



DaltonAdvocacy INC

2nd Special Session of 2020: End of Session Report

August 10th 2020

The 1-day 2nd Special Session of 2020 lasted 14+ hours (Senate adjourned 10:20 PM – House at 11:15 PM) and passed 12 bills. The Legislators were present in Salem, with the Capitol building closed to members of the public and lobby. All our advocacy efforts were done virtually – and this Special Session proved even more difficult with no public testimony taken on any of the bills. The members convened Monday morning at 8AM and two Committees were formed – one to tackle the budget bills and one to tackle policy. Over the weekend 13 bills were released, largely focused on the task of balancing the budget and making necessary transfers from reserves. There were a few policy bills including: 3 bills proposing ‘fixes’ to the Unemployment Insurance System, a bill to increase the fees and application process for certain geological permits/off-shore exploration, and a Police Reform bill that modifies acceptable use of physical force/deadly force by law enforcement as well as further limitations on the use of chokeholds.

After weeks of negotiations preceding this weeks’ Special Session the Legislature DID NOT take up liability reform for doctors, health care professionals, businesses, schools and local governments. Nor did they consider the proposed CARES Disconnect proposal in LC 2 that was floated last week which would have disconnected Oregon from three parts of the CARES Act: the business loss limitation provision, the net operating loss provision, and the business interest limitation provision. This change would have increases taxes for Oregon businesses by \$225M in the 2019-20 biennium and over \$100M for the 2021-22 biennium. In addition, previous labor attempts to adopt a presumption for Workers Compensation were not considered.

Below are brief summaries of the bills considered during the 2nd Special Session:

[SB 1701/LC 1](#) **Unemployment for Part-time Workers/20 hours**

Provides that unemployed individual receiving unemployment insurance benefits who has earnings from less than full-time employment may earn greater of \$300 or one-third of individual’s weekly benefit amount before individual’s weekly benefit amount is reduced. This bill would allow workers who are working part-time (20 hours) to still be eligible for UI benefits for the balance of the work week hours/available benefit.

STATUS: Passed Senate 21 – 6. Passed House 52 – 5.

[SB 1702/LC 3](#) **School UI Fix**

SB 1702 temporarily authorizes the payment of unemployment insurance benefits to individuals performing services in other than instructional, research or principal administrative capacity for educational institution or institution of higher education in circumstances in which payment is currently denied. This bill addresses challenges the Department has had in approving several UI applications for school-related workers.

STATUS: Bill DIED in Committee

This bill triggered dueling press releases and fireworks in advance of the floor debate Monday evening:

Senate Republicans: [Statement on Bipartisan Opposition to Senate Bill 1702](#)

Governor Brown: [Governor Kate Brown Issues Statement on Senate](#)

[Republicans Blocking Commonsense Fix to Deliver Unemployment Insurance Benefits Faster](#)

In the news: [Oregon lawmakers advance two bills to improve jobless payments, partisan spat ignites over a third](#)

[SB 1703/LC 4](#) UI Dept. of Revenue Fix

Provides that during a statutorily declared emergency Governor may authorize Director of Department of Revenue to disclose certain information set forth in tax report or return to any state agency if director determines that administration of any federal or state law or program, including, but not limited to, administration of unemployment insurance laws and programs by Employment Department, requires disclosure to enable agency to verify identity or income level of any person for purposes related to emergency or any consequences of emergency. This bill will help speed up the approval process by granting the Employment Department access to certain records to verify a workers income history. The [-3 Amendment](#) was adopted and provides for additional sidebars specific to the disclosure of information only to the Employment Department and sunsets the provision at the end of the emergency or March 1, 2021.

STATUS: Passed Senate 24 – 3. Passed House 52 – 5.

[SB 5721/LC10](#) General Obligation & Revenue Bond Changes

SB 5721 increases bond authorizations for the 2019-21 biennium and makes changes to previously approved bonds authorizations. View Budget Report [here](#).

STATUS: Passed Senate 23 – 4. Passed House 50 – 7.

[SB 5722/LC 11](#) Capitol Construction Expenditures

SB 5722 establishes and increases six-year expenditure limitations for capital construction projects. Projects in excess of \$1 million for the acquisition of land and the acquisition, planning, constructing, altering, repairing, furnishing, and equipping of buildings and facilities are categorized as capital construction projects. View Budget Report [here](#).

STATUS: Passed Senate 22 – 5. Passed House 50 – 7.

[SB 5723/LC 12](#) Revenue Reduction/E-Board General Fund Allocation Bill

This bill serves as the omnibus reduction bill and also contains several General Fund appropriations that are within resources available as projected in the June 2020 economic and revenue forecast by the Department of Administrative Services Office of Economic Analysis. View Reduction Detail List [here](#) and Budget Report [here](#). As part of the 2019-21 biennium

statewide rebalance plan, SB 5723 also adjusts the Emergency Fund and other special purpose appropriations made to the Emergency Board during the 2019 session.

In most cases, if remaining special purpose appropriations are not allocated by the Emergency Board before December 1, 2020, any remaining balances become available to the Emergency Board for general purposes or are available to the 2021 Legislature for other purposes.

Agency Reductions of Interest:

- Farm to School: Reduced to the Farm-to-School General Fund appropriation of \$4.9 million.
- OSU Statewides: The Committee approved a decrease in the Oregon State University (OSU) Statewide Public Service Programs of \$3,590,258 General Fund, which represents a 2.5% decrease in state support for the Agricultural Experiment Station (\$1,904,597), OSU Extension Service (\$1,400,060), and Forest Research Laboratory (\$285,601). Decreased funding is not anticipated to result in the elimination of any specific programs but will result in reduced program services and may include personnel reductions, elimination of support services, and reallocation of limited resources to maintain program effectiveness. Lottery Funds support for the Outdoor School Program was decreased by \$2,265,292 (or 5%), which results in total funding of \$43,040,555 for the Outdoor School program in the 2019-21 biennium.

STATUS: Passed Senate 20 – 7. Passed House 35 – 22.

[HB 4301/LC 27](#) **Police Reform: Use of Force & Chokeholds**

The bill adds corrections officers to the ban on using ‘chokeholds’ except in specified circumstances (when physical force is justified under ORS 161.209 and ORS 161.215). HB 4301 also modifies justified defenses available to police officer who uses physical force or deadly physical force upon another person, requiring the police officer to give a verbal warning, and reasonable opportunity to comply, before using physical force or deadly physical force if reasonable opportunity to do so exists and requires the police officer to consider alternatives to physical force or deadly physical force if reasonable opportunity to do so exists. View DOJ Letter of Support [here](#) and Letter of Support from Sheriffs Association, Chiefs of Police and OR State Police [here](#).

STATUS: Passed House 55 – 2. Passed Senate 22 – 5.

[HB 4302/LC 13](#) **Geological Permits/Oil & Gas Drilling**

Increases the statutory limit on permitting fees charged by the Department of Geology and Mineral Industries (DOGAMI), effective January 1, 2021. Impacts numerous fees for DOGAMI’s Mined Land Regulation and Reclamation (MLRR) program, including the following fee modifications for aggregate producers: an increase in the annual renewal tonnage fee from \$0.0095 to \$0.0125; an increase to the statutory cap for the tonnage fee from \$0.0095 to \$0.015; an increase in the annual base fee for non-producing aggregate sites from \$850 to \$1,200; and, an increase in the annual base fee for producing aggregate sites from \$850 to \$1,460.

STATUS: Passed House 34 – 23. Passed Senate 24 – 3.

[HB 4303/LC 25](#) **Education Stability Fund Transfer to State School Fund**

Directs State Treasurer to transfer \$400 Million from Education Stability Fund to State School Fund. This bill required a 3/5 vote majority (instead of the standard simple majority vote).
STATUS: Passed House 50 – 7. Passed Senate 23 – 1.

[HB 4304/LC 5](#) **Statutory Fixes Necessary for Budget Reduction Bill (SB 5723)**

This measure implements statutory changes necessary to support the 2019-21 legislatively adopted budget (and reconciliation/reductions contained in SB 5723) and to clarify the application of statutes. View Fiscal Statement [here](#).

STATUS: Passed House 42 – 15. Passed Senate 24 – 0.

[HB 5221/LC 22](#) **Lottery Funds/Veterans Services/Criminal Fine Account**

HB 5221 adjusts 10 existing allocations of lottery revenues from the Administrative Services Economic Development Fund (EDF) and adjusts three existing allocations of lottery revenues from the Veterans Services' Fund (VSF). The bill also decreases one allocation from the Criminal Fine Account (CFA) by \$2,181,660 reducing total CFA allocations for the 2019-21 biennium to \$74,637,420. This reduction is taken by the Department of Public Safety Standards and Training for Operations. View Budget Report [here](#).

STATUS: Passed House 33 – 24. Passed Senate 20 – 6.

[HCR 221/LC 21](#) **Amending Legislative Branch Personnel Rule 27**

Modifies obligation to make conduct reports under rule. Directs Legislative Equity Officer or, at officer's request, investigator to perform facial review on conduct reports and conduct complaints prior to investigation being undertaken. Provides that committee on conduct is to make recommendations on remedial measures to be imposed on partisan staff only if independent investigator has determined that rule violation has occurred. Extends time period committees on conduct have to conduct hearings, and to recommend and impose remedial measures on partisan staff. Expands numbers of alternates who serve on committees on conduct. Directs that complainants and identified impacted parties in matter be recused from service on committees on conduct when committee considers matter.

STATUS: Passed House 54 – 3. Passed Senate 23 – 2.

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