

## ODOT Legislative Summary for the 2020 Special Sessions

### Transportation-related Measures<sup>1</sup>

#### **Senate Bill 1601**

**Effective Date: Upon Passage**

##### *STIF Funds Flexibility & Consolidation*

Senate Bill 1601 allows transit agencies to use current STIF funds (funded by payroll tax) to maintain existing services, and provides a mechanism to fully implement consolidation of two public transportation programs as contemplated, but not ultimately passed, during the 2020 regular session. Under Senate Bill 1601, transit agencies must still prioritize expanding, enhancing, and connecting service after the current pandemic subsidies and operations return to normal.

##### *Immunity for Expired DMV Credentials*

Senate Bill 1601 prohibits a law enforcement officer from issuing a citation for certain traffic offenses based on a DMV-issued credential that expired between March 1, 2020 and December 31, 2020. As DMV field offices were unable to process non-commercial transactions due to the pandemic, many Oregonians have expired driver licenses, permits, and vehicle registrations. In addition to prohibiting law enforcement officers from issuing these citations, Senate Bill 1601 directs courts to dismiss any improperly issued citations.

#### **House Bill 4210**

**Effective Date: Upon Passage**

##### *Elimination of Driver License Suspension for Failure to Comply*

Current law allows courts to suspend or place restrictions on a person's driving privileges for failure to pay a fine related to a traffic infraction (known as Failure to Comply or FTC). House Bill 4210 eliminates the FTC suspension, allowing individuals to maintain driving privileges and freeing up DMV resources to focus on other transactions. A similar bill was considered, but not ultimately passed, during the 2020 legislative session.

### COVID-19 Consumer Protection Measures

#### **House Bill 4204**

**Effective Date: Upon Passage**

House Bill 4204 establishes temporary limitations on lenders' ability to enforce default remedies on obligations secured by mortgages, trust deeds, land sale contracts or other instruments.

#### **House Bill 4213**

**Effective Date: Upon Passage**

House Bill 4213 prohibits residential and commercial evictions under specified conditions during emergency period.

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<sup>1</sup> Only two measures during the 1<sup>st</sup> 2020 special session related to transportation policy. The remaining measures were outside the scope of transportation policy, but are included in here to provide additional context.

## General COVID-19 Measures

### **Senate Bill 1606**

**Effective Date: Upon Passage**

Senate Bill 1606 prohibits hospitals from denying treatment without advance directive.

### **House Bill 4206**

**Effective Date: January 1, 2021**

House Bill 4206 authorizes the Oregon Department of Agriculture to establish a program for the inspection of the processing and sale of meat products from amenable species, including but not limited to cattle and sheep.

### **House Bill 4212**

**Effective Date: Upon Passage**

House Bill 4212 makes a variety of statutory changes in response to the COVID-19 pandemic:

- Authorizes local governments and special government bodies, excluding the State of Oregon, to conduct public meetings using telephone or video conferencing technology or through other electronic or virtual means;
- Protects payments received by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act from garnishment;
- Provides flexibility to the Chief Justice to extend or suspend time period requirements relating to the initiation of a court case or proceeding during the Governor's declared state of emergency;
- Makes statutory exceptions and requires local governments to approve "emergency shelter" if certain conditions are met;
- Establishes a pilot program for remote notarization services;
- Extends the termination of some Enterprise Zones from June 30, 2020 to December 31, 2020;
- Permits the use of an Individual Development Account (IDA) for establishing emergency savings, and allows funds in an IDA to be withdrawn for emergency expenses;
- Requires licensed or certified health care providers to collect data on race, ethnicity, preferred spoken and written languages, English proficiency, interpreter needs, and disability status during the provision of health services related to COVID-19; and
- Allows physician assistants to provide patient care services within the scope of practice without entering into a practice agreement and with specified supervision requirements.

## Police Accountability Measures

### **Senate Bill 1604**

**Effective Date: Upon Passage**

Senate Bill 1604 restricts an arbitrator from ordering disciplinary action for law enforcement misconduct which differs from the law enforcement agency if both find the same misconduct occurred and discipline imposed by agency is consistent with discipline guidelines.

### **House Bill 4201**

**Effective Date: Upon Passage**

House Bill 4201 requires law enforcement agency to notify the Attorney General when a police officer uses physical force resulting in death or qualifying physical injury.

**House Bill 4203**

**Effective Date: Upon Passage**

House Bill 4201 stipulates that a peace officer may not use force that limits ability of person to breathe, including but not limited to choke holds.

**House Bill 4205**

**Effective Date: Upon Passage**

House Bill 4205 requires the Oregon Department of Public Safety Standards and Training to adopt rules requiring police officers to intervene to stop another officer from engaging in an act that is unethical or that violates law, rules or, policy.

**House Bill 4207**

**Effective Date: Upon Passage**

House Bill 4207 requires the Oregon Department of Public Safety Standards and Training to establish a statewide database of police officer discipline records.

**House Bill 4208**

**Effective Date: Upon Passage**

House Bill 4208 prohibits law enforcement agencies from using tear gas or from using long range acoustic devices or sound cannons.

**Budget & Miscellaneous Measures**

**Senate Bill 5711**

**Effective Date: Upon Passage**

Senate Bill 5711 appropriates moneys from General Fund to various state agencies for the implementation of measures passed during the special session. This includes:

- \$175,000 to the Office of the Governor for expenses related to forest mediation sessions
- \$844,545, and a \$70,362 Other Funds limitation, to the State Forestry Department for expenses related to notifications for pesticide application by helicopter to forestland
- \$237,648 to the Department of Agriculture for the establishment of a state inspection program for the processing and sale of meat products
- \$190,964, and a \$119,328 Other Funds limitation, to the Department of Human Services for licensing and monitoring out-of-state placements and covering service payments

**Senate Bill 1602**

**Effective Date: Upon Passage**

Senate Bill 1602 requires Governor to facilitate mediation sessions between the forest industry and environmental interest representatives.

### **Senate Bill 1603**

**Effective Date: September 25, 2020 (91<sup>st</sup> day following adjournment Sine Die)**

Senate Bill 1603 modifies the definition of retail telecommunications services to include commercial mobile radio services, and interconnected voice over internet protocol services, making them subject to the universal service surcharge. In addition, the measure also continually appropriates money in the fund to Business Oregon to establish a program for providing grants and loans for rural broadband service infrastructure projects.

### **Senate Bill 1605**

**Effective Date: Upon Passage**

Senate Bill 1605 modifies the Oregon Promise program to extend eligibility to certain Oregon foster children who attain their highest level of education while in out-of-state placements. The measure authorizes the Oregon Department of Human Services to temporarily close at screening, reports of third-party child abuse.

### **Senate Bill 1607**

**Effective Date: Upon Passage**

Senate Bill 1607 extends the ability for small school districts to receive grants under the Small School District Supplemental Fund, until July 1, 2021. The measure extends the sunset for foreign exchange students residing in school district dormitories to be considered residents for funding purposes, until July 1, 2021.

### **House Bill 4202**

**Effective Date: September 25, 2020 (91<sup>st</sup> day following adjournment Sine Die)**

House Bill 4202 makes a series of technical and policy clarifications to the Corporate Activity Tax.

### **House Bill 4209**

**Effective Date: Upon Passage**

House Bill 4209 allows Eastern Oregon Border Economic Development Board to enter into agreement with a third-party administrator to operate programs for awarding grants and making loans that enhance and expand workforce and economic development.

### **House Bill 4211**

**Effective Date: Upon Passage**

House Bill 4211 clarifies the timing of transfers made by the Oregon Department of Education from the Fund for Student Success.

### **House Bill 4214**

**Effective Date: January 1, 2021**

House Bill 4214 modifies Oregon statute to align with the requirements of the federal Indian Child Welfare Act.

## ODOT Legislative Summary for the Second Special Session of 2020

### Budget-related Measures

#### **Senate Bill 5721**

**Effective Date: Upon Passage**

Senate Bill 5721 is the state's bonding authority bill. The measure makes adjustments to both general obligation and revenue bonds for a variety of projects across state government. Adjustments include a net increase of \$193,505,000 in general obligation bonds, and a net increase of \$244,570,000 in revenue bonds.

#### **Senate Bill 5722**

**Effective Date: Upon Passage**

##### *Capital Construction*

Senate Bill 5722 is an omnibus state capital construction bill to adjust state agencies' capital construction budgets. ODOT's capital construction adjustments include:

- A reduction for the Central Coast Maintenance Station project of \$6,116,733, to a total limitation of \$1,883,267.
- Reduction for the Toledo Maintenance Station Phase 1 project of \$6,080,124, to a total limitation of \$219,876.

#### **Senate Bill 5723**

**Effective Date: Upon Passage**

##### *Expenditure Limitation Adjustments*

Senate Bill 5723 is an omnibus state budget rebalance bill to adjust state agencies' budgets in light of recent revenue and expenditure impacts caused by the COVID-19 pandemic. ODOT's budget adjustments include:

- DMV
  - An expenditure limitation increase of \$6,131,433 for costs associated with the implementation of Real ID, and public outreach and engagement services for HB 2015 (2019).
  - An expenditure limitation increase of \$2,741,953 for costs related to the COVID-19 pandemic, including costs for overtime and hiring temporary employees to address a transaction backlog caused by field office closures; as well as costs for personal protective equipment and additional sanitizing supplies.
- Public Transit
  - An expenditure limitation increase of \$42,700,000 for the distribution of federal CARES Act money to support local public transit systems.
  - The establishment of a \$500,000 Lottery Fund expenditure limitation for the transfer of Lottery Funds from the Oregon Department of Veterans Affairs to ODOT for administration of the Veterans Rural Transportation Grant.
- Commerce and Compliance
  - A Federal Funds expenditure limitation increase of \$4,000,000 for federal formula funds in support of enforcement of state laws related to commercial trucks.

- Policy, Data, and Analysis
  - An adjustment was made to reflect a change in the source of funding for the Coos Bay Rail Line Repairs and Bridge Replacement Project. This project will be funded from Connect Oregon, rather than lottery bonds, to provide a match for a \$20 million federal BUILD grant from the U.S. Department of Transportation (see House Bill 4304). Additional budgetary action and expenditure limitation adjustments will be made in future legislative sessions as appropriate.

The following budget note was included with Senate Bill 5723.

The Oregon Department of Transportation is directed to work with community-based organizations and other stakeholders to ensure broad community outreach and engagement related to implementation of HB 2015 (2019). The Department is further directed to use existing resources of up to \$500,000 for such outreach and to contract with one or more trusted community-based organizations with a track record of providing culturally competent and linguistically appropriate community outreach.

### **House Bill 4302**

**Effective Date: January 1, 2021**

House Bill 4302 makes adjustments to statutory limits on permitting fees charged by the Oregon Department of Geology and Mineral Industries (DOGAMI). These changes impact numerous fees for DOGAMI's Mined Land Regulation and Reclamation program, including the annual renewal tonnage fee, tonnage fee, the base fee for non-producing aggregate sites, and the annual base fee for producing aggregate sites.

### **House Bill 4303**

**Effective Date: Upon Passage**

House Bill 4303 authorizes the transfer of \$400 million from the Education Stability Fund to the State School Fund to assist in filling a budgetary gap from declining General Fund, Lottery Fund, and Fund for Student Success revenues. The measure maintains a \$9 billion State School Fund budget for 2019-21.

### **House Bill 4304**

**Effective Date: Upon Passage**

House Bill 4304 is the program change bill of the 2<sup>nd</sup> Special Session of 2020. The measure makes programmatic changes to align statutes with budgetary actions taken during the special session. Specific to ODOT, the measure directs the distribution of \$5 million in Connect Oregon Funding for the International Port of Coos Bay Rail Line Repairs and Bridge Replacement project. The measure requires the Port to submit to the Oregon Transportation Commission, no later than November 1, 2020, a plan certifying when and how the Port plans to spend the moneys for the project.

### **House Bill 5221**

**Effective Date: Upon Passage**

House Bill 5221 modifies the amount of lottery funds allocated from the Administrative Services Economic Development Fund, the Veterans' Services Fund, and the Criminal Fine Account, to various state agencies, in response to declining lottery revenues as a result of the COVID-19 pandemic.

## **Unemployment Insurance Measures**

### **Senate Bill 1701**

**Effective Date: Upon Passage**

Senate Bill 1701 makes modifications to unemployment insurance benefit calculations, and allows a person receiving benefits to earn in wages the greater of \$300 or one-third of their weekly benefit, before their benefit is reduced. This change applies to benefits payable beginning on or after the measure's effective date, and ends before January 1, 2022.

### **Senate Bill 1703**

**Effective Date: Upon Passage**

Senate Bill 1703 authorizes the Governor, during a statutorily declared emergency, to authorize the Director of the Department of Revenue (DOR) to share information from tax reports or tax returns with the Oregon Employment Department, if the DOR Director determines that the administration of any federal or state law or program requires the information to enable the agency to verify the identity and income of any person for the purposes or consequences related to the emergency.

## **Police Accountability Measures**

### **House Bill 4301**

**Effective Date: Upon Passage**

House Bill 4301 prohibits the use of physical force that impedes the normal breathing or circulation of blood of another person by applying pressure on the throat or neck, including in circumstances in which a peace officer may otherwise use deadly force under ORS 161.239; and specifies that these restrictions are not applicable in circumstances when physical force is justified under ORS 161.209.

## **Legislation Considered but Not Passed**

### **Senate Bill 1702**

Senate Bill 1702 would have allowed for unemployment insurance benefits to be paid to employees of public and non-profit educational institutions if higher education in roles other than instruction, research, or principal administration, for periods of unemployment between academic years or terms, and during customary vacation periods and holiday recesses.

The measure remained in the Joint Committee on The Second Special Session of 2020 upon adjournment sine die.

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