

House Bill 4212 – A Melting Pot

Summary: HB 4212 makes changes to various statutes to address the effects of the COVID-19 pandemic, including local government and special government body public meetings and operations, garnishment modifications, judicial proceeding extensions and electronic appearances, emergency shelter approval, notarial acts, enterprise zone termination extensions, individual development account modifications, race and ethnicity data collection and reporting, and physician assistant practice authorization. Following are a few of the sections addressed in the house bill.

Local Government and Special Government Body Public Meetings and Operations: HB 4212 allows local governments to hold all meetings of their governing bodies, including taking public testimony, by telephone or video conference, provided a method is made available for the public to listen or observe the meeting. It requires recording of meetings, to be made available to the public, if technology allows. It specifies that meetings held in person must maintain social distancing. It clarifies meeting notice requirements. It specifies that quorum requirements exclude persons unable to attend because of illness due to COVID-19. Finally, it authorizes reasonable expenditures if local government is unable to comply with local budget law during the Governor's declared state of emergency.

Garnishment Modifications: HB 4212 protects CARES Act recovery rebate payments from garnishment. It applies to garnishments issued on or before September 30, 2020.

Judicial Proceeding Extensions and Electronic Appearances: HB 4212 authorizes the Chief Justice to extend or suspend a time period requirement relating to the initiation of a court case or proceeding requirement related to a pending court case during a state of emergency declaration issued by the Governor related to COVID-19. It permits the Chief Justice to extend or suspend timelines to continue for 90 days after the declaration is no longer in effect. It allows orders to appear for criminal citations issued to be more than 30 days after the date of issue. It authorizes the extension of pre-trial custody of defendants beyond statutory limits if a court makes certain findings relating to the dangerousness of the individual. It includes within the definition of "good cause" for extension of custody or postponement of trials caused by COVID-19. It extends expiration of period to commence or give notice of civil action by 90 days from the end of Governor-declared COVID-19 state of emergency if expiration of claim or period for notice falls within the time period of the emergency declaration. It applies to civil claims, wrongful death actions, tort claims against public bodies, or any other civil cause of action. It excludes time periods for commencement of criminal actions, appeals to Tax Court or Court of Appeals, or initiation of cases or proceedings before the Supreme Court. Repeals provisions on December 31, 2021.

Notarial Acts: HB 4212 establishes a pilot program for remote notarization services. It allows notary public to perform notarial acts, including taking acknowledgments, administering oaths or affirmations, witnessing or attesting a signature, or certifying or attesting copies of documents, with individuals who are not in the physical presence of the notary. It requires technology that allows simultaneous sight and sound, or appropriate adaptive technologies, between notary and individual. It requires personal knowledge of the identity of the remote individual, a recorded oath or affirmation from a credible witness of the identity of the individual, or identity proofing. It requires the notary to make audiovisual recording of the performance of the notarial act and retain the recording for a period of at least 10 years. It requires the Secretary of State to establish remote notarization rules. It allows a notary public to charge up to \$25 per remote notarial act. Repeals provisions on June 30, 2021.

Race and Ethnicity Data Collection and Reporting During COVID-19 Pandemic:

HB 4212 requires licensed or certified health care providers to collect data on race, ethnicity, preferred spoken and written languages, English proficiency, interpreter needs and disability status (REALD) during the provision of health services related to COVID-19. It defines “COVID-19,” “encounter,” “telemedicine,” and “health care provider.” It directs the Oregon Health Authority (OHA) to adopt rules requiring health care providers to collect and report data using existing standards (ORS 413.161), specifies timelines for data collection, and allows OHA to provide incentives to health care providers to comply with requirements. It clarifies that data collected by providers is confidential and subject to federal and state laws limiting any disclosure of health information. It grants enforcement authority to OHA, the Department of Human Services (DHS), and professional regulatory boards beginning December 31, 2020. It clarifies that insurers cannot use collected data to deny, limit, cancel, refuse to renew, or increase premiums for an insurance policy. ■

This summary is excerpted from the Staff Measure Summary by the Joint Committee on the First Special Session of 2020. You can view the enrolled HB 4212 at https://www.oregonlegislature.gov/bills_laws.