

## **FOREWORD**

### **OREGON LAWS 2020 (FIRST, SECOND AND THIRD SPECIAL SESSIONS)**

Oregon Laws (also known as session laws) are the bills of one session of the Legislative Assembly that are enacted into law. Bills that passed both the Senate and House of Representatives are submitted to the Governor for approval or disapproval. The Governor files each Act that the Governor signs, or allows to become law without signature, with the Secretary of State for enrolling and session law chapter number assignment. Acts that the Legislative Assembly refers to Oregon voters are filed directly with the Secretary of State for enrolling and session law chapter number assignment.

Session law chapter numbering for each legislative session begins with 1 and continues consecutively. Chapters are numbered in the order in which they are approved. State statutory initiative measures that are adopted by Oregon voters at a regular general election are assigned session law chapter numbers for the immediately following odd-numbered year regular session.

As published on the legislative website, Oregon Laws 2020 (first special session), Oregon Laws 2020 (second special session) and Oregon Laws 2020 (third special session) consist of all the laws passed, and all the resolutions adopted, by the Eightieth Legislative Assembly at its 2020 first, second and third special sessions. The Office of the Legislative Counsel prepares and publishes Oregon Laws in accordance with ORS 171.236.

Each published session law chapter contains a cross-reference to its bill number. The dates of the Governor's approval (if signed) and filing with the Secretary of State, and the chapter's effective date, appear at the end of each chapter. Resolutions are not law and, thus, only the date of filing with the Secretary of State by the Senate or House of Representatives appears at the end of each published resolution.

The website edition of Oregon Laws 2020 (first special session), Oregon Laws 2020 (second special session) and Oregon Laws 2020 (third special session) also includes these supplemental documents: (1) Senate and House Bills Enacted, which are the tables that show session law chapter numbers assigned to Acts of the 2020 first, second and third special sessions that were approved by the Governor, and (2) Statutes Affected by Measures, which are the tables that show the sections of Oregon Revised Statutes, and sections of uncodified session law, that were amended, repealed or "added to" by Acts of the Eightieth Legislative Assembly at its 2020 first, second and third special sessions. A combined subject Index that incorporates topics from the 2020 first, second and third special sessions follows the tables.

### **ARTICLE V, SECTION 12, OF THE OREGON CONSTITUTION**

Article V, section 12, of the Oregon Constitution, authorizes the Governor to find that an extraordinary occasion exists and by proclamation to call the Legislative Assembly to convene in special session. The Oregon Constitution does not allow the Governor to limit the length of the special session or to limit the issues to be considered.

# **EIGHTIETH OREGON LEGISLATIVE ASSEMBLY**

## **2020 First Special Session June 24 to June 26, 2020**

On March 8, 2020, the Governor issued Executive Order 20-03 declaring a state of emergency under ORS 401.165, based on a finding that the SARS-CoV-2 virus, which causes an acute respiratory illness known as COVID-19, creates a threat to public health and safety. The Governor subsequently issued a series of executive orders—all of which flowed from and built upon Executive Order 20-03—that established policies necessary for the state’s emergency response to the global COVID-19 pandemic.

Operations at the State Capitol were curtailed on March 12, 2020, by the Senate President and Speaker of the House of Representatives, who subsequently ordered the State Capitol closed to the public and all nonessential personnel, effective March 18, 2020. Meetings of the Emergency Board, the Joint Special Committee on Coronavirus Response, the Joint Interim Committee on the First Special Session of 2020 and other interim committees were held online and streamed live on the Oregon Legislative Information System (OLIS) via the Internet. Witnesses were given opportunities to submit written testimony and to provide remote oral testimony. Outside public access viewing stations were provided on the Capitol’s front steps during designated meeting times.

On June 16, 2020, the Governor, acting pursuant to Article V, section 12, of the Oregon Constitution, called on the Eightieth Legislative Assembly to convene in special session. Although the Oregon Constitution does not allow the Governor to limit the length of the special session or to limit the issues to be considered, the Governor by proclamation requested that the assembly consider (1) legislation to codify in statute the policies the Governor implemented via executive order in response to the COVID-19 pandemic and (2) statutory changes relating to police reform and accountability in the wake of sustained statewide and nationwide protests against racial injustice, police use of force and other law enforcement practices.

Following modified rules of proceeding and protocols intended to reduce the risk of transmitting the SARS-CoV-2 virus among legislators, staff and the public, and to satisfy the requirements imposed on the Legislative Assembly by the Oregon Constitution, the Eightieth Legislative Assembly convened its first special session on June 24, 2020. In addition to livestreaming, the assembly provided outside stations on the Capitol’s front steps for public viewing of floor sessions and committee meetings. Committee witnesses were given opportunities to submit written testimony and to provide remote oral testimony via phone or an outside public testimony station on the Capitol’s State Street steps. The first special session adjourned on June 26, 2020.

During its first special session, the Eightieth Legislative Assembly passed 22 bills and adopted two resolutions. The adopted resolutions are House Concurrent Resolution 212 (2020 first special session), which establishes deadlines for presession-filed legislative measures for the 2021 regular session, and Senate Concurrent Resolution 211 (2020 first special session), which adjourned the 2020 first special session sine die.

## **2020 Second Special Session August 10, 2020**

On July 31, 2020, the Governor, acting pursuant to Article V, section 12, of the Oregon Constitution, called on the Eightieth Legislative Assembly to convene in a second special session. Although the Oregon Constitution does not allow the Governor to limit the length of the special session or to limit the issues to be considered, the Governor by proclamation requested that the assembly (1) rebalance the state budget due to the economic fallout from the COVID-19 pandemic and (2) ensure the delivery of benefits and benefit programs to Oregon residents.

Using the modified rules of proceeding and protocols intended to reduce the risk of transmitting the SARS-CoV-2 virus, the Eightieth Legislative Assembly convened and adjourned its second special session on August 10, 2020. Public access to proceedings at the Capitol continued via livestreaming and outside viewing stations. Alternative opportunities for submitting written testimony and providing remote oral testimony also continued. During its second special session, the Eightieth Legislative Assembly passed 10 bills and adopted (1) House Concurrent Resolution 221 (2020 second special session), which amended Legislative Branch Personnel Rule 27 and adopted Legislative Branch Personnel Rule 27-A, and (2) Senate Concurrent Resolution 221 (2020 second special session), which adjourned the 2020 second special session sine die.

## **2020 Third Special Session December 21, 2020**

Ten days after adjournment of the 2020 second special session, the Governor issued Executive Order 20-35 declaring a statewide state of emergency due to the imminent threat of wildfire. Over the Labor Day weekend, a severe windstorm and drought conditions contributed to catastrophic wildfires that killed nine people and left one missing. These wildfires significantly impacted Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn, Marion and Tillamook Counties. The Governor subsequently issued Executive Order 20-60, rescinding Executive Order 20-35 and declaring a wildfire disaster emergency for the impacted counties. Executive Order 20-60 directed state agencies to assist counties with wildfire response and recovery efforts.

From August to December 2020, the Governor also issued another series of executive orders that extended or modified earlier executive orders directing the state's public health response to the COVID-19 pandemic. During a surge in COVID-19 infections and deaths, the Governor, on November 17, 2020, issued Executive Order 20-65 implementing a temporary two-week freeze on certain activities to control the spread of the SARS-CoV-2 virus. Executive Order 20-66, issued December 2, 2020, rescinded Executive Order 20-65 and provided public health guidance for the public, employers and certain economic sectors. This executive order also established for Oregon counties the state's risk and protection framework of metrics that indicates the spread of COVID-19 infections within a county and that prescribes health and safety measures and guidance regarding the types of activity allowed or restricted within a county at each risk level.

On December 15, 2020, the Governor, acting pursuant to Article V, section 12, of the Oregon Constitution, called on the Eightieth Legislative Assembly to convene in a third special session. Although the Oregon Constitution does not allow the Governor to limit the length of the special session or to limit the issues to be considered, the Governor by proclamation requested that the assembly (1) provide aid to tenants and landlords impacted by the economic fallout from the COVID-19 pandemic and (2) provide funding for COVID-19 vaccine distribution, public health contact tracing, wildfire prevention and community preparedness, and support to reopen schools.

Continuing to follow its modified rules of proceeding and protocols, the Eightieth Legislative Assembly convened and adjourned its third special session on December 21, 2020. Public access to proceedings at the Capitol continued via livestreaming and outside viewing stations. Alternative opportunities for submitting written testimony and providing remote oral testimony also continued. The convening of the third special session coincided with protest activities against the Governor's COVID-19 public health restrictions. Undeterred by protest activities outside the Capitol and inside the northwest vestibule, the Eightieth Legislative Assembly passed four bills and adopted Senate Concurrent Resolution 231 (2020 third special session), which adjourned the 2020 third special session sine die.

## **Effective Date**

Pursuant to ORS 171.022, each Act passed by the Legislative Assembly takes effect on January 1 of the year after passage of the Act unless a different date is specified in the Act. Article IV, section 28, of the Oregon Constitution, provides that an Act may not take effect sooner than 90 days from the end of a legislative session unless an emergency is declared in the Act. Unless otherwise specified in the Act, an Act in which an emergency is declared takes effect on the date it is approved by the Governor or, if neither approved nor disapproved by the Governor, on the date it is filed in the office of the Secretary of State.

January 1, 2021, is the normal effective date for (1) two Acts without an emergency clause or a prescribed effective date that the Eightieth Legislative Assembly passed at its 2020 first special session and (2) one Act without an emergency clause or a prescribed effective date that the assembly passed at its 2020 second special session.

The four Acts of the 2020 third special session each contained emergency clauses, effective on passage.

Two Acts of the 2020 first special session have early effective dates (nonemergency) of the 91st day following adjournment sine die (September 25, 2020). No Acts of the 2020 second special session, or the 2020 third special session, have an early effective date (nonemergency) of the 91st day following adjournment sine die (November 9, 2020, or March 22, 2021, respectively).

## **Referendum**

An Act that takes effect sooner than 90 days after the end of the session in which it is passed is not subject to referendum by petition under Article IV, section 1, of the Oregon Constitution. Other Acts may be referred to the people for their approval or rejection by petition filed with the Secretary of State not more than 90 days after the end of the session (September 24, 2020, for the first special session; and November 8, 2020, for the second special session). Acts of the third special session, which took effect on passage, are not subject to referendum by petition.

## VETO SUMMARY

### ACTS OF THE 2020 FIRST SPECIAL SESSION OF THE EIGHTIETH LEGISLATIVE ASSEMBLY

The Governor approved the 22 bills passed by the Eightieth Legislative Assembly during the 2020 first special session that were submitted to the Governor for approval or disapproval. The Governor did not exercise any of the veto powers granted by Article V, sections 15a and 15b, of the Oregon Constitution.

### ACTS OF THE 2020 SECOND SPECIAL SESSION OF THE EIGHTIETH LEGISLATIVE ASSEMBLY

The Governor approved the 10 bills passed by the Eightieth Legislative Assembly during the 2020 second special session that were submitted to the Governor for approval or disapproval. The Governor did not exercise any of the veto powers granted by Article V, section 15b, of the Oregon Constitution; however, citing the need for further budget adjustments, the Governor vetoed 33 single items in two bills:

Bill Number	Subject	Veto Date
SB 5723	<p>The Governor vetoed sections 177, 178, 179, 181, 182, 183, 184, 185, 213, 273, 290, 291, 292, 293, 294, 297, 298, 299, 322 and 342, chapter 9, Oregon Laws 2020 (second special session) (Enrolled Senate Bill 5723), pursuant to Article V, section 15a, of the Oregon Constitution.</p> <p>The effect of these single-item vetoes reversed certain General Fund appropriations, reversed certain reductions in General Fund appropriations, reversed certain reductions in expenditure limitations for payment of expenses from fees, moneys or other revenues (including Miscellaneous Receipts or certain federal funds), and restored certain special purpose allocations of General Fund moneys by the Emergency Board.</p>	9-20-2020
HB 4304	<p>The Governor vetoed sections 15, 15a, 16, 18, 18a, 18b, 18c, 38, 39, 40, 40a, 57 and 61, chapter 10, Oregon Laws 2020 (second special session) (Enrolled House Bill 4304), pursuant to the single-item veto exception found in Article V, section 15a, of the Oregon Constitution, allowed for appropriation bills. As of January 1, 2021, Oregon appellate courts have not interpreted the term “appropriation bills” for purposes of Article V, section 15a.</p> <p>The effect of these single-item vetoes halted the allocations or transfers of moneys from certain dedicated funds or accounts to the funds or accounts for other programs.</p>	9-20-2020

## **VETO SUMMARY**

### **ACTS OF THE 2020 THIRD SPECIAL SESSION OF THE EIGHTIETH LEGISLATIVE ASSEMBLY**

The Governor approved the four bills passed by the Eightieth Legislative Assembly during the 2020 third special session that were submitted to the Governor for approval or disapproval. The Governor did not exercise any of the veto powers granted by Article V, sections 15a and 15b, of the Oregon Constitution.

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