

D R A F T

SUMMARY

Prohibits commercial and residential evictions under specified conditions during emergency period.

Requires Department of Human Services and Oregon Health Authority, for specified period, to expedite processing and issuance, waive certain in-person interviews, extend stated certification periods, increase resource limits and ensure access to assistance for specified assistance programs.

Clarifies that purpose for which family leave is taken includes leave to care for child during certain closures during public health emergency.

Establishes specified limitations on health insurer and health care service contractor billings and requirements regarding use of out-of-network providers, provider groups or facilities during emergency period.

Directs Oregon Business Development Department to provide cash flow and financial services assistance to Oregon small businesses affected by pandemic.

Allows physician assistant to perform services and provide patient care without first entering into practice agreement, subject to limitations, and streamlines certain requirements during emergency period.

Requires local governments to allow siting of qualifying emergency shelters by qualifying entities notwithstanding land use laws. Removes certain limits on motor vehicle camping. Directs Oregon Department of Administrative Services to grant funds to local governments to develop, construct or operate navigation centers.

Prohibits foreclosures of trust deeds by advertisement and sale, trustee's sales, actions and suits to foreclose liens on real and personal property and execution sales during emergency period. Exempts certain properties from prohibitions.

Directs professional licensing boards to extend deadline for completion of continuing education and renewal of licensure, certification or other authorization for certain individuals.

Provides that temporary hospital beds established to support pandemic response may not be taken into account in determining type of rural hospital.

Establishes immunity from liability for persons who produce, manufac-

1 ture, distribute, dispense, administer or prescribe use of personal protective
2 equipment if equipment is produced in response to pandemic by persons who
had not offered similar products for sale in past. Provides exceptions.

3 Establishes Low-Income Utility Payment Fund. Directs Housing and
4 Community Services Department to distribute fund moneys so as to provide
5 energy bill payment assistance to low-income households, prioritizing low-
income households affected by pandemic.

6 Authorizes Chief Justice of Supreme Court, during emergency period and
7 for 60 days thereafter, and upon finding of good cause, to extend or suspend
8 time period or time requirement in rule or statute in specified court pro-
9 ceedings. Authorizes presiding judge of circuit court to extend custody and
10 postpone trials upon finding of good cause, within specified limits. Author-
11 izes Chief Justice to direct or permit electronic court appearances. Extends
time to commence civil action or give notice of civil claim if expiration of
period.

12 Temporarily allows notary public to perform notarial act using commu-
13 nication technology for remotely located individual under certain circum-
stances.

14 Provides other exceptions and alternatives to various state law require-
15 ments during emergency period.

16 Declares emergency, effective on passage.

17 A BILL FOR AN ACT

18 Relating to strategies to protect Oregonians from the effects of the COVID-19
19 pandemic; creating new provisions; amending ORS 93.810, 194.225, 194.290,
20 194.305 and 194.400; and declaring an emergency.

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

22 MORATORIUM ON EVICTIONS

23 **SECTION 1. The Legislative Assembly finds and declares that:**

24
25 **(1) The provisions of sections 2 and 3 of this 2020 special session Act**
26 **might affect the terms and conditions of certain contracts into which**
27 **residents of this state have entered.**

28
29 **(2) The effects of the provisions of sections 2 and 3 of this 2020**
30 **special session Act are not substantial because the provisions have a**

1 limited scope and duration and are necessary to protect the public
2 health, safety and welfare. For these reasons the provisions do not
3 undermine a contractual bargain, interfere with a party's reasonable
4 expectations or prevent a party from safeguarding or reinstating the
5 party's rights.

6 (3) Even if a provision of section 2 or 3 of this 2020 special session
7 Act has the effect of undermining a contractual bargain, interfering
8 with a party's reasonable expectations or preventing a party from
9 safeguarding or reinstating the party's rights, the provision is appro-
10 priate and reasonable as a means by which to implement the signif-
11 icant and legitimate public purpose of responding to the declaration
12 of a state of emergency issued by the Governor on March 8, 2020.

13 **SECTION 2. (1) As used in this section:**

14 (a) "Landlord" means the owner, lessor or sublessor of a rental unit
15 or the building or premises of which it is a part, or a person who is
16 authorized by the owner, lessor or sublessor to manage the premises
17 or to enter into a rental agreement.

18 (b) "Nonpayment" includes nonpayment of rent, late charges, util-
19 ity charges or any other service charge or fee, as described in the
20 tenancy agreement or ORS 91.090, 91.210 or 91.220.

21 (c) "Rental unit" means a structure or part of a structure that is
22 used as a commercial space by a tenant.

23 (d) "Tenant" means an individual or organization entitled under a
24 rental agreement to occupy a rental unit to the exclusion of others.

25 (2) Notwithstanding ORS chapter 91 and ORS 105.105 to 105.168, a
26 landlord may not, based on a tenant's nonpayment:

27 (a) Deliver a termination notice for a rental unit based on a
28 tenant's nonpayment;

29 (b) Initiate or continue an action under ORS 105.110 to take pos-
30 session of a rental unit based on a termination notice for nonpayment
31 issued on or after March 23, 2020; or

1 (c) Take or threaten any action that would interfere with a tenant's
2 possession or use of the rental unit based on a tenant's nonpayment.

3 (3) All publicly funded rent assistance received by or paid on behalf
4 of a tenant must be applied to the payment of rent.

5 (4) Notwithstanding any provision in the tenancy agreement, a
6 landlord may not impose a late fee or other penalty on a tenant for
7 nonpayment under this section.

8 (5) A landlord may provide a written notice to a tenant stating that
9 while evictions for nonpayment are prohibited until the date that the
10 declaration of a state of emergency issued by the Governor on March
11 8, 2020, and any extension of the declaration, is no longer in effect, the
12 tenant continues to owe the rent due. The notice must also include a
13 statement that eviction for nonpayment is not allowed during the
14 emergency period.

15 SECTION 3. Section 4 of this 2020 special session Act is added to
16 and made a part of ORS chapter 90.

17 SECTION 4. (1) As used in this section "nonpayment" includes
18 nonpayment of rent, late charges, utility charges or any other service
19 charge or fee as described in the rental agreement or ORS 90.140,
20 90.302, 90.315, 90.392, 90.394, 90.560 to 90.584 or 90.630.

21 (2) Notwithstanding this chapter and ORS 105.105 to 105.168, a
22 landlord may not:

23 (a) Deliver a termination notice for a premises based on a tenant's
24 nonpayment;

25 (b) Initiate or continue an action under ORS 105.110 to take pos-
26 session of a premises based on a termination notice for nonpayment
27 issued on or after March 23, 2020; or

28 (c) Take or threaten any action that would interfere with a tenant's
29 possession or use of the premises based on a tenant's nonpayment.

30 (3) All publicly funded rent assistance received by or paid on behalf
31 of a tenant must be applied to the payment of rent.

1 (4) Notwithstanding ORS 90.260, a landlord may not impose a late
2 fee or other penalty on a tenant for nonpayment under this section.

3 (5) A landlord may provide a written notice to a tenant stating that
4 while evictions for nonpayment are prohibited until the date that the
5 declaration of a state of emergency issued by the Governor on March
6 8, 2020, and any extension of the declaration, is no longer in effect, the
7 tenant continues to owe the rent due. The notice must also include a
8 statement that eviction for nonpayment is not allowed during the
9 emergency period.

10 SECTION 5. Sections 2 and 4 of this 2020 special session Act are
11 repealed on the later of the date on which the declaration of a state
12 of emergency issued by the Governor on March 8, 2020, and any ex-
13 tension of the declaration, is no longer in effect or 90 days after the
14 effective date of this 2020 special session Act.

15 SECTION 6. A landlord may not report a nonpayment under section
16 4 of this 2020 special session Act as delinquent to any consumer credit
17 reporting agency.

18
19 **PROGRAMS ASSISTING LOW**
20 **INCOME INDIVIDUALS AND FAMILIES**

21
22 SECTION 7. Notwithstanding ORS 411.816, the Department of Hu-
23 man Services shall:

24 (1) Provide expedited service, as described in 7 C.F.R. 273.2(i), to
25 the greatest extent practicable to individuals applying for Supple-
26 mental Nutrition Assistance Program benefits;

27 (2) Waive all in-person interviews for applicants for or recipients
28 of Supplemental Nutrition Assistance Program benefits; and

29 (3) Extend the certification periods for all recipients of Supple-
30 mental Nutrition Assistance Program benefits to the extent permitted
31 by the Food and Nutrition Service of the United States Department

1 of Agriculture.

2 **SECTION 8.** Notwithstanding ORS 412.007, the resource limit for the
3 receipt aid, as defined in ORS 412.001, is \$10,000 for all applicants for
4 and recipients of temporary assistance for needy families program
5 benefits.

6 **SECTION 9.** The Oregon Health Authority shall take steps neces-
7 sary to ensure that residents of this state who qualify for assistance
8 through the Women, Infants and Children Program established under
9 ORS 413.500 have access to and receive the assistance provided by the
10 program to the extent permitted by the Food and Nutrition Service
11 of the United States Department of Agriculture.

12 **SECTION 10.** Sections 7 to 9 of this 2020 special session Act are re-
13 pealed on the later of the date on which the declaration of a state of
14 emergency issued by the Governor on March 8, 2020, and any extension
15 of the declaration, is no longer in effect or 90 days after the effective
16 date of this 2020 special session Act.

17

18

FAMILY LEAVE

19

20 **SECTION 11.** Section 12 of this 2020 special session Act is added to
21 and made a part of ORS 659A.150 to 659A.186.

22 **SECTION 12.** Notwithstanding any provision of ORS 659A.150 to
23 659A.186, family leave taken by an eligible employee for the purpose
24 specified in ORS 659A.159 (1)(d) includes leave to care for the
25 employee's child when the child's school or place of care is closed due
26 to a public health emergency declared by a public health official.

27 **SECTION 13.** Section 12 of this 2020 special session Act is repealed
28 on the later of the date on which the declaration of a state of emer-
29 gency issued by the Governor on March 8, 2020, and any extension of
30 the declaration, is no longer in effect or 90 days after the effective date
31 of this 2020 special session Act.

1 **BILLING AND HEALTH INSURANCE COVERAGE**
2 **FOR HEALTH CARE PROVIDED DURING EMERGENCY**

3
4 **SECTION 14. Section 15 of this 2020 special session Act is added to**
5 **and made a part of the Insurance Code.**

6 **SECTION 15. (1) As used in this section:**

7 **(a) “Acute care services” means all services that require physician,**
8 **nursing and ancillary care for the monitoring, assessment and treat-**
9 **ment of a patient, on a continuous 24-hour basis, in response to an**
10 **acute medical, surgical or psychiatric condition, regardless of whether**
11 **the services are provided in a licensed hospital facility.**

12 **(b) “Emergency health care center” means an emergency health**
13 **care center designated under ORS 401.657.**

14 **(c) “Emergency services” has the meaning given that term in ORS**
15 **743A.012.**

16 **(d) “Enrollee” means an individual who is enrolled in a health**
17 **benefit plan or a covered dependent or beneficiary of the individual,**
18 **or a subscriber to a health care service contract or a covered depend-**
19 **ent or beneficiary of the subscriber.**

20 **(e) “Health benefit plan” has the meaning given that term in ORS**
21 **743B.005.**

22 **(f) “Health care service contract” means a contract executed by a**
23 **health care service contractor to provide health care services, as de-**
24 **fin ed in ORS 750.005.**

25 **(g) “Health care service contractor” has the meaning given that**
26 **term in ORS 750.005.**

27 **(h) “Hospital” has the meaning given that term in ORS 442.015.**

28 **(i) “In-network” means a status in which a provider or provider**
29 **group or facility has directly or indirectly contracted with an insurer**
30 **offering a health benefit plan or health care service contractor to**
31 **provide care or services to enrollees in the health benefit plan or with**

1 a health care service contract.

2 (j) “Intermediate care facility” has the meaning given that term in
3 ORS 442.015.

4 (k) “Intermediate care services” means health care and services
5 that an intermediate care facility is licensed to provide.

6 (L) “Out-of-network” means a status applicable to a provider or
7 provider group or facility that has not contracted with an insurer of-
8 fering a health benefit plan or with a health care service contractor
9 to provide care or services to enrollees in the health benefit plan or
10 health care service contract.

11 (m) “Skilled nursing facility” has the meaning given that term in
12 ORS 442.015.

13 (n) “Skilled nursing services” means health care and services that
14 a skilled nursing facility is licensed to provide.

15 (2) Pursuant to ORS 401.165 and 401.168, and notwithstanding any
16 other provision of law, an insurer and a health care service contractor
17 may not, with respect to the coverage of acute care services, emer-
18 gency services, intermediate care services or skilled nursing services
19 that are initiated during the period beginning on March 23, 2020, and
20 ending on the date that the declaration of a state of emergency issued
21 by the Governor on March 8, 2020, and any extension of the declaration
22 is no longer in effect:

23 (a) Require an enrollee to use an in-network provider or provider
24 group or facility.

25 (b) Impose on an enrollee any cost-sharing requirements that are
26 greater than the cost-sharing requirements imposed on an enrollee for
27 the services when provided by an in-network provider or provider
28 group or facility.

29 (c) Require prior authorization or other utilization review require-
30 ments different from or in addition to the requirements imposed on
31 an enrollee for services provided by an in-network provider or provider

1 group or facility.

2 (3) An insurer offering a health benefit plan and a health care ser-
3 vice contractor shall reimburse an out-of-network provider or provider
4 group or facility for covered services described in this section and
5 section 16 of this 2020 special session Act in an amount established in
6 accordance with rules adopted by the Department of Consumer and
7 Business Services under section 17 of this 2020 special session Act.

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

9 (a) “Acute care services” means all services that require physician,
10 nursing and ancillary care for the monitoring, assessment and treat-
11 ment of a patient, on a continuous 24-hour basis, in response to an
12 acute medical, surgical or psychiatric condition, regardless of whether
13 the services are provided in a licensed hospital facility.

14 (b) “Emergency health care center” means an emergency health
15 care center designated under ORS 401.657.

16 (c) “Emergency services” has the meaning given that term in ORS
17 743A.012.

18 (d) “Enrollee” means an individual who is enrolled in a health
19 benefit plan or a covered dependent or beneficiary of the individual,
20 or a subscriber to a health care service contract or a covered depend-
21 ent or beneficiary of the subscriber.

22 (e) “Health benefit plan” has the meaning given that term in ORS
23 743B.005.

24 (f) “Health care service contract” means a contract executed by a
25 health care service contractor to provide health care services, as de-
26 fined in ORS 750.005.

27 (g) “Health care service contractor” has the meaning given that
28 term in ORS 750.005.

29 (h) “Hospital” has the meaning given that term in ORS 442.015.

30 (i) “In-network” means a status in which a provider or provider
31 group or facility has directly or indirectly contracted with an insurer

1 offering a health benefit plan or with a health care service contractor
2 to provide care or services to enrollees in the health benefit plan or
3 with a health care service contract.

4 (j) “Intermediate care facility” has the meaning given that term in
5 ORS 442.015.

6 (k) “Intermediate care services” means health care and services
7 that an intermediate care facility is licensed to provide.

8 (L) “Out-of-network” means a status applicable to a provider or
9 provider group or facility that has not contracted with an insurer of-
10 fering a health benefit plan or with a health care service contractor
11 to provide care or services to enrollees in the health benefit plan or
12 health care services contract.

13 (m) “Skilled nursing facility” has the meaning given that term in
14 ORS 442.015.

15 (n) “Skilled nursing services” means health care and services that
16 a skilled nursing facility is licensed to provide.

17 (2) Pursuant to ORS 401.165 and 401.168, and notwithstanding any
18 other provision of law, with respect to health care and services de-
19 scribed in this subsection and section 15 of this 2020 special session
20 Act that are initiated during the period beginning on March 23, 2020,
21 and ending on the date that the declaration of a state of emergency
22 issued by the Governor on March 8, 2020, and any extension of the
23 declaration is no longer in effect:

24 (a) An out-of-network provider of acute care services delivered to
25 an enrollee, including but not limited to services delivered to an
26 enrollee in a skilled nursing facility, an ambulatory surgical center,
27 an urgent care center or any other facility designated as an emergency
28 health care center, shall bill an insurer or a health care service con-
29 tractor in accordance with the reimbursement rate established by the
30 Department of Consumer and Business Services pursuant to rules
31 adopted under section 17 of this 2020 special session Act.

1 (b) An out-of-network provider of emergency services delivered to
2 an enrollee in a hospital emergency room or other setting designated
3 as an emergency health care center shall bill an insurer or a health
4 care service contractor in accordance with the reimbursement rate
5 established by the department pursuant to rules adopted under section
6 17 of this 2020 special session Act.

7 (c) An out-of-network provider of skilled nursing services and
8 intermediate care services delivered to an enrollee in a skilled nursing
9 facility, an intermediate care facility or an emergency health care
10 center that is designated for skilled nursing services or intermediate
11 care services shall bill an insurer or a health care service contractor
12 in accordance with the reimbursement rate established by the depart-
13 ment pursuant to rules adopted under section 17 of this 2020 special
14 session Act.

15 (3) An out-of-network provider or provider group or facility may
16 not bill an enrollee for services described in this section except for
17 applicable coinsurance, copayments, deductibles or other cost-sharing
18 that apply to the services if provided by an in-network provider or
19 provider group or facility under the terms of the enrollee's health
20 benefit plan or health care service contract.

21 SECTION 17. The Department of Consumer and Business Services
22 shall adopt rules for calculating the maximum amount of reimburse-
23 ment that providers may bill and that insurers and health care service
24 contractors must pay under sections 15 and 16 of this 2020 special ses-
25 sion Act. The reimbursement adopted by the department for services
26 described in ORS 743B.287 (3) shall be equal to the amount established
27 in accordance with rules adopted by the department under ORS
28 743B.287 (6).

29 SECTION 18. Sections 15 to 17 of this 2020 special session Act are
30 repealed 90 days after the date on which the declaration of a state of
31 emergency issued by the Governor on March 8, 2020, and any extension

1 of the declaration, is no longer in effect.

2
3 **BUSINESS ASSISTANCE**

4
5 **SECTION 19. (1) As used in this section:**

6 (a) “Cash flow” includes, but is not limited to, the supply of cash
7 needed for a small business to make payments under lease and rental
8 agreements and for utilities and other fixed operating costs of the
9 small business.

10 (b)(A) “Small business” means a business conducting operations in
11 this state that employs not more than 25 employees.

12 (B) “Small business” includes a franchise operated in this state that
13 is owned and controlled by a franchisee employing not more than 25
14 employees.

15 (2) The Oregon Business Development Department shall implement
16 and administer a small business assistance program in accordance
17 with this section.

18 (3) Notwithstanding ORS 285B.266 (3), the department shall distrib-
19 ute funds allocated to the Strategic Reserve Fund or otherwise appro-
20 priated by law for the purpose of assisting small businesses with cash
21 flow that has been affected by the COVID-19 pandemic.

22 (4)(a) The department shall prescribe the process by which:

23 (A) Small businesses may apply for distributions;

24 (B) The department shall review and approve or deny applications;
25 and

26 (C) The department shall distribute the funds.

27 (b) The process must enable the department to distribute funds to
28 a successful applicant as soon as possible but not later than three
29 weeks following the submission by the small business of the successful
30 application.

31 (5) The department may:

1 (a) In accordance with the policy of placing the first priority on
2 grants over loans, determine whether to distribute funds as grants or
3 loans; and

4 (b) Establish limits on the maximum amount of funds that may be
5 distributed to any applicant and the total number of distributions to
6 be made.

7 SECTION 20. Section 19 of this 2020 special session Act is repealed
8 on March 1, 2021.

9 SECTION 21. (1) As used in this section:

10 (a) “Financial services and support” has the meaning given that
11 term in ORS 284.881.

12 (b) “Small business” means a business conducting operations in this
13 state that employs not more than 25 employees.

14 (2) Notwithstanding ORS 284.890 (3), the first priority for distrib-
15 utions from the Oregon Growth Fund shall be to provide financial
16 services and support to small businesses affected by the COVID-19
17 pandemic.

18 SECTION 22. Section 21 of this 2020 special session Act is repealed
19 on March 1, 2021.

20
21 **PHYSICIAN ASSISTANTS**

22
23 SECTION 23. Section 24 of this 2020 special session Act is added to
24 and made a part of ORS 677.495 to 677.535.

25 SECTION 24. (1) Notwithstanding any other provision of ORS 677.495
26 to 677.535, a physician assistant may, without entering into a practice
27 agreement, perform services and provide patient care within the phy-
28 sician assistant’s scope of practice in accordance with subsection (2)
29 of this section.

30 (2) A physician assistant may perform services and provide patient
31 care as described in subsection (1) of this section only in compliance

1 with guidelines and standards established by one or more supervising
2 physicians.

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

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

9 **SECTION 25.** (1) As used in this section:

10 (a) “Physician assistant”:

11 (A) Has the meaning given that term in ORS 677.495; and

12 (B) Means a person licensed to practice as a physician assistant in
13 another state or territory of the United States.

14 (b) “Telehealth” means the use of electronic and telecommuni-
15 cations technologies to provide health care services.

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

20 (3) The Oregon Medical Board may adopt rules to carry out this
21 section.

22 **SECTION 26.** Sections 24 and 25 of this 2020 special session Act are
23 repealed on the date on which the declaration of a state of emergency
24 issued by the Governor on March 8, 2020, and any extension of the
25 declaration, is no longer in effect.

26

27

HOMELESS SHELTERS

28

29 **SECTION 27.** ORS 446.265 and sections 28 and 29 of this 2020 special
30 session Act are added to and made a part of ORS chapter 197.

31 **SECTION 28.** (1) As used in this section and section 29 of this 2020

1 **special session Act, “emergency shelter” means a building that pro-**
2 **vides shelter on a temporary basis for individuals and families who**
3 **lack permanent housing.**

4 **(2) A building used as an emergency shelter under an approval**
5 **granted under section 29 of this 2020 special session Act:**

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

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

13 **SECTION 29. (1) A local government shall approve an application**
14 **for the development or use of land for an emergency shelter on any**
15 **property, notwithstanding ORS chapter 195, 197, 215 or 227 or ORS**
16 **197A.300 to 197A.325, 197A.405 to 197A.409 or 197A.500 to 197A.521 or any**
17 **statewide land use planning goal, rule of the Land Conservation and**
18 **Development Commission, local land use regulation, zoning ordinance,**
19 **regional framework plan, functional plan or comprehensive plan, if the**
20 **emergency shelter:**

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

22 **(b) Will comply with applicable building codes;**

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

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

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

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

2 (2) An emergency shelter allowed under this section must be oper-
3 ated by:

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

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

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

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

9 (C) A public benefit corporation, as defined in ORS 65.001, whose
10 charitable purpose includes the support of homeless individuals and
11 that has been recognized as exempt from income tax under section
12 501(a) of the Internal Revenue Code on or before January 1, 2017; or

13 (c) A nonprofit corporation partnering with any other entity de-
14 scribed in this subsection.

15 (3) An emergency shelter approved under this section:

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

17 (A) Showering or bathing;

18 (B) Storage for personal property;

19 (C) Laundry facilities;

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

21 (E) Recreation areas for children and pets;

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

24 (G) Any other services incidental to shelter.

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

27 (4) The approval of an emergency shelter under this section is not
28 a land use decision and is subject to review only under ORS 34.010 to
29 34.100.

30 SECTION 30. Sections 28 and 29 of this 2020 special session Act are
31 repealed 90 days after the effective date of this 2020 special session Act.

1 **SECTION 31.** (1) Notwithstanding ORS 203.082 (2), a political subdivi-
2 vision may allow any person to offer any number of overnight camping
3 spaces on the person’s property to homeless individuals who are living
4 in vehicles, without regard to whether the motor vehicle was designed
5 for use as temporary living quarters. A religious institution offering
6 camping space under this section shall also provide campers with ac-
7 cess to sanitary facilities, including toilet, handwashing and trash
8 disposal facilities.

9 (2) A local government may regulate vehicle camping spaces under
10 this section as transitional housing accommodations under ORS
11 446.265.

12 **SECTION 32.** Section 31 of this 2020 special session Act is repealed
13 90 days after the effective date of this 2020 special session Act.

14 **SECTION 33.** Section 34 of this 2020 special session Act is added to
15 and made a part of ORS 458.600 to 458.665.

16 **SECTION 34.** (1) As used in this section:

17 (a) “Low-barrier emergency shelter” means an emergency shelter,
18 as defined in section 28 of this 2020 special session Act, that follows
19 established best practices to deliver shelter services that minimize
20 barriers and increase access to individuals and families experiencing
21 homelessness.

22 (b) “Navigation center” means a low-barrier emergency shelter that
23 is open seven days per week and connects individuals and families with
24 health services, permanent housing and public benefits.

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

27 (a) Plan the location, development or operations of a navigation
28 center;

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

31 (c) Operate a navigation center that has been constructed, pur-

1 chased or leased under paragraph (b) of this subsection; or

2 (d) Contract for the performance of activities in this subsection.

3 **SECTION 35.** Section 34 of this 2020 special session Act is repealed
4 on January 2, 2022.

5
6 **FORECLOSURE**

7
8 **SECTION 36.** (1) The Legislative Assembly finds and declares that:

9 (a) The provisions of this section might affect the terms and con-
10 ditions of certain contracts into which residents of this state have
11 entered.

12 (b) The effects of the provisions of this section are not substantial
13 because the provisions have a limited scope and duration and are
14 necessary to protect the public health, safety and welfare. For these
15 reasons the provisions do not undermine a contractual bargain, inter-
16 fere with a party's reasonable expectations or prevent a party from
17 safeguarding or reinstating the party's rights.

18 (c) Even if a provision of this section has the effect of undermining
19 a contractual bargain, interfering with a party's reasonable expecta-
20 tions or preventing a party from safeguarding or reinstating the
21 party's rights, the provision is appropriate and reasonable as a means
22 by which to implement the significant and legitimate public purpose
23 of responding to the declaration of a state of emergency issued by the
24 Governor on March 8, 2020.

25 (2) As used in this section:

26 (a) "Beneficiary" has the meaning given that term in ORS 86.705.

27 (b) "Emergency period" means any period during which the decla-
28 ration of a state of emergency issued by the Governor on March 8,
29 2020, and any extension of the declaration, is in effect, plus 60 calendar
30 days.

31 (c) "Resolution conference" has the meaning given that term in

1 **ORS 86.707.**

2 (d) "Trust deed" has the meaning given that term in ORS 86.705.

3 (e) "Trustee" has the meaning given that term in ORS 86.705.

4 (3)(a) Notwithstanding ORS 86.752 and except as provided in sub-
5 section (6) of this section, a beneficiary or trustee may not foreclose
6 a trust deed by advertisement and sale at any time during the emer-
7 gency period. Notwithstanding ORS 86.764 and except as provided in
8 subsection (6) of this section, a notice of a trustee's sale given during
9 the emergency period is hereby withdrawn. After the emergency period
10 expires, a notice of a trustee's sale withdrawn under this paragraph
11 may again be given as provided in ORS 86.764 and the time period
12 specified in ORS 86.764 must elapse before a trustee's sale may occur.

13 (b) Notwithstanding ORS 18.860 to 18.993 and 88.010 and except as
14 provided in subsection (6) of this section, at any time during the
15 emergency period a person may not bring an action or suit to foreclose
16 a lien upon real or personal property and a court may not enter a
17 judgment of foreclosure and sale or issue a writ of execution with re-
18 spect to the real or personal property. A court shall dismiss without
19 prejudice any action or suit to foreclose a lien upon real or personal
20 property commenced during the emergency period.

21 (4)(a) Notwithstanding ORS 86.782 and except as provided in sub-
22 section (6) of this section, a trustee's sale may not occur during the
23 emergency period. Any purported trustee's sale during the emergency
24 period is void and does not transfer or foreclose any rights to real or
25 personal property.

26 (b) Notwithstanding ORS 18.860 to 18.993 and except as provided in
27 subsection (6) of this section:

28 (A) An execution sale of real or personal property may not occur
29 during the emergency period. Any purported execution sale during the
30 emergency period is void and does not transfer or foreclose any rights
31 to real or personal property.

1 (B) Notice of an execution sale of real or personal property given
2 during the emergency period is hereby withdrawn. After the emer-
3 gency period expires, a notice of an execution sale withdrawn under
4 this subparagraph may again be given as provided in ORS 18.920 or
5 18.924, as appropriate, and the time period specified in ORS 18.920 or
6 18.924, as appropriate, must elapse before an execution sale may occur.

7 (5) Notwithstanding ORS 86.732 (1) and 86.736, during the emergency
8 period a beneficiary satisfies the requirement to appear at a resolution
9 conference in person if the beneficiary participates in the resolution
10 conference by remote communication.

11 (6) This section does not apply to:

12 (a) Judgments of foreclosure and sale or writs of execution issued
13 before the emergency period began or to a trustee's sale for which
14 notice was given before the emergency period began.

15 (b) Judgments of foreclosure and sale or writs of execution issued
16 during the emergency period, or to a trustee's sale for which notice
17 was given during the emergency period, with respect to real property
18 that is not used as a residence unless the real property was used before
19 March 8, 2020, as premises for a business that under an executive order
20 of the Governor is or becomes prohibited or substantially restricted
21 from operating.

22 SECTION 37. Section 36 of this 2020 special session Act is repealed
23 90 days after the expiration of the emergency period as defined in
24 section 36 of this 2020 special session Act.

25
26 **PROFESSIONAL LICENSING BOARDS**

27
28 SECTION 38. (1) As used in this section, "professional licensing
29 board" means:

30 (a) A state agency or board that licenses, certifies or otherwise
31 authorizes individuals to provide an occupational or professional ser-

1 vice; and

2 (b) The Oregon State Bar, as defined in ORS 9.005.

3 (2) During the time in which the declaration of a state of emergency
4 issued by the Governor on March 8, 2020, and any extension of the
5 declaration, is in effect, an individual licensed, certified or otherwise
6 authorized by a professional licensing board may notify the profes-
7 sional licensing board that the individual is facing a hardship.

8 (3) If a professional licensing board is notified by an individual
9 pursuant to subsection (2) of this section, the professional licensing
10 board shall extend the individual's time to complete continuing edu-
11 cation in order to maintain licensure, certification or authorization to
12 90 days after the date on which the declaration of a state of emergency
13 issued by the Governor on March 8, 2020, and any extension of the
14 declaration, is no longer in effect.

15 **SECTION 39.** (1) As used in this section:

16 (a) "Professional licensing board" means:

17 (A) A state agency or board that licenses, certifies or otherwise
18 authorizes individuals to provide an occupational or professional ser-
19 vice; and

20 (B) The Oregon State Bar, as defined in ORS 9.005.

21 (b) "Qualifying due date" means a due date:

22 (A) For:

23 (i) Renewal of an individual's licensure, certification or other au-
24 thorization; or

25 (ii) Continuing education that an individual is required to complete
26 in order to maintain the individual's licensure, certification or other
27 authorization; and

28 (B) That would otherwise fall during the time in which the decla-
29 ration of a state of emergency issued by the Governor on March 8,
30 2020, and any extension of the declaration, is in effect.

31 (2) During the time in which the declaration of a state of emergency

1 issued by the Governor on March 8, 2020, and any extension of the
2 declaration, is in effect, an individual licensed, certified or otherwise
3 authorized by a professional licensing board may notify the profes-
4 sional licensing board that the individual is facing a hardship.

5 (3) If a professional licensing board is notified by an individual
6 pursuant to subsection (2) of this section, the professional licensing
7 board shall extend the individual's qualifying due date to 90 days after
8 the date on which the declaration of a state of emergency issued by
9 the Governor on March 8, 2020, and any extension of the declaration,
10 is no longer in effect.

11
12 **HOSPITALS**
13

14 **SECTION 40.** (1) Temporary beds established in a hospital, at the
15 direction of a hospital or under the control of a hospital that are used
16 or intended for use to support the COVID-19 pandemic response may
17 not be taken into account for purposes of determining the type of ru-
18 ral hospital under ORS 442.470 to 442.507.

19 (2) This section applies to temporary beds established on or after
20 March 8, 2020, and before the date on which the declaration of a state
21 of emergency issued by the Governor on March 8, 2020, and any ex-
22 tension of the declaration, is no longer in effect.

23 **SECTION 41.** Sections 38 to 40 of this 2020 special session Act are
24 repealed 90 days after the date on which the declaration of a state of
25 emergency issued by the Governor on March 8, 2020, and any extension
26 of the declaration, is no longer in effect.

27
28 **PERSONAL PROTECTIVE EQUIPMENT**
29 **IMMUNITY FROM LIABILITY**
30

31 **SECTION 42.** (1) As used in this section, "personal protective

1 equipment” means a product designed to create a barrier to pene-
2 tration of substances or solid, liquid, or airborne particles, including
3 but not limited to surgical masks, gowns and related surgical apparel,
4 that is:

5 (a) Produced in response to the declaration of a state of emergency
6 issued by the Governor on March 8, 2020;

7 (b) Produced by a person who did not offer personal protective
8 equipment for sale on December 31, 2019; and

9 (c) Donated, or sold at a price that does not exceed the cost re-
10 quired to manufacture, the personal protective equipment.

11 (2) A person who produces, manufactures, distributes, dispenses,
12 administers or prescribes the use of personal protective equipment is
13 immune from civil liability for any damages resulting from the use of
14 the personal protective equipment.

15 (3) This section does not limit the liability of a person for gross
16 negligence or for reckless, wanton or intentional misconduct.

17 SECTION 43. Section 42 of this 2020 special session Act applies to
18 claims arising on or after March 8, 2020.

19

20 LOW-INCOME UTILITY PAYMENT FUND

21

22 SECTION 44. (1) The Low-Income Utility Payment Fund is estab-
23 lished in the State Treasury, separate and distinct from the General
24 Fund. Interest earned by the Low-Income Utility Payment Fund shall
25 be credited to the fund. The moneys in the fund are continuously ap-
26 propriated to the Housing and Community Services Department for
27 the purpose of funding low-income energy bill payment assistance.

28 (2) The department shall distribute the moneys deposited in the
29 fund to persons that, as of the effective date of this 2020 special session
30 Act, have a contract with the department to serve as subgrantees to
31 provide eligible program services under the federal Low Income Home

1 **Energy Assistance Act of 1981, as amended. The department shall al-**
2 **locate the moneys to the subgrantees through the formula established**
3 **by the department for distribution of moneys to subgrantees under the**
4 **federal Low Income Home Energy Assistance Act of 1981, as amended.**

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

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

15
16 **COURT PROVISIONS**
17

18 **SECTION 45. (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 **tension 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**
31 **the regular division;**

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

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

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

9 (2)(a) Notwithstanding ORS 133.060 (1), during the time in which any
10 declaration of a state of emergency issued by the Governor related to
11 COVID-19, and any extension of the declaration, is in effect, and con-
12 tinuing for 60 days after the declaration and any extension is no longer
13 in effect, the date specified in a criminal citation on which a person
14 served with the citation shall appear may be more than 30 days after
15 the date the citation was issued.

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

24 (3)(a) Notwithstanding ORS 136.290 and 136.295, and subject to par-
25 agraph (c) of this subsection, during the time in which any declaration
26 of a state of emergency issued by the Governor related to COVID-19,
27 and any extension of the declaration, is in effect, and continuing for
28 60 days after the declaration and any extension is no longer in effect,
29 the presiding judge of a circuit court may, upon the motion of a party
30 or the court's own motion, and upon a finding of good cause as de-
31 scribed in paragraph (b) of this subsection, order an extension of cus-

1 **tody and postponement of the date of the trial beyond the time limits**
2 **described in ORS 136.290 and 136.295.**

3 **(b) As used in this subsection, “good cause” means situations de-**
4 **scribed in ORS 136.295 (4)(b), circumstances caused by the COVID-19**
5 **pandemic or public health measures resulting from the COVID-19**
6 **pandemic.**

7 **(c)(A) Notwithstanding paragraphs (a) and (b) of this subsection,**
8 **the presiding judge may not extend custody and postpone a defendant’s**
9 **trial date if, as a result of the extension and postponement, the de-**
10 **fendant will be held in custody before trial for more than a total of**
11 **180 days, unless the judge’s determination of good cause is due to cir-**
12 **cumstances caused by the COVID-19 pandemic, public health measures**
13 **resulting from the COVID-19 pandemic or a situation described in ORS**
14 **136.295 (4)(b) caused by or related to COVID-19.**

15 **(B) A presiding judge who postpones a trial under this paragraph**
16 **shall make findings on the record concerning the length of the exten-**
17 **sion and postponement, the prejudice, if any, to the defendant, and the**
18 **good cause for the extension and postponement.**

19 **(C) If the trial date has been postponed under this paragraph, and**
20 **either circumstances concerning the defendant’s custody or circum-**
21 **stances concerning the good cause for the postponement have**
22 **changed, the defendant may request a hearing by motion articulating**
23 **the change in circumstances. The presiding judge or a circuit court**
24 **judge shall hold a hearing to address the motion and review the**
25 **defendant’s custody and trial date.**

26 **(4)(a) Notwithstanding any other statute or rule to the contrary,**
27 **during the time in which any declaration of a state of emergency is-**
28 **sued by the Governor related to COVID-19, and any extension of the**
29 **declaration, is in effect, and continuing for 60 days after the declara-**
30 **tion and any extension is no longer in effect, the Chief Justice may**
31 **direct or permit any appearance before a court or magistrate to be by**

1 telephone, other two-way electronic communication device or simul-
2 taneous electronic transmission.

3 (b) Notwithstanding paragraph (a) of this subsection, a circuit court
4 may order that an appearance be in person if, after an opportunity to
5 be heard, the court determines that there is a particular need for an
6 in-person hearing or that a party has a constitutional right to an in-
7 person hearing.

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

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

12 SECTION 46. (1) If the expiration of the time to commence an
13 action or give notice of a claim falls within the time in which any
14 declaration of a state of emergency issued by the Governor related to
15 COVID-19, and any extension of the declaration, is in effect, or within
16 90 days after the declaration and any extension is no longer in effect,
17 the expiration of the time to commence the action or give notice of
18 the claim is extended to a date 90 days after the declaration and any
19 extension is no longer in effect.

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

21 (a) Time periods for commencing an action established in ORS
22 chapter 12;

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

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

27 (d) Any other time limitation for the commencement of a civil
28 cause of action or the giving of notice of a civil claim established by
29 statute.

30 (3) Subsection (1) of this section does not apply to time limitations
31 for the commencement of criminal actions.

NOTARIAL ACTS

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SECTION 47. Section 48 of this 2020 special session Act is added to and made a part of ORS chapter 194.

SECTION 48. (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.

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

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

(d) “Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States.

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

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

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

(a) The notary public:

(A) Has personal knowledge under ORS 194.240 (1) of the identity

1 of the remotely located individual;

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

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

10 (b) The notary public is reasonably able to confirm that a record
11 before the notary public is the same record in which the remotely lo-
12 cated individual made a statement or on which the individual executed
13 a signature;

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

17 (d) For a remotely located individual who is located outside the
18 United States:

19 (A) The record:

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

23 (ii) Involves property located in the territorial jurisdiction of the
24 United States or involves a transaction substantially connected with
25 the United States; and

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

29 (4) If a notarial act is performed under this section, the certificate
30 of notarial act required by ORS 194.280 and the short form certificate
31 provided in ORS 194.285 must indicate that the notarial act was per-

1 **formed using communication technology.**

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

4 **(a) Complies with rules adopted under subsection (8)(a) of this sec-**
5 **tion; or**

6 **(b) Is in the form provided in ORS 194.285 and contains a statement**
7 **substantially as follows: “This notarial act involved the use of com-**
8 **munication technology.”**

9 **(6) A notary public, a guardian, conservator, trustee or agent of a**
10 **notary public, or a personal representative of a deceased notary public**
11 **shall retain the audiovisual recording created under subsection (3)(c)**
12 **of this section or cause the recording to be retained by a repository**
13 **designated by or on behalf of the person required to retain the re-**
14 **coding. Unless a different period is required by rule adopted under**
15 **subsection (8)(d) of this section, the recording must be maintained for**
16 **a period of at least 10 years after the recording is made.**

17 **(7) Before a notary public performs the notary public’s initial**
18 **notarial act under this section, the notary public shall notify the**
19 **Secretary of State that the notary public will be performing notarial**
20 **acts with respect to remotely located individuals and identify the**
21 **technologies the notary public intends to use. If the Secretary of State**
22 **has established standards under subsection (8) of this section or ORS**
23 **194.360 for approval of communication technology or identity proofing,**
24 **the communication technology and identity proofing used by the**
25 **notary public must conform to those standards.**

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

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

31 **(b) Establish standards for communication technology and identity**

1 **proofing;**

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

4 (d) **Establish standards and a period for the retention of an audi-**
5 **ovisual recording created under subsection (3)(c) of this section.**

6 (9) **Before adopting, amending or repealing a rule governing the**
7 **performance of a notarial act with respect to a remotely located indi-**
8 **vidual, the Secretary of State shall consider:**

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

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

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

17 **SECTION 49.** ORS 194.225 is amended to read:

18 194.225. (1) A notarial officer may perform a notarial act authorized by
19 this chapter or by law of this state other than this chapter.

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

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

26 **SECTION 50.** ORS 194.225, as amended by section 49 of this 2020 special
27 session Act, is amended to read:

28 194.225. (1) A notarial officer may perform a notarial act authorized by
29 this chapter or by law of this state other than this chapter.

30 (2) A notarial officer may not perform a notarial act with respect to a
31 record to which the officer or the officer's spouse is a party, or in which

1 either the officer or the officer's spouse has a direct beneficial interest. A
2 notarial act performed in violation of this subsection is voidable.

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

5 **SECTION 51.** ORS 194.290 is amended to read:

6 194.290. (1) The official stamp of a notary public must:

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

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

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

15 **SECTION 52.** ORS 194.290, as amended by section 51 of this 2020 special
16 session Act, is amended to read:

17 194.290. [(1)] The official stamp of a notary public must:

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

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

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

26 **SECTION 53.** ORS 194.305 is amended to read:

27 194.305. (1) A notary public may select one or more tamper-evident tech-
28 nologies to perform notarial acts with respect to electronic records. A person
29 may not require a notary public to perform a notarial act with respect to
30 an electronic record with a technology that the notary public has not se-
31 lected.

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

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

14 **SECTION 54.** ORS 194.305, as amended by section 53 of this 2020 special
15 session Act, is amended to read:

16 194.305. (1) A notary public may select one or more tamper-evident tech-
17 nologies to perform notarial acts with respect to electronic records. A person
18 may not require a notary public to perform a notarial act with respect to
19 an electronic record with a technology that the notary public has not se-
20 lected.

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

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

1 *the notarial certificate certifies that the tangible copy is an accurate copy of*
2 *the electronic record.]*

3 **SECTION 55. A tangible copy of an electronic record containing a**
4 **notarial certificate that is accepted for recording by a county clerk**
5 **before the effective date of this 2020 special session Act satisfies any**
6 **requirement that the record be an original, if the notarial officer ex-**
7 **ecuting the notarial certificate certifies that the tangible copy is an**
8 **accurate copy of the electronic record.**

9 **SECTION 56.** ORS 93.810 is amended to read:

10 93.810. The following are subjects of validating or curative Acts applica-
11 ble to this chapter:

- 12 (1) Evidentiary effect and recordation of conveyances before 1854.
- 13 (2) Evidentiary effect and recordation of certified copies of deeds issued
14 by the State Land Board before 1885 where the original deed was lost.
- 15 (3) Defective acknowledgments of married women to conveyances before
16 1891.
- 17 (4) Foreign instruments executed before 1903.
- 18 (5) Deeds of married women before 1907, validity; executed under power
19 of attorney and record as evidence.
- 20 (6) Conveyances by reversioners and remainderpersons to life tenant.
- 21 (7) Decrees or judgments affecting lands in more than one county.
- 22 (8) Irregular deeds and conveyances; defective acknowledgments; irreg-
23 ularities in judicial sales; sales and deeds of executors, personal represen-
24 tatives, administrators, conservators and guardians; vested rights arising by
25 adverse title; recordation.
- 26 (9) Defective acknowledgments.
- 27 (10) Title to lands from or through aliens.
- 28 (11) An instrument that is presented for recording as an electronic image
29 or by electronic means and that is recorded before June 16, 2011.
- 30 (12) **A tangible copy of an electronic record containing a notarial**
31 **certificate that is accepted for recording by a county clerk before the**

1 **effective date of this 2020 special session Act.**

2 **SECTION 57.** ORS 93.810, as amended by section 56 of this 2020 special
3 session Act, is amended to read:

4 93.810. The following are subjects of validating or curative Acts applica-
5 ble to this chapter:

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

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

9 (3) Defective acknowledgments of married women to conveyances before
10 1891.

11 (4) Foreign instruments executed before 1903.

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

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

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

16 (8) Irregular deeds and conveyances; defective acknowledgments; irreg-
17 ularities in judicial sales; sales and deeds of executors, personal represen-
18 tatives, administrators, conservators and guardians; vested rights arising by
19 adverse title; recordation.

20 (9) Defective acknowledgments.

21 (10) Title to lands from or through aliens.

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

24 *[(12) A tangible copy of an electronic record containing a notarial certificate*
25 *that is accepted for recording by a county clerk before the effective date of this*
26 *2020 special session Act.]*

27 **SECTION 58.** ORS 194.400 is amended to read:

28 194.400. (1) The fee that a notary public may charge for performing a
29 notarial act may not exceed \$10 per notarial act, **except that a notary**
30 **public may charge a fee not to exceed \$25 per notarial act for a nota-**
31 **rial act performed under section 48 of this 2020 special session Act.**

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

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

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

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

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

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

17 **SECTION 59.** ORS 194.400, as amended by section 58 of this 2020 special
18 session Act, is amended to read:

19 194.400. (1) The fee that a notary public may charge for performing a
20 notarial act may not exceed \$10 per notarial act[, *except that a notary public*
21 *may charge a fee not to exceed \$25 per notarial act for a notarial act performed*
22 *under section 48 of this 2020 special session Act*].

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

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

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

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

1 the notary public will charge.

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

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

8

9 **STATE LAW EXCEPTIONS AND ALTERNATIVES**

10

11 **SECTION 60. (1) As used in this section:**

12 (a) **“Executive session” has the meaning given that term in ORS**
13 **192.610.**

14 (b) **“Governor’s declaration” means the declaration of a state of**
15 **emergency issued by the Governor on March 8, 2020, and any extension**
16 **of the declaration.**

17 (c) **“Municipal corporation” has the meaning given that term in**
18 **ORS 294.311 and includes the governing body of the municipal corpo-**
19 **ration.**

20 (d) **“Public body” means any local public body that is included in**
21 **the definition of “public body” under ORS 192.610 and includes the**
22 **governing body of the public body.**

23 (2)(a) **This section applies during the period in which the Governor’s**
24 **declaration is in effect and for the succeeding two weeks after the date**
25 **on which the declaration is no longer in effect.**

26 (b) **The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et**
27 **seq.) preempts any conflicting provision of law included in this section.**

28 (3) **Notwithstanding ORS 192.640, a public body may hold a meeting**
29 **as defined in ORS 192.610 to consider or take action related to the**
30 **COVID-19 pandemic upon such notice as the public body deems ap-**
31 **propriate in the circumstances.**

1 **(4)(a) Notwithstanding ORS 192.660, a public body may hold an**
2 **executive session to consider information related to the COVID-19**
3 **pandemic.**

4 **(b)(A) Representatives of the news media shall be allowed to attend**
5 **an executive session held pursuant to this subsection.**

6 **(B) The public body shall allow representatives of the news media**
7 **to attend the executive session remotely by one or more means of**
8 **telecommunication.**

9 **(C) Under ORS 192.660, the public body may require that specified**
10 **information disclosed in the course of the executive session remain**
11 **otherwise undisclosed.**

12 **(c) No executive session may be held under this subsection for the**
13 **purpose of taking any final action or making any final decision.**

14 **(d) ORS 192.680, 192.685 and 192.695 do not apply to an executive**
15 **session conducted under this subsection.**

16 **(5)(a) Notwithstanding any other provision of law, when telephone**
17 **or other electronic communication is used for a meeting, or to enable**
18 **the public to listen to the meeting, the public body is not required to**
19 **provide a physical location where the public can listen to the com-**
20 **munication at the time it occurs.**

21 **(b)(A) If a public body does not provide a physical location where**
22 **the public can listen to the communication at the time it occurs, the**
23 **public body shall make available a dial-in line, or if such a line cannot**
24 **be secured, any other method by which the public can listen to the**
25 **public meeting at the time it occurs.**

26 **(B) If telecommunication described in subparagraph (A) of this**
27 **paragraph is impossible, the public body shall post on the Internet a**
28 **recording of the meeting as soon as practicable.**

29 **(6) Notwithstanding any other provision of law, any statutory re-**
30 **quirement that testimony during a public hearing or meeting be taken**
31 **in person by a public body does not apply if the public body provides**

1 **an opportunity for the submission of written testimony.**

2 **(7) Notwithstanding any other provision of law, a quorum of the**
3 **governing body of a public body consists of a majority of its members,**
4 **excluding those unable to attend because of medical restrictions due**
5 **to the COVID-19 pandemic.**

6 **(8) ORS 294.338 (1), relating to the expenditure of moneys in com-**
7 **pliance with the local budget law by municipal corporations, does not**
8 **apply to the extent that failure to comply is due to the COVID-19**
9 **pandemic, provided that the municipal corporation:**

10 **(a) Makes only those expenditures necessary for the continued op-**
11 **eration of the municipal corporation; and**

12 **(b) Cures any failure to comply as soon as is reasonably practicable**
13 **after the Governor's declaration is no longer in effect.**

14 **(9) The requirement under ORS 294.426 (1)(b) to provide members**
15 **of the public an opportunity to ask questions about and comment on**
16 **a budget document may be satisfied by providing the public with a**
17 **means of written communication prior to final approval of the budget**
18 **document by the budget committee pursuant to ORS 294.428 (1).**

19 **(10) Notwithstanding the provisions of ORS 294.438 (8) relating to**
20 **meeting notices, the meeting notice required under subsection ORS**
21 **294.438 (1) must:**

22 **(a) State the date and time of the budget hearing at which the ap-**
23 **proved budget document may be discussed with the municipal corpo-**
24 **ration;**

25 **(b) State the location on the Internet where the complete budget**
26 **document is available for inspection by the general public;**

27 **(c) State that the budget has been prepared in accordance with the**
28 **basis of accounting used in the preceding year or preceding budget**
29 **period unless a change in the basis of accounting is anticipated; and**

30 **(d) If a change in the basis of accounting is to be made, explain the**
31 **change and the effects of the change.**

1 (11) The requirement under ORS 294.453 (1) to provide the public
2 with an opportunity to appear for or against any item in a local budget
3 document may be satisfied by providing the public with a means of
4 written communication prior to final adoption of the budget document
5 by the municipal corporation pursuant to ORS 294.456 (1).

6 (12) The requirement under ORS 294.453 (2) or (3) for municipal
7 corporations to meet with taxpayers at a public hearing may be satis-
8 fied by providing the public with a means of written communication.

9 (13) The requirement to publish any notice under ORS 294.305 to
10 294.565 may be satisfied by posting the notice in a conspicuous place
11 on the website of the municipal corporation.

12 (14) All deadlines and refund obligations under ORS chapters 197,
13 215 and 227 relating to land use decisions and appeals may be extended
14 or deferred by a local government for 30 days or until the date on
15 which the Governor's declaration is no longer in effect, if earlier. As
16 long as the Governor's declaration remains in effect, the local gov-
17 ernment may further extend or defer the deadline or obligation only
18 to a date mutually agreed upon with the applicant.

19 (15) The requirements under ORS 205.242 relating to the
20 presentment of instruments for recording to the county clerk may be
21 satisfied by providing a means of electronic filing and recording.

22 (16) The timelines and refund obligations under ORS chapters 92
23 and 209 relating to requirements for subdivisions, partition plats,
24 condominium plats, maps, narratives and reports of surveys may be
25 extended or deferred by a city or county for 30 days or until the date
26 on which the Governor's declaration is no longer in effect, if earlier.
27 As long as the Governor's declaration remains in effect, the city or
28 county may further extend or defer the timeline or obligation only to
29 a date mutually agreed upon with the applicant.

30
31 MISCELLANEOUS

1 **SECTION 61.** (1) Sections 45 and 46 of this 2020 special session Act
2 are repealed on December 31, 2021.

3 (2)(a) Sections 47, 48 and 55 of this 2020 special session Act are re-
4 pealed on June 30, 2021.

5 (b) The amendments to ORS 93.810, 194.225, 194.290, 194.305 and
6 194.400 by sections 50, 52, 54, 57 and 59 of this 2020 special session Act
7 become operative on June 30, 2021.

8
9 **SECTION 62.** Section 60 of this 2020 special session Act is repealed
10 on the date that is two weeks after the date on which the declaration
11 of a state of emergency issued by the Governor on March 8, 2020, and
12 any extension of the declaration, is no longer in effect.

13
14 **CAPTIONS**

15
16 **SECTION 63.** The unit captions used in this 2020 special session Act
17 are provided only for the convenience of the reader and do not become
18 part of the statutory law of this state or express any legislative intent
19 in the enactment of this 2020 special session Act.

20
21 **EMERGENCY CLAUSE**

22
23 **SECTION 64.** This 2020 special session Act being necessary for the
24 immediate preservation of the public peace, health and safety, an
25 emergency is declared to exist, and this 2020 special session Act takes
26 effect on its passage.

27 _____