deadlines for the collection of data un-
19 der this section, beginning no later than October 1, 2020.

20 “(3) The authority may provide incentives to health care providers
21 and facilities to help defer the costs of making changes to electronic
22 health records or similar systems.

23 “(4) Data collected by health care providers under this section is
24 confidential and subject to disclosure only in accordance with the
25 federal Health Insurance Portability and Accountability Act privacy
26 regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or other
27 state or federal laws limiting the disclosure of health information.

28 “SECTION 41. Section 40 of this 2020 special session Act may be
29 enforced by any means permitted under the law by:

30 “(1) A health professional regulatory board specified in section 40

1 of this 2020 special session Act with respect to a provider under the
2 jurisdiction the board.

3 “(2) The Oregon Health Authority or the Department of Human
4 Services with regard to health care facilities under each agency’s re-
5 spective jurisdiction.

6 “(3) The authority with regard to emergency medical services pro-
7 viders licensed under ORS 682.216 and clinical laboratories licensed
8 under ORS 438.110.

9 “SECTION 41a. Section 40 of this 2020 special session Act is amended
10 to read:

11 “**Sec. 40.** (1) As used in this section:

12 “(a) ‘COVID-19’ means a disease caused by the severe acute respiratory
13 syndrome coronavirus 2 (SARS-CoV-2).

14 “(b) ‘Encounter’ means an interaction between a patient, or the patient’s
15 legal representative, and a health care provider, whether that interaction is
16 in person or through telemedicine, for the purpose of providing health care
17 services related to COVID-19, including but not limited to ordering or per-
18 forming a COVID-19 test.

19 “(c) ‘Health care provider’ means:

20 “(A) An individual licensed or certified by the:

21 “(i) State Board of Examiners for Speech-Language Pathology and
22 Audiology;

23 “(ii) State Board of Chiropractic Examiners;

24 “(iii) State Board of Licensed Social Workers;

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

26 “(v) Oregon Board of Dentistry;

27 “(vi) State Board of Massage Therapists;

28 “(vii) Oregon Board of Naturopathic Medicine;

29 “(viii) Oregon State Board of Nursing;

30 “(ix) Oregon Board of Optometry;

1 “(x) State Board of Pharmacy;
2 “(xi) Oregon Medical Board;
3 “(xii) Occupational Therapy Licensing Board;
4 “(xiii) Oregon Board of Physical Therapy;
5 “(xiv) Oregon Board of Psychology; or
6 “(xv) Board of Medical Imaging;
7 “(B) An emergency medical services provider licensed by the Oregon
8 Health Authority under ORS 682.216;
9 “(C) A clinical laboratory licensed under ORS 438.110; and
10 “(D) A health care facility as defined in ORS 442.015.
11 “(d) ‘Telemedicine’ means the delivery of a health service through a two-
12 way communication medium, including but not limited to telephone, Voice
13 over Internet Protocol, transmission of telemetry or any Internet or elec-
14 tronic platform that allows a provider to interact in real time with a patient,
15 a parent or guardian of a patient or another provider acting on a patient’s
16 behalf.
17 “(2) The authority shall adopt rules:
18 “(a) Requiring a health provider to:
19 “(A) Collect encounter data on race, ethnicity, preferred spoken and
20 written language, English proficiency, interpreter needs and disability status
21 in accordance with the standards adopted by the authority under ORS
22 413.161; and
23 “(B) Report the data in accordance with rules adopted under ORS 433.004
24 for the reporting of diseases.
25 “(b) Prescribing the manner of reporting.
26 “(c) Ensuring, to the extent practicable, that the data collected and re-
27 ported under this section by health care providers is not duplicative.
28 “[(d) *Establishing phased in deadlines for the collection of data under this*
29 *section, beginning no later than October 1, 2020.*]
30 “(3) The authority may provide incentives to health care providers and

1 facilities to help defer the costs of making changes to electronic health re-
2 cords or similar systems.

3 “(4) Data collected by health care providers under this section is confi-
4 dential and subject to disclosure only in accordance with the federal Health
5 Insurance Portability and Accountability Act privacy regulations, 45 C.F.R.
6 parts 160 and 164, ORS 192.553 to 192.581 or other state or federal laws lim-
7 iting the disclosure of health information.

8 **“SECTION 41b. (1) Section 41 of this 2020 special session Act be-
9 comes operative on December 31, 2020.**

10 **(2) The amendments to section 40 of this 2020 special session Act
11 by section 41a of this 2020 special session Act become operative on
12 December 31, 2021.**

13 **“SECTION 42. Section 43 of this 2020 special session Act is added to
14 and made a part of the Insurance Code.**

15 **“SECTION 43. An insurer transacting insurance in this state may
16 not consider any information collected and reported under section 40
17 of this 2020 special session Act to:**

18 **“(1) Deny, limit, cancel, rescind or refuse to renew a policy of in-
19 surance;**

20 **“(2) Establish premium rates for a policy of insurance; or**

21 **“(3) Establish the terms and conditions of a policy of insurance.**

22

23 **“PHYSICIAN ASSISTANTS**

24

25 **“SECTION 44. Section 45 of this 2020 special session Act is added to
26 and made a part of ORS 677.495 to 677.535.**

27 **“SECTION 45. (1) Notwithstanding any other provision of ORS
28 677.495 to 677.535, a physician assistant may, without entering into a
29 practice agreement, perform services and provide patient care within
30 the physician assistant’s scope of practice in accordance with sub-**

1 section (2) of this section.

2 “(2) A physician assistant may perform services and provide patient
3 care as described in subsection (1) of this section only in compliance
4 with guidelines and standards established by one or more supervising
5 physicians.

6 “(3) A physician assistant who performs services and provides pa-
7 tient care under this section is exempt from any chart review and
8 onsite supervision requirements described in ORS 677.495 to 677.535 or
9 rules adopted by the Oregon Medical Board pursuant to ORS 677.495
10 to 677.535.

11 “(4) The board may adopt rules to carry out this section.

12 **“SECTION 46. (1) As used in this section:**

13 **“(a) ‘Physician assistant’:**

14 **“(A) Has the meaning given that term in ORS 677.495; and**

15 **“(B) Means a person licensed to practice as a physician assistant in
16 another state or territory of the United States.**

17 **“(b) ‘Telehealth’ means the use of electronic and telecommuni-
18 cations technologies to provide health care services.**

19 **“(2) A physician assistant may use telehealth to perform services
20 for and provide patient care to a patient who is located across state
21 lines from the physician assistant if the services and patient care are
22 within the physician assistant’s scope of practice.**

23 **“(3) The Oregon Medical Board may adopt rules to carry out this
24 section.**

25 **“SECTION 47. Sections 45 and 46 of this 2020 special session Act are
26 repealed on the date on which the declaration of a state of emergency
27 issued by the Governor on March 8, 2020, and any extension of the
28 declaration, is no longer in effect.”.**

29 In line 5, delete “44” and insert “48”.

30 In line 11, delete “45” and insert “49”.

