



SUMMARY OF LEGISLATION

2020

Second Special Session

LEGISLATIVE POLICY AND
RESEARCH OFFICE
80TH OREGON
LEGISLATIVE ASSEMBLY

2020 SECOND SPECIAL SESSION SUMMARY OF LEGISLATION

80th Oregon Legislative Assembly

A publication of the
Legislative Policy and Research Office



The Legislative Policy and Research Office (LPRO) provides centralized, professional and nonpartisan research, issue analysis, and committee management services for the Legislative Assembly.

Misty Mason Freeman, Interim Director

Oliver Droppers, Deputy Director for Policy Research

Beth Patrino, Deputy Director for Committee Services

Patsy Wood, Deputy Director for Administration

Kristi Arrington
Patrick Brennan
Amie Fender-Sosa
Gillian Fischer
Lisa Gezelter
Isabel Hernandez
Laura Kentnesse
Samantha Koopman

Michael Lantz
Zoe Larmer
Tyler Larson
Melissa Leoni
Alethia Miller
Sean Murphy
Channa Newell
Brian Nieubuurt

Jan Nordlund
Shelley Raszka
Beth Reiley
Mike Reiley
C. Ross
Danielle Ross
Lisa Rybloom
Jalaine WhiteHorse

ABOUT THE SUMMARY OF LEGISLATION

The 2020 Second Special Session Summary of Legislation summarizes selected measures that were considered by the 80th Oregon Legislative Assembly during a one-day special session that was held August 10, 2020. Measure summaries are organized by policy areas. The summaries of selected measures follow in numerical order by chamber.

Each summary provides information on the chief sponsors, committees, background and current law, description of the measure, and date when the measure, if enacted, becomes effective. Each summary also includes a link to the measure on the [Oregon Legislative Information System \(OLIS\)](#), which provides a more comprehensive staff measure summary, all versions of the measure, amendments, public testimony, a complete measure history, and final vote tallies. Users may search for individual measures in the 2020 Second Special Session Summary of Legislation by keyword or measure number.

The 2020 Second Special Session Summary of Legislation focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on budget measures is available on the [Legislative Fiscal Office website](#).

TABLE OF CONTENTS

Business and Labor	1
General Government	3
Judiciary	4

[Senate Bill 1701](#)

Effective Date: September 1, 2020

Reduction in Unemployment Benefits Due to Job Earnings

Regular Sponsors: Joint Committee on the Second Special Session of 2020

Committees: Joint Committee on the Second Special Session of 2020

Background and Current Law: Eligible unemployed Oregonians receive a weekly unemployment insurance (UI) benefit amount that is 1.25 percent of the worker's total wages paid in the worker's base year, subject to a minimum of \$157 and a maximum of \$673.

Under current law, a worker is eligible to receive UI benefits if they work less than full time; however, the UI benefit they receive is reduced by the amount that their weekly earnings exceed the greater of ten times the minimum wage or one-third of their weekly UI benefit. (Though Oregon has three regional minimum wage rates, the Employment Department always uses the highest rate in the calculation.) For example, a person who normally receives a weekly UI benefit of \$350 and has weekly job earnings of \$225 is earning \$92.50 more than ten times the weekly minimum wage, leaving the person with an adjusted weekly UI benefit of \$257.

Bill Summary: Senate Bill 1701 temporarily increases to \$300 the weekly earnings a person can receive before their weekly UI benefit is reduced, meaning the person in the example above would see no reduction in their weekly UI benefit. This new formula will be in effect until January 1, 2022.

Oregon Laws 2020: (awaiting chapter number)

[Senate Bill 1702](#)

Effective Date: **Not Enacted**

Unemployment Benefits for Certain Employees of Educational Institutions

Regular Sponsors: Joint Committee on the Second Special Session of 2020

Committees: Joint Committee on the Second Special Session of 2020

Background and Current Law: The unemployment insurance (UI) program has special provisions applying to people who work for public or nonprofit educational institutions, generally restricting employees from receiving UI benefits during school breaks, including summer break when they have a reasonable assurance of returning to work. Federal law affords limited flexibility to states in applying those laws to employees performing instructional, research, or principal administrative work, but provides greater flexibility on their application to people who perform other types of services, such as bus drivers, food service, janitorial workers, and school nurses. If the state is found to be out of conformity with federal regulations, employers will be subject to a higher unemployment insurance tax and the state risks losing federal funds for administering the program.

Bill Summary: Senate Bill 1702 would have allowed employees of educational institutions and institutions of higher education who are not instructors, researchers, or principal administrators to receive unemployment insurance during school breaks and holidays even if they have a reasonable assurance of returning to work. The worker would have had to have met all other eligibility requirements in order to receive UI benefits. The provisions would have applied to weeks beginning on or after May 1, 2020 and ending before December 1, 2020.

[Senate Bill 1703](#)

Effective Date: September 1, 2020

Department of Revenue Sharing Tax Return Information with the Employment Department

Regular Sponsors: Joint Committee on the Second Special Session of 2020

Committees: Joint Committee on the Second Special Session of 2020

Background and Current Law: Except as otherwise specifically provided in administrative rule, the Department of Revenue (DOR) is prohibited from disclosing or sharing the amount of income, expense, deduction, exclusion, or credit disclosed in any tax report or tax return required in the administration of any local income or sales tax or that is required under the state's income tax laws.

Bill Summary: Senate Bill 1703 authorizes the Governor, during declared emergencies, to have DOR share information from an individual's income tax returns with the Oregon Employment Department (OED) to enable the administration of federal or state laws or programs that require such information to verify the identity and income of program applicants. One example is Pandemic Unemployment Assistance (PUA), a federal program administered by OED. The PUA program provides unemployment benefits to those who are not eligible for regular unemployment insurance, many of whom are self-employed. OED reports that access to tax returns filed with the DOR will allow the agency to process PUA claims more quickly.

Oregon Laws 2020: (awaiting chapter number)



[House Concurrent Resolution 221](#)

Filed with the Secretary of State

Revisions to Legislative Branch Personnel Rule for a Safe, Respectful, and Inclusive Workplace

At the request of: Joint Committee on the Second Special Session of 2020

Chief Sponsors: Rep. Kotek

Committees: Joint Committee on Policies for the Second Special Session of 2020

Background and Current Law: In 2019, the Legislative Assembly adopted House Concurrent Resolution 20 to make numerous changes to Legislative Branch Personnel Rule 27: Safe, Respectful and Inclusive Workplace. A work group comprised of the four co-chairs of the Joint Committee on Conduct, partisan staff, and nonpartisan staff met throughout the 2020 regular session and during the summer of 2020 to propose revisions to Rule 27.

Bill Summary: House Concurrent Resolution 221 revises Rule 27 to address prohibited conduct, conduct reports, conduct complaints, investigations, remedies, and process. The resolution applies to conduct reports and conduct complaints made on or after the date the concurrent resolution is adopted, and to investigations of those reports and complaints.

[House Bill 4301](#)

Effective Date: September 1, 2020

Use of Force by Police Officers**At the request of:** Joint Committee on the Second Special Session of 2020**Chief Sponsors:** Reps. Kotek, Bynum, Lawrence Spence; Sens. Frederick, Manning Jr.**Committees:** Joint Committee on Policies for the Second Special Session of 2020**Background and Current Law:** ORS 161.235 and ORS 161.239 govern when a peace officer is justified in using physical force or deadly physical force. A 1985 U.S. Supreme Court case, *Tennessee v. Garner*, held that any deadly force used by a police officer must be limited to situations where deadly force is "necessary to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious bodily harm to the officer or others." *Tennessee v. Garner*, 471 U.S. 1 (1985).**Bill Summary:** House Bill 4301 completely prohibits use of physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of that other person. This modification became operative upon its passage. The act further modifies Oregon's use of force statutes to more closely align with the requirements articulated by the U.S. Supreme Court in *Tennessee v. Garner*. The measure also adds a requirement that a peace officer consider alternatives to deadly physical force if a reasonable opportunity to do so exists. These provisions (Sections 6, 7 and 8 and 9 to 17) have an operative date of January 1, 2021.**Oregon Laws 2020:** (awaiting chapter number)
