

City of Portland

First Special Session of 2020 Report



CITY OF PORTLAND COUNCIL

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Friday evening, June 26th, the Oregon legislature concluded the much-awaited Special Session addressing COVID-19 response, police reform, and a selection of bills addressing polices from the 2020 legislative session. The Joint Committee on First Special Session of 2020 considered a total of 26 bills over 3 days (including two days of interim committee meetings earlier in the week).

Considering the pandemic, the Legislature enacted new measures to protect the public health of legislators and staff, including face coverings, physical distancing, and remote public hearings. Further, the House instituted new physical distance voting protocols and limited the number of Representatives and staff that could be on the House floor during floor sessions. The intent of these changes was to protect legislators and staff from COVID-19, but this also had the effect of slowing down the legislative process. Notably the Capitol building was closed to the public, with only legislators and select staff allowed in the building.

Governor Brown held a press conference Saturday, June 27th to reflect on the Special Session, during which she stated her intent to reconvene the legislature for another Special Session by early August to balance the state budget. Shortfall projections for the current biennium are approximately \$2.7 billion.

Here is a summary of the bills passed in the Special Session:

POLICE ACCOUNTABILITY:

Led by the Oregon Legislature’s People of Color Caucus, six bills addressing police accountability and reform passed in the Special Session. Most were amended to include a preamble with “whereas” clauses that declare Black Lives Matter, detail current and historic experiences of Black and other Persons of Color in interactions with law enforcement officers, and proclaims that trust and transparency in the hiring of law enforcement officers is in the public interest, among other important statements. “Whereas” clauses are ultimately not included in state statute, however they are an important tool in declaring legislative intent and become part of the legislative record.

[SB 1604](#), a City priority for the past two legislative sessions ([SB 1567-A \(2020\)](#); [SB 383-A \(2019\)](#)), passed both chambers unanimously. The bill allows for consistent standards for police officer accountability and the disciplinary actions assigned by the Chief of Police. The bill requires a discipline matrix or guide to be collectively bargained, and prevents an arbitrator from overturning the discipline decision of a Chief of Police or Police Commissioner when certain criteria are met. Portland City Council provided [testimony in support](#) of SB 1604 and the other five police accountability bills.

As introduced, HB 4201 would have required the Attorney General to independently investigate use of force cases resulting in death or a qualifying physical injury. The [-1 amendment](#) replaced the content of the measure and creates a Joint Committee on Transparent Policing and Use of Force Reform to do further work on use of force. [HB 4201-A](#) was approved by the House 55-2 and the Senate 25-1.

[HB 4203-A](#) prohibits an officer from impeding the normal breathing or circulation of another person by applying pressure on the throat or neck (“chokehold”) unless use of deadly force was reasonably allowed under the law. The bill also directs the Board of Public Safety Standards and Training to adopt rules prohibiting training officers in chokeholds. HB 4203-A was approved by the House 52-5 and the Senate 25-1.

[HB 4205-A](#) requires law enforcement officers to intervene when another officer engages in misconduct and protects officers from retaliation for doing so. The report of misconduct must be made as soon as practicable, but no later than 72 hours from the incident. The bill was approved by the House 55-2 and the Senate unanimously.

[HB 4207-A](#) requires the Department of Public Safety Standards and Training to establish a statewide database of officers whose certifications have been revoked or suspended. The bill also requires law enforcement agencies to request and review an applicant's personnel files from their current or prior employing law enforcement agency during the hiring process. HB 4207-A passed the House 54-3 and the Senate 26-1.

[HB 4208-A](#) prohibits the use of tear gas by a law enforcement agency for crowd control, except during a riot. The bill requires an agency using tear gas during a riot to first announce the intent to use tear gas, give individuals enough time to evacuate area, and to then again announce the intent to use tear gas immediately before use. In its original form, the bill had also prohibited the use of long-range acoustic devices or sound cannons, but that element was amended out of the bill. HB 4208-A passed the House 53-4 and the Senate 25-2.

COVID-19 RESPONSE:

[SB 1606-A](#) prohibits hospitals from discriminating against individuals with a disability when seeking and accessing medical treatment. The bill also requires hospitals to allow patients to designate three support persons, including one who may be present at all times during the patient's hospital stay and also requires a hospital to ensure a designated support person is present for any discussion of hospice care, advance directives, or other discussion regarding life-sustaining procedures. SB 1606-A passed both chambers unanimously.

[HB 4204-A](#) extends a moratorium on foreclosures for all lenders of commercial and residential property through September 30th. The bill also establishes that a lender may not assess charges, fees, or penalties to borrowers during the emergency period. HB 4204-A was approved by the House 39-18 and the Senate 19-8.

[HB 4212-A](#) is the COVID-19 response omnibus package. The Joint Committee on the First Special Session of 2020 approved the bill 13-1 with nine amendments. Notably, one of the amendments removed the sections of the bill related to Low Income Utility Bill Assistance, Isolation Shelter Liability Limits, and Oregon OSHA Infectious Disease Standards. HB 4212-A passed the House 47-10 and the Senate 21-4. The bill covers:

- Local Government and Special Government Body Public Meetings and Operations (related to [EO 20-16](#))
- Garnishment Modifications (related to [EO 20-18](#))
- Judicial Proceeding Extensions and Electronic Appearances
- Emergency Shelter Provisions (similar to [HB 4001-C \(2020\)](#))
- Notarial Acts
- Enterprise Zone Termination Extensions
- Race and Ethnicity Data Collection and Reporting During COVID-19 Pandemic
- Scope of Practice for Physician Assistants

[HB 4213-A](#) temporarily restricts landlords from evicting tenants for failure to pay through September 30, 2020 and requires landlords to provide a six-month repayment period after the moratorium ends for a tenant to pay back missed rent payments. HB 4213-A passed the House 43-14 and the Senate 19-8.

OTHER LEGISLATION:

[SB 1601-A](#) creates a moratorium on law enforcement issuing citations for violations related to expired documents between March 1, 2020, and December 31, 2020, to accommodate individuals unable to procure the necessary documents or credentials from the Department of Motor Vehicles due to disruptions related to COVID-19. SB 1601-A passed the Senate unanimously and the House 55-2.

[SB 1602-A](#) requires Governor Brown to facilitate mediation sessions between environmental interests and forestry industry representatives in accordance with a [Memorandum of Understanding](#) announced on February 10th, 2020. To attain federal regulatory assurance for aquatic and riparian dependent species, the mediation will evaluate and recommend changes to the Oregon Forest Practices Act laws. The bill also sets notification requirements for pesticide application and sets limits for aerial spraying of pesticides on forestland. The bill passed the Senate 24-2 and the House unanimously.

[SB 1603](#), the Rural Telecommunications Investment Act, modifies the definition of retail communications, expanding the universal service surcharge to cellphone and Voice Over Internet Protocol (VOIP) service charges, in addition to telephone landlines. The bill also reduces the maximum surcharge from 8.5 percent to 6 percent and creates the Broadband Fund, administered by the Oregon Broadband Office, to provide grants and loans for broadband service infrastructure projects. The City of Portland signed on to a [coalition letter](#) in support. The bill passed the Senate 16-10 and the House 38-19.

[SB 1605](#) extends eligibility for the Oregon Promise program to certain Oregon foster children who attain their highest level of education while in out-of-state placements. The bill also permits the Department of Human Services (DHS) to temporarily close at screening reports of third-party child abuse in certain circumstances and directs DHS to report to the Legislative Assembly regarding child abuse reports closed at screening by November 15, 2020. SB 1605 pass both chambers unanimously.

[SB 1607](#) extends the sunset for small school districts to receive grants under the Small School District Supplemental Fund until July 1, 2021. The bill passed both chambers unanimously.

[SB 5711-A](#) allocates [funding](#) to the Governor's Office, Department of Human Services, Department of Agriculture, and Department of Forestry to implement the provisions of SB 1602, SB 1606, and HB 4206 (see above). To keep the state budget balanced, the bill shifts \$1,448,157 from the Emergency Board to cover these allocations. The bill passed the Senate 25-1 and the House unanimously.

[SCR 211](#) adjourned the 2020 First Special Session sine die and was adopted unanimously by both chambers.

[HB 4202](#) makes technical modifications to the Corporate Activity Tax established in the 2019 session. The changes in the bill do not modify the local preemption provisions or impact the Portland Clean Energy Surcharge. The bill passed the House unanimously and the Senate 26-1.

[HB 4206-A](#) authorizes the Oregon Department of Agriculture to establish a program for inspection, processing, and sale of meat. The bill passed both chambers unanimously.

[HB 4209](#) allows the Eastern Oregon Border Economic Development Board to operate programs under an agreement with a third-party administrator. The bill passed both chambers unanimously.

[HB 4210](#) is a redraft of HB 4065 from the 2020 legislative session and removes the authority of courts to impose driving privilege suspensions based on an individual's failure to pay traffic-related court fines. HB 4210 passed the House 44-13 and the Senate 20-7. Commissioner Eudaly previously provided a [letter](#) in support of HB 4065 (2020).

The Student Success Act (HB 3427, 2019) established a Fund for Student Success from the revenues received through the Corporate Activity Tax. Current law requires a one-time transfer from to the State School Fund. [HB 4211](#) is a technical fix that allows the Oregon Department of Education to transfer the funds periodically, instead of in one lump sum, if statutory amounts and percentages are met by the end of the biennium. The bill passed the House 52-5 and the Senate unanimously.

[HB 4214-A](#) aligns Oregon law regarding child custody proceedings with the requirements of the federal Indian Child Welfare Act and establishes provisions to maintain the cultural, tribal and family connections for Native children in Department of Human Services care. The bill passed both chambers unanimously.

[HCR 212](#) establishes deadlines for bills for the 2021 legislative session. For a bill to be pre-session filed, drafting requests for bills must be submitted by September 25, 2020 and bill drafts must be submitted by December 21, 2020. The resolution was adopted by the House 55-2 and the Senate 26-1.

