

Newsletter July 2020

The First Special Session of 2020 has to be the most unusual one I've experienced in my 15-years of legislative service. The COVID public health crisis meant extra precautions for the few legislators and staff allowed to operate inside the Capitol building and unfortunately, **it meant only telephonic testimony was allowed from the public.**

I was appointed to the 14-member [Joint Committee on the First Special Session of 2020](#) , which should tell you the **powers that be planned to have a second special session all along**. A total of 24 bills were enacted, over 100 people testified telephonically, and hundreds more submitted written testimony to the Joint Committee.

On a scale of one-to-ten, I would give this session about a five. **Six concepts brought forward by the [Legislative People of Color Caucus](#) were adopted to deal with police accountability**, and a handful of other bills assisting Oregonians with pandemic related issues also passed. I voted against three measures, Senate Bill 1603 and House Bills 4202, and 4213. See explanations below.

My concern is that there is already talk of a second special session to deal with the state budget crisis, which is what we should have taken care of last week. Governor Brown made \$150 million in administrative cuts, but that's a small drop in a very big budget bucket that needs to be filled. **The coronavirus shutdown has devastated our economy causing a huge [shortage in state revenue](#)**, about \$1 billion just to the remainder of our current two-year budget.

The Governor hopes Congress will issue another round of federal funds to the states. **Legislative leaders aren't waiting and plan to start holding budget committee meetings in Salem soon to deal with potential agency funding issues.**

The legislature also hasn't done much to help families and businesses struggling to make ends meet during this economic depression. **Tens of thousands of Oregonians have been waiting weeks and weeks to see any unemployment benefits because of computer problems at the employment agency.**

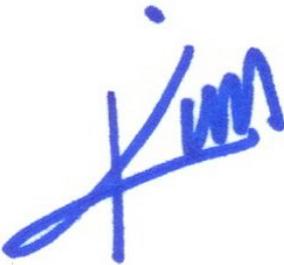
Business owners, schools, and non-profits have asked for [liability protections](#) because they're worried about frivolous lawsuits over something they did to comply with the Governor's public health orders. **The legislature should have dealt with that already.**

Governor's public health orders. **The legislature should have dealt with that already along with setting guidelines for employers to follow to ensure safety for their workers during an outbreak like this.** Oregon OSHA (Occupational Safety and Health Administration) had a bill on the table last week but it needed more work.

One last item under unfinished business. I supported the reforms for law enforcement policies to address racial injustices but more changes will be put forward in the future. I was named to a new Joint Committee on Transparent Policing and Use of Force Reform which will look at how investigations into deadly use of force are conducted among other issues. **I will ask the committee to support my proposal to forfeit the pensions of any public employee convicted of a felony committed during the course of their work for a public body.**

I welcome your comments and suggestions in the weeks ahead as the Governor and legislators sort out what's next on the agenda for Special Session 2 in late July or early August.

Regards,



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Police Accountability Package

House Bill 4201- Deadly force investigations. The legislature established a Joint Committee on Transparent Policing and Use of Force Reform to review how complaints about police use of force are investigated, disparate impact on communities of color, police protocols, the process to build public trust among other topics. Recommendations are due by the end of the year.

House Bill 4203-Bans choke holds. This bill adopted by the legislature prohibits police from using physical force that impedes the normal breathing or blood flow of another person by "applying pressure on the throat or neck", except in limited circumstances.

House Bill 4205-Officer duty to intervene and report. Officers are required to take action and if they witness another officer engaging in misconduct under this legislation. A duty to intervene and report the misconduct to a supervisor are called for in cases of excessive force, sexual harassment, discrimination against a protected class, a crime is being committed or other situations.

House Bill 4207-Police officer background database. The Department of Public Safety Standards and Training (DPSST) will create a statewide online database of personnel files of officers' records, including certifications that have been revoked, suspended and complaints lodged. Law enforcement agencies will check the database when making hiring decisions.

House Bill 4208-Terms of tear gas. Police will be limited on when they can use tear gas as a crowd control device in the future now that this measure has passed. Officers first have to declare a riot is occurring and they plan to use the gas giving the crowd a chance to evacuate. The gas can only be deployed after a second announcement.

SB 1604- Police arbitration. This measure makes it harder for labor arbitrators to overturn police disciplinary findings.

HB 4212A-Omnibus bill to help Oregonians from effects of COVID

Emergency shelter siting—Temporarily adds more flexibility for emergency shelters for homeless individuals by groups like churches, non-profits, or motels with government subsidies.

IDA funds for COVID relief—Low-income Oregonians, including those with disabilities, might currently have an Individual Development Account (IDA), to help pay for major investments like a college education. This bill allows them to use the IDA for necessary medical expenses and living expenses during the pandemic and avoid tax consequences.

Stimulus payment protections- Oregonians who received federal CARES Act stimulus payments are protected from garnishments through September 30th so they can use the money to pay for critical needs like food and housing.

Physician Assistant services—This measure expands the scope of practice for Physician Assistants so they can provide more patient care services without having to be under a doctor's direct supervision during a declared emergency. This is especially important in rural parts of Oregon lacking in health providers.

COVID-19 race and ethnicity data —Health care providers are required to collect data on race, ethnicity, and other information related to the coronavirus under this bill. Patients voluntarily submit this information. The data is confidential and only used to help public health officials understand the impact of the pandemic on different populations.

Enterprise zone deadline extension —Several local enterprise zones, under development to help with job creation, were delayed due to the COVID crisis, and set to expire June 30th. This measure extends their timeline another six months.

Remote notary provisions —Creates a pilot program for notaries to use electronic technology during the pandemic to protect public health, helping people who need to file wills or advance directives and other important documents.

Remote public meetings —City, county, schools, and other local governments are allowed to meet by telephone or video conferencing to help prevent the spread of the virus. If meetings are held that way, the public must be notified and allowed a chance to provide input through electronic means.

Court timelines—The pandemic has caused significant backlogs in Oregon's court system. This measure gives judges flexibility in some cases, including in some limited cases the ability to delay trial dates by 60 days if necessary. I supported HB 4212 for several reasons. One was because before holding someone in jail accused of a "person crime" longer than the 180-days currently allowed by law, the judge would have to show specific danger to the public if they're released. There was no testimony in opposition to this part of the bill and this section includes this language; "Nothing in this section affects the rights of a defendant under the Oregon and United States Constitutions. It was supported by the Criminal Defense Lawyers Association. Please see details about the bill if you have questions.

Additional COVID-related legislation

House Bill 4204-Foreclosure changes. This extends an executive order issued by the Governor prohibiting foreclosures on residential and commercial properties until September 30th. Any deferred mortgage payments would be due at the end of the loan.

House Bill 4213-Evictions changes. A moratorium on evictions for residential and commercial evictions due to the COVID emergency will be continued through the end of September. Renters have a repayment grace period until March 31, 2021 while also keeping current on monthly rent payments.

Senate Bill 1603-Broadband funding. Raises \$5 million a year for developing broadband infrastructure across Oregon by imposing a new cell phone tax and reducing a tax on landlines.

Senate Bill 1606-People with disabilities hospitalizations. The measure ensures individuals with disabilities who need to go to the hospital will have a support person with them and not be pressured to sign an end-of-life agreement. During the pandemic there have been several cases where medical care has been denied or delayed.

Other legislative actions

House Bill 4202-Commercial Activities Tax. Mostly technical changes to the CAT tax that was enacted by the 2019 legislature on to fund schools. A few adjustments assist the dairy industry.

House Bill 4206: Meat inspections. The state Agriculture Department can now set up a meat inspection program to help Oregon farmers and ranchers with processing products to meet consumer needs.

House Bill 4209-Economic Development. Gives the Eastern Oregon Border Economic Development Board the ability to contract with a third-party administrator to make grants and loans to fund local projects in the region.

House Bill 4210-Suspended Driver Licenses. Courts can no longer suspend someone's driving privileges for failure to pay traffic fines or fees. The debt would still have to be paid. This policy was often especially burdensome to low-income individuals in the past.

House Bill 4211-Fund for Student Success. Current law calls for a one time transfer every budget cycle of dollars collected by the new CAT tax earmarked for the Fund for Student Success to be distributed to various pots in the Department of Education. This bill allows for more frequent distributions.

House Bill 4214-Indian Child Welfare Act. This bill responds to concerns about a large percentage of American Indian children in Oregon's foster care system. The measure brings state law into compliance with federal law and helps these children stay connected to their culture, family, and tribe.

Senate Bill 1601-Transportation. Prevents citations from being issued by police and requires courts to dismiss citations for expired driver licenses, permits, and vehicle registrations from March 1-December 31, 2020. Transit agencies also benefit from more flexible use of funding with this bill.

Senate Bill 1602-Timber agreement. This establishes new forest practices commitment between Oregon's forest products industry and environment groups to work together on management practices. Prohibits certain aerial pesticide spraying and both sides have agreed to a mediated process for future discussions.

Senate Bill 1605-Foster children. Placements in out-of-state facilities for foster children now face stricter standards as do some of the in-state facilities that state officials can house children in foster care under this bill. Students who qualify for the Oregon Promise grant program to pay for college costs but are placed in foster care out of state would now be eligible for the funds.

Senate Bill 1607-Small School Districts. Several small school districts currently receive additional state grants because of their size and others because they house foreign exchange students in dormitories. This bill extends the sunset on those grants until July 1, 2021.

For more information about all the legislation debated in the First Special Session go to [this link](#):

<https://olis.oregonlegislature.gov/liz/2020S1/2020-06-24>

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