

Enrolled House Bill 2927

Sponsored by Representatives EVANS, GOMBERG, GRAYBER, Senator FINDLEY; Representatives ALONSO LEON, BYNUM, CAMPOS, CATE, CLEM, DEXTER, DRAZAN, HUDSON, KROPF, LEIF, LEWIS, MARSH, MEEK, MOORE-GREEN, MORGAN, NATHANSON, NERON, NOBLE, OWENS, PHAM, POST, POWER, PRUSAK, RAYFIELD, REARDON, REYNOLDS, RUIZ, SCHOUTEN, SMITH DB, SMITH G, SOLLMAN, VALDERRAMA, WALLAN, WEBER, WILDE, WILLIAMS, WITT, WRIGHT, ZIKA, Senator PATTERSON (at the request of former Representative Carla Piluso) (Pre-session filed.)

CHAPTER

AN ACT

Relating to emergency management; creating new provisions; amending ORS 30.269, 182.535, 183.457, 195.260, 244.050, 264.348, 276A.300, 276A.326, 377.833, 399.035, 401.052, 401.054, 401.062, 401.072, 401.076, 401.082, 401.088, 401.092, 401.094, 401.096, 401.109, 401.165, 401.239, 401.305, 401.358, 401.364, 401.368, 401.534, 401.536, 401.551, 401.552, 401.654, 401.655, 401.657, 401.658, 401.661, 401.667, 401.900, 401.902, 401.904, 401.910, 401.915, 401.922, 401.950, 401.952, 401.955, 401.975, 401.977, 401.978, 402.015, 402.020, 402.210, 402.230, 403.120, 403.130, 403.132, 403.160, 403.165, 403.170, 403.235, 403.240, 403.250, 403.415, 403.425, 403.430, 403.435, 403.450, 404.100, 404.105, 404.110, 404.120, 404.125, 404.200, 433.441, 433.448, 443.760, 453.327, 453.342, 453.362, 453.392, 453.394, 453.520, 453.825, 465.505, 466.620, 466.635, 468B.365, 468B.431, 469.533, 476.020, 476.030, 476.050, 476.055, 476.090, 476.130, 476.210, 476.220, 476.270, 476.290, 476.590, 476.680, 476.685, 476.735, 476.765, 476.806, 476.925, 478.270, 478.940, 479.180, 480.230, 480.450, 480.460, 540.482, 657.665, 689.645, 731.820, 735.470 and 824.088 and sections 1, 3 and 4, chapter 85, Oregon Laws 2016, and section 13c, chapter 581, Oregon Laws 2019; repealing section 3, chapter ___, Oregon Laws 2021 (Enrolled House Bill 2426); and declaring an emergency.

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

RENAMING AND REORGANIZATION OF THE OFFICE OF EMERGENCY MANAGEMENT

SECTION 1. (1) The amendments to ORS 401.052, 401.054, 401.062, 401.072, 401.076, 401.082, 401.088 and 401.092 by sections 2 to 9 of this 2021 Act are intended to change the name of the “Office of Emergency Management” to the “Oregon Department of Emergency Management” and to establish that entity as a state agency independent from the Oregon Military Department.

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the “Office of Emergency Management,” wherever they occur in statutory law, other words designating the “Oregon Department of Emergency Management.”

SECTION 2. ORS 401.052 is amended to read:

401.052. (1) The [Office] **Oregon Department** of Emergency Management is established [*in the Oregon Military Department*].

(2) The [office] **department** shall be responsible for:

(a) Coordinating and facilitating private sector and governmental efforts to prevent, prepare for, respond to and recover from emergencies; and

(b) Coordinating exercises and training, planning, preparedness, response, mitigation and recovery activities with state and local emergency services agencies and organizations.

(3) The [office] **department** shall prepare a statewide emergency management plan and update the plan from time to time as necessary.

SECTION 3. ORS 401.054 is amended to read:

401.054. (1) Each of the following agencies, entities and officials shall designate an individual to act as a liaison with the [Office] **Oregon Department** of Emergency Management:

- (a) The Department of Consumer and Business Services;
- (b) The Department of Corrections;
- (c) The Department of Education;
- (d) The Department of Environmental Quality;
- (e) The Department of Human Services;
- (f) The Department of Justice;
- (g) The Department of Land Conservation and Development;
- (h) The Department of Public Safety Standards and Training;
- (i) The Department of State Lands;
- (j) The Department of State Police;
- (k) The Department of Transportation;
- (L) The Department of Veterans' Affairs;
- (m) The Employment Department;
- (n) The Housing and Community Services Department;
- (o) The Judicial Department;
- (p) The Oregon Business Development Department;
- (q) The Oregon Department of Administrative Services;
- (r) The Oregon Department of Aviation;
- (s) The Oregon Health Authority;
- (t) The Oregon Military Department;
- (u) The Oregon Tourism Commission;
- (v) The Public Utility Commission of Oregon;
- (w) The Secretary of State;
- (x) The State Department of Agriculture;
- (y) The State Department of Energy;
- (z) The State Department of Fish and Wildlife;
- (aa) The State Department of Geology and Mineral Industries;
- (bb) The State Fire Marshal;
- (cc) The State Forestry Department;
- (dd) The State Marine Board;
- (ee) The State Parks and Recreation Department;
- (ff) The Travel Information Council; and
- (gg) The Water Resources Department.

(2) Each agency, entity and official required to designate a liaison under this section shall designate an individual who has authority during an emergency to allocate resources and assets of the agency, entity or official.

(3) Each individual designated as a liaison under subsection (1) of this section shall assist in the coordination of the functions of the agency, entity or official that designated the individual that relate to emergency preparedness and response with similar functions of the [Office] **Oregon Department** of Emergency Management.

SECTION 4. ORS 401.062 is amended to read:

401.062. (1) The [Office] **Oregon Department** of Emergency Management is under the supervision and control of a director, who is responsible for the performance of the duties, functions and powers of the [office] **department**.

(2) [The Adjutant General, with the approval of] The Governor[,] shall appoint the Director of the [Office] **Oregon Department** of Emergency Management, who holds office at the pleasure of the [Adjutant General.] **Governor. The appointment of the director is subject to confirmation by the Senate in the manner prescribed by ORS 171.562 and 171.565.**

(3) The director shall be paid a salary as provided by law or, if not so provided, as prescribed by [the Adjutant General, with the approval of] the Governor.

(4) For purposes of administration, subject to the approval of the [Adjutant General] **Governor**, the director may organize and reorganize the [office] **department** as the director considers necessary to properly conduct the work of the [office] **department**.

(5) The director may divide the functions of the [office] **department** into administrative divisions. Subject to the approval of the [Adjutant General] **Governor**, the director may appoint an individual to administer each division. The administrator of each division serves at the pleasure of the director and is not subject to the provisions of ORS chapter 240. Each individual appointed under this subsection must be well qualified by technical training and experience in the functions to be performed by the individual.

SECTION 5. ORS 401.072 is amended to read:

401.072. (1) The Director of the [Office] **Oregon Department** of Emergency Management may, by written order filed with the Secretary of State, appoint a deputy director. The deputy director serves at the pleasure of the director, has authority to act for the director in the absence of the director and is subject to the control of the director at all times.

(2) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all subordinate officers and employees of the [Office of Emergency Management] **department**, prescribe their duties and fix their compensation.

SECTION 6. ORS 401.076 is amended to read:

401.076. In accordance with applicable provisions of ORS chapter 183, the Director of the [Office] **Oregon Department** of Emergency Management may adopt rules necessary for the administration of the laws that the [Office of Emergency Management] **department** is charged with administering.

SECTION 7. ORS 401.092 is amended to read:

401.092. (1) The Director of the [Office] **Oregon Department** of Emergency Management is responsible for coordinating and facilitating exercises and training, emergency planning, preparedness, response, mitigation and recovery activities with the state and local emergency services agencies and organizations, and shall[, with the approval of the Adjutant General or as directed by the Governor]:

(a) Make rules that are necessary and proper for the administration and implementation of this chapter;

(b) Coordinate the activities of all public and private organizations specifically related to providing emergency services within this state;

(c) Maintain a cooperative liaison with emergency management agencies and organizations of local governments, other states and the federal government;

(d) Have such additional authority, duties and responsibilities authorized by this chapter or as may be directed by the Governor;

(e) Administer grants relating to emergency program management under ORS 401.305, emergency services for the state and the statewide 2-1-1 system as provided in ORS 403.430;

(f) Provide for and staff [a] **the State Emergency Operations Center** to aid the Governor and the [Office of Emergency Management] **department** in the performance of duties under this chapter;

(g) Serve as the Governor's authorized representative for coordination of certain response activities and managing the recovery process;

(h) Establish training and professional standards for local emergency program management personnel;

(i) Establish task forces and advisory groups to assist the [office] **department** in achieving mandated responsibilities;

(j) Enforce compliance requirements of federal and state agencies for receiving funds and conducting designated emergency functions;

(k) Oversee the design, implementation and support of a statewide 2-1-1 system as provided under ORS 403.415; and

(L) Coordinate the activities of state and local governments to enable state and local governments to work together during domestic incidents as provided in the National Incident Management System established by the Homeland Security Presidential Directive 5 of February 28, 2003.

(2) Notwithstanding subsection (1) of this section, the State Forester shall serve as the Governor's authorized representative for the purpose of initiating the fire management assistance declaration process with the Federal Emergency Management Agency and administering Federal Emergency Management Agency fire management assistance grants.

SECTION 8. ORS 401.082 is amended to read:

401.082. (1) To aid and advise the Director of the [Office] **Oregon Department** of Emergency Management in the performance of the functions of the [Office] **Oregon Department** of Emergency Management, the director may establish such advisory and technical committees as the director considers necessary. The committees may be continuing or temporary. The director shall determine the representation, membership, terms and organization of the committees and shall appoint their members. The director is an ex officio member of each committee.

(2) Members of the committees are not entitled to compensation, but in the discretion of the director may be reimbursed from funds available to the [office] **department** for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495.

SECTION 9. ORS 401.088 is amended to read:

401.088. The Director of the [Office] **Oregon Department** of Emergency Management may enter into interagency agreements with other state agencies that the director determines are necessary to carry out the duties of the [Office] **Oregon Department** of Emergency Management.

(Finance)

SECTION 10. (1) **The unexpended balances of amounts authorized to be expended by the Oregon Military Department for purposes of the Office of Emergency Management for the biennium beginning July 1, 2021, from revenues dedicated, continuously appropriated, appropriated or otherwise made available to the department, are transferred to and are available for expenditure by the Oregon Department of Emergency Management for the biennium beginning July 1, 2021.**

(2) **The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Office of Emergency Management remain applicable to expenditures by the Oregon Department of Emergency Management under this section.**

(Action, Proceeding, Prosecution)

SECTION 11. **The amendments to ORS 401.052, 401.054, 401.062, 401.072, 401.076, 401.082, 401.088 and 401.092 by sections 2 to 9 of this 2021 Act do not affect any action, proceeding or prosecution involving or with respect to any duties, functions and powers of the Office of Emergency Management begun before and pending as of the operative date specified in section 155 of this 2021 Act, except that the Oregon Department of Emergency Management is substituted for the Office of Emergency Management in any such action, proceeding or prosecution.**

(Liability, Duty, Obligation)

SECTION 12. (1) Nothing in the amendments to ORS 401.052, 401.054, 401.062, 401.072, 401.076, 401.082, 401.088 and 401.092 by sections 2 to 9 of this 2021 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers conferred by those statutes prior to the operative date specified in section 155 of this 2021 Act. The Oregon Department of Emergency Management may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Office of Emergency Management legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date specified in section 155 of this 2021 Act are transferred to the Oregon Department of Emergency Management. For the purpose of succession to these rights and obligations, the Oregon Department of Emergency Management is a continuation of the Office of Emergency Management and not a new authority.

(Rules, References)

SECTION 13. The rules of the Office of Emergency Management in effect on the operative date specified in section 155 of this 2021 Act continue in effect until superseded or repealed by rules of the Oregon Department of Emergency Management. References in rules of the Office of Emergency Management to the Office of Emergency Management or an officer or employee of the Office of Emergency Management are considered to be references to the Oregon Department of Emergency Management or an officer or employee of the Oregon Department of Emergency Management.

SECTION 14. Whenever, in any statutory law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the Office of Emergency Management or an officer or employee of the Office of Emergency Management, the reference is considered to be a reference to the Oregon Department of Emergency Management or an officer or employee of the Oregon Department of Emergency Management.

(Initial Director)

SECTION 15. The Director of the Office of Emergency Management on the operative date specified in section 155 of this 2021 Act shall serve as the initial Director of the Oregon Department of Emergency Management at the pleasure of the Governor and without the need for confirmation by the Senate.

(Transfer of Emergency Powers to
the Oregon Department of Emergency Management)

SECTION 16. ORS 401.094 is amended to read:

401.094. (1)(a) The Department of State Police shall maintain a system for the notification and interagency coordination of state resources in response to emergencies involving multijurisdictional cooperation between the various levels of government and private business entities.

(b) The department shall provide the [Office] **Oregon Department** of Emergency Management with a service level agreement that describes the continued daily operations and maintenance of the system, the services and supplies needed to maintain the system 24 hours a day, every day of the year, and the policies and procedures that support the overall notification system.

(2) The notification system shall be managed by the [Office] **Oregon Department** of Emergency Management as a continuously available communications network and a component of the state's emergency operations center.

(3) The notification system shall be the primary point of contact by which any public agency provides the state notification of an emergency or disaster, or requests access to state and federal resources.

(4) Each department of state government, and those agencies of state government identified in the statewide emergency management plan prepared under ORS 401.052 as having emergency service or administrative responsibilities, shall appoint an emergency management coordinator as their representative to work with the [Office] **Oregon Department** of Emergency Management on the development and implementation of emergency plans and procedures.

(5) The [Office] **Oregon Department** of Emergency Management shall adopt rules relating to the planning, administration and operation of the notification system maintained under this section.

SECTION 16a. ORS 401.094, as amended by section 16 of this 2021 Act, is amended to read:

401.094. (1)[(a)] The **Oregon Department** of [State Police] **Emergency Management** shall maintain a system for the notification and interagency coordination of state resources in response to emergencies involving multijurisdictional cooperation between the various levels of government and private business entities.

[(b) The department shall provide the Oregon Department of Emergency Management with a service level agreement that describes the continued daily operations and maintenance of the system, the services and supplies needed to maintain the system 24 hours a day, every day of the year, and the policies and procedures that support the overall notification system.]

(2) The notification system shall be managed by the [Oregon Department of Emergency Management] **department** as a continuously available communications network and a component of the state's emergency operations center.

(3) The notification system shall be the primary point of contact by which any public agency provides the state notification of an emergency or disaster, or requests access to state and federal resources.

(4) Each department of state government, and those agencies of state government identified in the statewide emergency management plan prepared under ORS 401.052 as having emergency service or administrative responsibilities, shall appoint an emergency management coordinator as their representative to work with the [Oregon Department of Emergency Management] **department** on the development and implementation of emergency plans and procedures.

(5) The [Oregon Department of Emergency Management] **department** shall adopt rules relating to the planning, administration and operation of the notification system maintained under this section.

NOTE: Sections 17 through 23 were deleted by amendment. Subsequent sections were not renumbered.

SECTION 24. ORS 476.590 is amended to read:

476.590. The State Fire Marshal, **in consultation with the Director of the Oregon Department of Emergency Management**, shall prepare plans for the effective carrying out of the provisions of ORS 476.520 to 476.610 and provide advice and counsel to the Governor for the most practical utilization under ORS 476.520 to 476.610 of the fire-fighting resources of this state.

NOTE: Section 25 was deleted by amendment. Subsequent sections were not renumbered.

(Emergency Preparedness Functions)

SECTION 25a. The Oregon Department of Emergency Management shall carry out the following functions:

- (1) Coordinate emergency management functions on a regional basis within this state;
- (2) Coordinate training related to emergency response on a regional basis within this state; and
- (3) Develop and carry out emergency preparedness exercises on a statewide basis.

(Conforming Amendments)

SECTION 26. ORS 195.260 is amended to read:

195.260. (1) In order to reduce the risk of serious bodily injury or death resulting from rapidly moving landslides, a local government:

(a) Shall exercise all available authority to protect the public during emergencies, consistent with ORS 401.032.

(b) May require a geotechnical report and, if a report is required, shall provide for a coordinated review of the geotechnical report by the State Department of Geology and Mineral Industries or the State Forestry Department, as appropriate, before issuing a building permit for a site in a further review area.

(c) Except those structures exempt from building codes under ORS 455.310 and 455.315, shall amend its land use regulations, or adopt new land use regulations, to regulate the siting of dwellings and other structures designed for human occupancy, including those being restored under ORS 215.130 (6), in further review areas where there is evidence of substantial risk for rapidly moving landslides. All final decisions under this paragraph and paragraph (b) of this subsection are the responsibility of the local government with jurisdiction over the site. A local government may not delegate such final decisions to any state agency.

(d) May deny a request to issue a building permit if a geotechnical report discloses that the entire parcel is subject to a rapidly moving landslide or that the subject lot or parcel does not contain sufficient buildable area that is not subject to a rapidly moving landslide.

(e) Shall maintain a record, available to the public, of properties for which a geotechnical report has been prepared within the jurisdiction of the local government.

(2) A landowner allowed a building permit under subsection (1)(c) of this section shall sign a statement that shall:

(a) Be recorded with the county clerk of the county in which the property is located, in which the landowner acknowledges that the landowner may not in the future bring any action against an adjacent landowner about the effects of rapidly moving landslides on or adjacent to the landowner's property; and

(b) Record in the deed records for the county where the lot or parcel is located a nonrevocable deed restriction that the landowner signs and acknowledges, that contains a legal description complying with ORS 93.600 and that prohibits any present or future owner of the property from bringing any action against an adjacent landowner about the effects of rapidly moving landslides on or adjacent to the property.

(3) Restrictions on forest practices adopted under ORS 527.710 (10) do not apply to risk situations arising solely from the construction of a building designed for human occupancy in a further review area on or after October 23, 1999.

(4) The following state agencies shall implement the following specific responsibilities to reduce the risk of serious bodily injury or death resulting from rapidly moving landslides:

(a) The State Department of Geology and Mineral Industries shall:

(A) Identify and map further review areas selected in cooperation with local governments and in coordination with the State Forestry Department, and provide technical assistance to local governments to facilitate the use and application of this information pursuant to subsection (1)(b) of this section; and

(B) Provide public education regarding landslide hazards.

(b) The State Forestry Department shall regulate forest operations to reduce the risk of serious bodily injury or death from rapidly moving landslides directly related to forest operations, and assist local governments in the siting review of permanent dwellings on and adjacent to forestlands in further review areas pursuant to subsection (1)(b) of this section.

(c) The Land Conservation and Development Commission may take steps under its existing authority to assist local governments to appropriately apply the requirements of subsection (1)(c) of this section.

(d) The Department of Transportation shall provide warnings to motorists during periods determined to be of highest risk of rapidly moving landslides along areas on state highways with a history of being most vulnerable to rapidly moving landslides.

(e) The [Office] **Oregon Department** of Emergency Management shall coordinate state resources for rapid and effective response to landslide-related emergencies.

(5) Notwithstanding any other provision of law, any state or local agency adopting rules related to the risk of serious bodily injury or death from rapidly moving landslides shall do so only in conformance with the policies and provisions of ORS 195.250 to 195.260.

(6) No state or local agency may adopt or enact any rule or ordinance for the purpose of reducing risk of serious bodily injury or death from rapidly moving landslides that limits the use of land that is in addition to land identified as a further review area by the State Department of Geology and Mineral Industries or the State Forestry Department pursuant to subsection (4) of this section.

(7) Except as provided in ORS 527.710 or in Oregon's ocean and coastal land use planning goals, no state agency may adopt criteria regulating activities for the purpose of reducing risk of serious bodily injury or death from rapidly moving landslides on lands subject to the provisions of ORS 195.250 to 195.260 that are more restrictive than the criteria adopted by a local government pursuant to subsection (1)(c) of this section.

SECTION 27. ORS 244.050 is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Deputy Secretary of State.

(f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House of Representatives and the Legislative Equity Officer.

(g) The president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

(h) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

(P) Director of the Public Employees Retirement System.

(Q) Director of Department of Revenue.

- (R) Director of Transportation.
- (S) Public Utility Commissioner.
- (T) Director of Veterans' Affairs.
- (U) Executive director of Oregon Government Ethics Commission.
- (V) Director of the State Department of Energy.
- (W) Director and each assistant director of the Oregon State Lottery.
- (X) Director of the Department of Corrections.
- (Y) Director of the Oregon Department of Aviation.
- (Z) Executive director of the Oregon Criminal Justice Commission.
- (AA) Director of the Oregon Business Development Department.
- (BB) Director of the [Office] **Oregon Department** of Emergency Management.
- (CC) Director of the Employment Department.
- (DD) State Fire Marshal.**
- [(DD)] **(EE)** Chief of staff for the Governor.
- [(EE)] **(FF)** Director of the Housing and Community Services Department.
- [(FF)] **(GG)** State Court Administrator.
- [(GG)] **(HH)** Director of the Department of Land Conservation and Development.
- [(HH)] **(II)** Board chairperson of the Land Use Board of Appeals.
- [(II)] **(JJ)** State Marine Director.
- [(JJ)] **(KK)** Executive director of the Oregon Racing Commission.
- [(KK)] **(LL)** State Parks and Recreation Director.
- [(LL)] **(MM)** Public defense services executive director.
- [(MM)] **(NN)** Chairperson of the Public Employees' Benefit Board.
- [(NN)] **(OO)** Director of the Department of Public Safety Standards and Training.
- [(OO)] **(PP)** Executive director of the Higher Education Coordinating Commission.
- [(PP)] **(QQ)** Executive director of the Oregon Watershed Enhancement Board.
- [(QQ)] **(RR)** Director of the Oregon Youth Authority.
- [(RR)] **(SS)** Director of the Oregon Health Authority.
- [(SS)] **(TT)** Deputy Superintendent of Public Instruction.
- (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within the Governor's office.
- (j) Every elected city or county official.
- (k) Every member of a city or county planning, zoning or development commission.
- (L) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (n) Every member of a governing body of a metropolitan service district and the auditor and executive officer thereof.
- (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (p) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (q) Every member of the following state boards and commissions:
 - (A) Governing board of the State Department of Geology and Mineral Industries.
 - (B) Oregon Business Development Commission.
 - (C) State Board of Education.
 - (D) Environmental Quality Commission.
 - (E) Fish and Wildlife Commission of the State of Oregon.
 - (F) State Board of Forestry.
 - (G) Oregon Government Ethics Commission.
 - (H) Oregon Health Policy Board.
 - (I) Oregon Investment Council.
 - (J) Land Conservation and Development Commission.

- (K) Oregon Liquor Control Commission.
 - (L) Oregon Short Term Fund Board.
 - (M) State Marine Board.
 - (N) Mass transit district boards.
 - (O) Energy Facility Siting Council.
 - (P) Board of Commissioners of the Port of Portland.
 - (Q) Employment Relations Board.
 - (R) Public Employees Retirement Board.
 - (S) Oregon Racing Commission.
 - (T) Oregon Transportation Commission.
 - (U) Water Resources Commission.
 - (V) Workers' Compensation Board.
 - (W) Oregon Facilities Authority.
 - (X) Oregon State Lottery Commission.
 - (Y) Pacific Northwest Electric Power and Conservation Planning Council.
 - (Z) Columbia River Gorge Commission.
 - (AA) Oregon Health and Science University Board of Directors.
 - (BB) Capitol Planning Commission.
 - (CC) Higher Education Coordinating Commission.
 - (DD) Oregon Growth Board.
 - (EE) Early Learning Council.
 - (r) The following officers of the State Treasurer:
 - (A) Deputy State Treasurer.
 - (B) Chief of staff for the office of the State Treasurer.
 - (C) Director of the Investment Division.
 - (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.
 - (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
 - (u) Every member of a governing board of a public university listed in ORS 352.002.
 - (v) Every member of the board of directors of an authority created under ORS 465.600 to 465.621.
- (2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (4) Not later than the 40th day before the date of the statewide general election, each candidate described in subsection (1) of this section who will appear on the statewide general election ballot and who was not required to file a statement of economic interest under subsections (1) to (3) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15.
- (6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

SECTION 28. ORS 276A.300 is amended to read:
 276A.300. (1) As used in this section:

(a) “Executive department” has the meaning given that term in ORS 174.112.

(b) “Information systems” means computers, hardware, software, storage media, networks, operational procedures and processes used in collecting, processing, storing, sharing or distributing information within, or with any access beyond ordinary public access to, the state’s shared computing and network infrastructure.

(2) The State Chief Information Officer has responsibility for and authority over information systems security in the executive department, including responsibility for taking all measures that are reasonably necessary to protect the availability, integrity or confidentiality of information systems or the information stored in information systems. The State Chief Information Officer shall, after consultation and collaborative development with agencies, establish a state information systems security plan and associated standards, policies and procedures. The plan must align with and support the Enterprise Information Resources Management Strategy described in ORS 276A.203.

(3) The State Chief Information Officer may coordinate with the Oregon Department of Administrative Services to:

(a) Review and verify the security of information systems operated by or on behalf of state agencies;

(b) Monitor state network traffic to identify and react to security threats; and

(c) Conduct vulnerability assessments of state agency information systems for the purpose of evaluating and responding to the susceptibility of information systems to attack, disruption or any other event that threatens the availability, integrity or confidentiality of information systems or the information stored in information systems.

(4) The State Chief Information Officer shall contract with qualified, independent consultants for the purpose of conducting vulnerability assessments under subsection (3) of this section.

(5) In collaboration with appropriate agencies, the State Chief Information Officer shall develop and implement policies for responding to events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems, whether those systems are within, interoperable with or outside the state’s shared computing and network infrastructure. In the policies, the State Chief Information Officer shall prescribe actions reasonably necessary to:

(a) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodologies required to prevent or mitigate the damage caused or threatened by an event;

(b) Promptly alert other persons of the event and of the actions reasonably necessary to prevent or mitigate the damage caused or threatened by the event;

(c) Implement forensic techniques and controls developed under subsection (6) of this section;

(d) Evaluate the event for the purpose of possible improvements to the security of information systems; and

(e) Communicate and share information with appropriate agencies, using preexisting incident response capabilities.

(6) After consultation and collaborative development with appropriate agencies and the Oregon Department of Administrative Services, the State Chief Information Officer shall implement forensic techniques and controls for the security of information systems, whether those systems are within, interoperable with or outside the state’s shared computing and network infrastructure. The techniques and controls must include using specialized expertise, tools and methodologies to investigate events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems. The State Chief Information Officer shall consult with the Oregon State Police, the [Office] **Oregon Department** of Emergency Management, the Governor and others as necessary in developing forensic techniques and controls under this section.

(7) The State Chief Information Officer shall ensure that reasonably appropriate remedial actions are undertaken when the State Chief Information Officer finds that such actions are reasonably necessary by reason of vulnerability assessments of information systems under subsection (3) of this section, evaluation of events under subsection (5) of this section and other evaluations and audits.

(8)(a) State agencies are responsible for securing computers, hardware, software, storage media, networks, operational procedures and processes used in collecting, processing, storing, sharing or distributing information outside the state's shared computing and network infrastructure, following information security standards, policies and procedures established by the State Chief Information Officer and developed collaboratively with the agencies. Agencies may establish plans, standards and measures that are more stringent than the standards established by the State Chief Information Officer to address specific agency needs if the plans, standards and measures do not contradict or contravene the state information systems security plan. Independent agency security plans must be developed within the framework of the state information systems security plan.

(b) A state agency shall report the results of any vulnerability assessment, evaluation or audit conducted by the agency to the State Chief Information Officer for the purposes of consolidating statewide security reporting and, when appropriate, to prompt a state incident response.

(9) This section does not apply to:

(a) Research and student computer systems used by or in conjunction with any public university listed in ORS 352.002; and

(b)(A) Gaming systems and networks operated by the Oregon State Lottery or contractors of the State Lottery; or

(B) The results of Oregon State Lottery reviews, evaluations and vulnerability assessments of computer systems outside the state's shared computing and network infrastructure.

(10) The State Chief Information Officer shall adopt rules to implement the provisions of this section.

SECTION 29. ORS 276A.326 is amended to read:

276A.326. (1) The Oregon Cybersecurity Advisory Council is established within the office of the State Chief Information Officer. The council consists of nine voting members appointed by the State Chief Information Officer in consultation with the Governor. A majority of the council's voting members must be representatives of cyber-related industries in Oregon. The voting members of the council must include at least one representative of post-secondary institutions of education and one representative of public law enforcement agencies in Oregon.

(2) The State Chief Information Officer may appoint nonvoting members to the council from:

(a) The Department of Justice;

(b) The office of the Secretary of State;

(c) The [Office] **Oregon Department** of Emergency Management;

(d) The Department of Consumer and Business Services;

(e) The Higher Education Coordinating Commission;

(f) The State Workforce and Talent Development Board;

(g) The Employment Department;

(h) The Oregon Business Development Department; or

(i) Any local, county, state, regional, tribal or federal government partner.

(3) The State Chief Information Officer shall provide administrative and staff support and facilities as necessary for the council to carry out the purposes set forth in this section.

(4) The purposes of the council are to:

(a) Serve as the statewide advisory body to the State Chief Information Officer on cybersecurity.

(b) Provide a statewide forum for discussing and resolving cybersecurity issues.

(c) Provide information and recommend best practices concerning cybersecurity and resilience measures to public and private entities.

(d) Coordinate cybersecurity information sharing and promote shared and real-time situational awareness between the public and private sectors in this state.

(e) Encourage the development of the cybersecurity workforce through measures including, but not limited to, competitions aimed at building workforce skills, disseminating best practices, facilitating cybersecurity research and encouraging industry investment and partnership with post-secondary institutions of education and other career readiness programs.

(5) The council may adopt rules necessary for the operation of the council.

(6)(a) A majority of the voting members of the council constitutes a quorum for the transaction of business.

(b) Official action by the council requires the approval of a majority of the voting members of the council.

(7) The State Chief Information Officer shall appoint one member of the council to serve as chairperson and one member of the council to serve as vice chairperson.

(8)(a) The term of office of each voting member of the council is four years, but a member serves at the pleasure of the State Chief Information Officer.

(b) Before the expiration of the term of a voting member, the State Chief Information Officer, in consultation with the Governor, shall appoint a successor whose term begins on July 1 following the appointment. A voting member is eligible for reappointment.

(c) A nonvoting member's term of office is two years. A nonvoting member is eligible for reappointment.

(d) If there is a vacancy for any cause, the State Chief Information Officer, in consultation with the Governor, shall make an appointment to become immediately effective for the unexpired term.

(9) The council shall meet at times and places specified by the call of the chairperson or a majority of the voting members of the council.

(10) Members of the council who are not members of the Legislative Assembly are not entitled to compensation, but the State Chief Information Officer may reimburse a member of the council for actual and necessary travel and other expenses incurred in performing the member's official duties, in the manner and amounts provided for in ORS 292.495, from funds appropriated to the State Chief Information Officer for purposes of the council.

(11) All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of the council's duties and, to the extent permitted by laws relating to confidentiality, shall furnish information and advice the council considers necessary to perform the council's duties.

SECTION 30. ORS 377.833 is amended to read:

377.833. (1) The Department of Transportation shall work together with the Travel Information Council, the [Office] **Oregon Department** of Emergency Management, the Department of State Police, the Secretary of State and owners of digital billboards to develop a public notification plan for the purpose of using digital billboards to display notifications to the traveling public related to civic activities and public safety. Public notifications include but are not limited to information about the Government Waste Hotline established under ORS 177.170, elections, voter registration, Amber Alerts and natural disasters and other emergencies.

(2) The Department of Transportation, in coordination with the [Office] **Oregon Department** of Emergency Management, the Department of State Police, the Secretary of State and owners of digital billboards, shall prepare a written public notification plan. In preparing the plan, the Department of Transportation shall address:

(a) The criteria to be applied in determining when it is appropriate to request that an owner of a digital billboard display a public notification.

(b) The procedures used to determine the expiration of a notification and to recall the request once the information is no longer needed.

SECTION 31. ORS 399.035 is amended to read:

399.035. (1) In addition to the federally recognized Oregon National Guard subject to call or order to federal service under laws of the United States, there shall be organized within the state a National Guard Reserve force. Such force shall be known as the Oregon Civil Defense Force, and shall be composed principally of officers, warrant officers and enlisted persons not eligible for general service under federal selective service laws.

(2) In time of peace the Oregon Civil Defense Force shall be maintained at cadre strength in numbers to be determined by the Governor.

(3) In time of peace the mission of the Oregon Civil Defense Force shall be to augment the Oregon National Guard as an internal security force. In time of war, it shall replace the Oregon National Guard as a force when the National Guard is ordered into federal service.

(4) Whenever laws of the United States authorize the organization of such forces under federal recognition, the Governor shall promulgate such regulations as are necessary to comply with such federal laws and obtain federal recognition for the force authorized by this section.

(5) Notwithstanding subsections (1) to (4) of this section:

(a) The Superintendent of State Police may form a volunteer Oregon State Police Civil Defense Force for the purpose of providing emergency response and communications, medical assistance, logistical support and other aid authorized by the superintendent. The superintendent, in collaboration with the Adjutant General, may assign delegate members of the Oregon State Police Civil Defense Force to command centers throughout this state.

(b) The sheriff of a county in this state may form a volunteer County Civil Defense Force for the purpose of providing emergency response and communications, medical assistance, logistical support and other aid authorized by the sheriff.

(6) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force must possess and demonstrate experience or training in the military, law enforcement, communications, rescue operations or logistical support.

(7)(a) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force are not, by virtue of volunteering in the force, considered:

(A) Members of the Oregon Civil Defense Force;

(B) Employees or volunteers of the state;

(C) In "state service," as that term is defined in ORS 240.015; or

(D) Agents of a public body under ORS 30.260 to 30.300 (Oregon Tort Claims Act) for the purpose of acts and omissions of the volunteer that are within the course and scope of the volunteer's duties.

(b) Unless entitled to compensation, reimbursement, benefits or coverage under any other provision of law, volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force are not entitled to compensation, reimbursement for expenses, workers' compensation or other insurance coverage, public employment benefits or entitlements from the Oregon Military Department, the [Office] **Oregon Department** of Emergency Management or any other state or local agency or government.

SECTION 32. ORS 401.096 is amended to read:

401.096. (1) The [Office] **Oregon Department** of Emergency Management is designated as the sole agency of the State of Oregon for the purpose of negotiating agreements with the United States Department of Homeland Security or other appropriate federal agency, on behalf of the state, for the acquisition of federal funds for the purpose of providing emergency program management and emergency services.

(2) When applying for funds described in subsection (1) of this section, the following entities shall coordinate with the [office] **department** on development of proposals and submit applications to the [office] **department** to be reviewed and processed:

(a) A city or county operating an emergency management program.

(b) An emergency service agency.

(c) A state agency.

(3) A tribal government operating an emergency management program may, when applying for funds, coordinate with the [office] **department** on development of proposals and submit applications to the [office] **department** to be reviewed, processed or both.

(4) The [office] **department** is authorized to accept and receive federal funds for the purposes of emergency program management and emergency services on behalf of the state, counties, cities and participating tribal governments.

SECTION 33. ORS 401.165 is amended to read:

401.165. (1) The Governor **by proclamation** may declare a state of emergency [by *proclamation*] at the request of a county governing body or after determining that an emergency has occurred or is imminent.

(2) All requests by a county governing body that the Governor declare an emergency shall be sent to the [Office] **Oregon Department** of Emergency Management. Cities must submit requests through the governing body of the county in which the majority of the city's property is located. Requests from counties shall be in writing and include the following:

(a) A certification signed by the county governing body that all local resources have been expended; and

(b) A preliminary assessment of property damage or loss, injuries and deaths.

(3)(a) If, in the judgment of the [Adjutant General] **Director of the Oregon Department of Emergency Management**, the Governor cannot be reached by available communications facilities in time to respond appropriately to an emergency, the [Adjutant General] **director** shall notify the Secretary of State or, if the Secretary of State is not available, the State Treasurer that the Governor is not available.

(b) After notice from the [Adjutant General] **director** that the Governor is not available, the elected state official so notified may declare a state of emergency pursuant to the provisions of subsections (1) and (2) of this section.

(c) If the [Adjutant General] **director** is unavailable to carry out the duties described in this subsection, such duties shall be performed by the [Director of the Office of Emergency Management] **Adjutant General**.

(4) Any state of emergency declared by the Secretary of State or State Treasurer pursuant to this section has the same force and effect as if [issued] **declared** by the Governor, except that it must be affirmed by the Governor as soon as the Governor is reached. However, if the Governor does not set aside the [proclamation] **declaration** within 24 hours of being reached, the [proclamation] **declaration** shall be considered affirmed by the Governor.

(5) Any [proclamation] **declaration** of a state of emergency must specify the geographical area covered by the [proclamation] **declaration**. Such area shall be no larger than necessary to effectively respond to the emergency.

(6) The governing body of each county shall establish a procedure for receiving, processing and transmitting to the [Office] **Oregon Department** of Emergency Management, in a timely manner, a request submitted by a city that the Governor declare [an] **a state of** emergency.

SECTION 34. ORS 401.239 is amended to read:

401.239. (1) As used in this section:

(a) "Broadcaster" means a person that holds a license issued by the Federal Communications Commission under 47 C.F.R. parts 73, 74, 76 or 78.

(b) "First informer" means an individual:

(A) Who has received credentials under this section and who is employed by, or acting pursuant to a contract under the direction of, a broadcaster; and

(B) Who is:

(i) Maintaining, including repairing or resupplying, transmitters, generators or other essential equipment at a broadcast station or facility; or

(ii) Providing technical support services to a broadcaster or to another first informer.

(2) Unless prohibited by state or federal law or in the discretion of the incident commander during [an] **a state of** emergency declared under ORS 401.165, a first informer may:

(a) Travel on public roads within a geographic area subject to a declaration of **a state of** emergency under ORS 401.165;

(b) Access the geographic area for the purposes of maintaining transmitters, generators or other essential equipment at a broadcast station or facility used to acquire, produce or transmit news or public safety information related to the **declared state of** emergency; and

(c) Access the distribution of fuel, food, water, supplies, equipment and any other materials necessary for producing a broadcast or a broadcasting signal.

(3) An emergency service agency may not seize a vehicle, fuel, food, water or other essential materials in the possession of a first informer.

(4) The [Office] **Oregon Department** of Emergency Management shall authorize a private entity organized under the laws of this state that represents a majority of the broadcasters in this state to establish a program for the issuance of credentials for first informers pursuant to a plan developed by the private entity. The plan to provide credentials to first informers must provide for training first informers regarding:

(a) Risks associated with entering a geographic area subject to a declaration of [an] **a state of emergency** under ORS 401.165;

(b) Best practices for working safely in the geographic area; and

(c) Best practices for working in a geographic area without hindering or interfering with the conduct of emergency services by an emergency service agency.

(5) The private entity selected by the [office] **department** to develop a plan for and issue credentials to first informers shall annually submit to the [office] **department** a report regarding the operation of the program to issue credentials, including any changes to the plan or program.

SECTION 34a. If Senate Bill 104 becomes law, section 34 of this 2021 Act (amending ORS 401.239) is repealed and ORS 401.239, as amended by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 104), is amended to read:

401.239. (1) As used in this section, “critical service provider” means an individual:

(a) Who has received credentials under this section and who is employed by, or is acting pursuant to a contract under the direction of, an organization deemed by the [Office] **Oregon Department** of Emergency Management to be critical to emergency response operations in Oregon; and

(b) Who is:

(A) Maintaining, including repairing or resupplying, critical infrastructure equipment or systems;

(B) Maintaining continuity of operations of the individual’s organization;

(C) Supporting emergency response activities; or

(D) Providing technical support services to another critical service provider.

(2) Unless prohibited by state or federal law or in the discretion of the incident commander during [an] **a state of emergency** declared under ORS 401.165, a critical service provider may:

(a) Travel on public roads within a geographic area subject to a declaration of **a state of emergency** under ORS 401.165;

(b) Access the geographic area for a purpose described in subsection (1)(b) of this section; and

(c) Access the distribution of fuel, food, water, supplies, equipment and any other materials necessary to carry out a purpose described in subsection (1)(b) of this section.

(3) An emergency service agency may not seize a vehicle, fuel, food, water or other essential materials in the possession of a critical service provider.

(4) The [office] **department** may establish sector-specific programs for the credentialing of individuals as critical service providers. Such programs must inform critical service providers about:

(a) Risks associated with entering a geographic area subject to a declaration of [an] **a state of emergency** under ORS 401.165;

(b) Best practices for working safely in the geographic area; and

(c) Best practices for working in a geographic area without hindering or interfering with the conduct of emergency services by an emergency service agency.

(5) The [office] **department** may authorize one or more private entities organized under the laws of this state to establish sector-specific programs for the credentialing of individuals as critical service providers, subject to the following requirements:

(a) The [office] **department** may authorize a private entity under this subsection only if the entity represents a majority of owners and operators in the sector for which the entity will establish a credentialing program.

(b) A program established under this subsection must meet the requirements set forth in subsection (4) of this section.

(c) An entity authorized by the [office] **department** under this section to establish a credentialing program shall annually submit to the [office] **department** a report regarding the operation of the program, including any changes to the program.

(6) The [office] **department** may adopt rules to administer and implement the provisions of this section.

SECTION 35. ORS 401.305 is amended to read:

401.305. (1) As used in this section, “tribal government” means a federally recognized sovereign tribal government operating within the borders of this state or an intertribal organization formed by two or more federally recognized sovereign tribal governments operating within this state.

(2) Each county of this state shall, and each city or tribal government may, establish an emergency management agency that is directly responsible to the executive officer or governing body of the county, city or tribe.

(3) The executive officer or governing body of each county, and any city or tribe that participates, shall appoint an emergency program manager who is responsible for the organization, administration and operation of the emergency management agency, subject to the direction and control of the county, city or tribe.

(4) When a city or tribal government has an emergency management agency, the city or tribal government, as applicable, and the counties within which the city or tribal government operates shall jointly establish policies that:

(a) Provide direction and identify and define the purpose and roles of the individual emergency management programs;

(b) Specify the responsibilities of the emergency program managers and staff; and

(c) Establish lines of communication, succession and authority of elected officials for an effective and efficient response to emergency conditions.

(5) Each emergency management agency shall perform emergency program management functions within the territorial limits of the county, city or tribal government and may perform the functions outside the territorial limits as required under any mutual aid or cooperative assistance agreement or as requested and authorized by the county or city in whose territorial limits the emergency functions are performed.

(6) The emergency management functions include, at a minimum:

(a) Coordination of the planning activities necessary to prepare and maintain a current emergency operations plan, management and maintenance of emergency operating facilities from which elected and appointed officials can direct emergency and disaster response activities;

(b) Establishment of an incident command structure for management of a coordinated response by all local emergency service agencies; and

(c) Coordination with the [Office] **Oregon Department** of Emergency Management to integrate effective practices in emergency preparedness and response as provided in the National Incident Management System established by the Homeland Security Presidential Directive 5 of February 28, 2003.

SECTION 36. ORS 401.358 is amended to read:

401.358. As used in ORS 401.358 to 401.368:

(1) “Emergency service activities” means:

(a) The provision of emergency services; and

(b) Engaging in training under the direction of a public body, whether by reason of the training being conducted or approved by a public body, for the purpose of preparing qualified emergency service volunteers to perform emergency services.

(2) “Qualified emergency service volunteer” means a person who is:

(a) Registered with the [Office] **Oregon Department** of Emergency Management or other public body to perform emergency service activities;

(b) Acknowledged in writing as a qualified emergency service volunteer, at the time the person offers to volunteer during an emergency, by the [Office] **Oregon Department** of Emergency Management or by another public body;

- (c) A member of the Oregon Civil Defense Force; or
- (d) A building evaluator certified under the Oregon Safety Assessment Program established under ORS 401.256.

SECTION 37. ORS 401.368 is amended to read:

401.368. (1) The [Office] **Oregon Department** of Emergency Management shall provide workers' compensation coverage for qualified emergency service volunteers who are injured in the course and scope of performing emergency service activities under the direction of a public body if the injury occurs:

(a) While the volunteer is performing emergency service activities under the direction of the public body during a state of emergency declared under this chapter, or during a state of public health emergency [proclaimed] **declared** under ORS 433.441; or

(b) While the volunteer is engaged in training being conducted or approved by a public body for the purpose of preparing the volunteer to perform emergency services.

(2) Workers' compensation coverage shall be provided under this section in the manner provided by ORS 656.039.

SECTION 38. ORS 401.551 is amended to read:

401.551. (1) As used in this section:

(a) "Emergency" has the meaning given that term in ORS 401.025.

(b) "Maintain" means to repair, perform upkeep on and otherwise keep in good working condition.

(c) "Preparedness equipment" means equipment, vehicles or other personal property that:

(A) May be used to decrease the risk to life and property resulting from an emergency; and

(B) Qualifies as a capital asset eligible for financing with tax-exempt bonds.

(d) "Qualified applicant" means an entity that has responsibility for or expertise in emergency preparedness and that is a local government, a special government body, a federally recognized Indian tribe in Oregon or a private organization qualified for federal tax-exempt status under section 501(c)(3) of the Internal Revenue Code.

(e) "Recipient" means an entity that applies for and receives preparedness equipment, or funds to purchase preparedness equipment, under the grant program described in subsection (3) of this section.

(f) "Tax-exempt bond" means a bond, as defined in ORS 286A.001, the receipt of interest on which is excluded from gross income under the Internal Revenue Code or that is eligible for a federal interest subsidy payment or other tax-advantaged status.

(2)(a) [Before December 31, 2017,] The Oregon Homeland Security Council shall develop, **and shall periodically revise and update**, a list of preparedness equipment that is needed throughout this state to address deficiencies in the ability of the state to respond to local and regional emergencies.

(b) In developing, **updating and revising** the list, the council shall consult and coordinate with the [Office] **Oregon Department** of Emergency Management and with county officials who are responsible for emergency management.

(c) The council shall assign a priority level to each type of preparedness equipment on the list, taking into consideration, without limitation, the types of emergency that are most likely to occur in different regions of this state and the types of preparedness equipment that offer the highest ratio of utility to cost. [The council shall periodically update and revise the list.]

(3) The [Office] **Oregon Department** of Emergency Management shall develop and administer a grant program to distribute preparedness equipment, or funds to purchase preparedness equipment, to recipients throughout this state. Pursuant to the grant program:

(a) Qualified applicants may request preparedness equipment that is identified on the list described in subsection (2) of this section. Applicants must demonstrate a need for the specific preparedness equipment requested, the ability to maintain the preparedness equipment and the ability to use the preparedness equipment to address deficiencies in local or regional emergency preparedness.

(b) The [office] **department** shall identify which requests from applicants, if fulfilled, will maximize the state's ability to respond to an emergency, taking into account considerations that include but are not limited to:

(A) The level of priority assigned to the requested preparedness equipment type pursuant to subsection (2) of this section;

(B) The level of need for the requested preparedness equipment as demonstrated by the applicant;

(C) The ability to use and maintain the preparedness equipment as demonstrated by the applicant;

(D) The types of emergency most likely to occur in the region where the applicant is located; and

(E) Whether the applicant has an alternative means of acquiring the requested preparedness equipment.

(c) The [office] **department** shall issue grants to applicants identified under paragraph (b) of this subsection after entering into grant agreements with the applicants as provided in paragraph (e) of this subsection. The [office] **department** may either purchase the requested preparedness equipment for distribution to a recipient or disburse funds to the recipient for the purchase of the requested preparedness equipment.

(d) The Public Contracting Code does not apply to the acquisition of preparedness equipment by the [office] **department** or by a recipient pursuant to this section. When acquiring preparedness equipment pursuant to this section, the [office] **department** and recipients shall use procurement methods that are impartial and transparent to the greatest extent feasible and are designed to maximize value to the State of Oregon.

(e) The [office] **department** may not disburse preparedness equipment or funds under this section unless the [office] **department** and the intended recipient first enter into a grant agreement. The grant agreement:

(A) Shall require the recipient to maintain the preparedness equipment.

(B) Shall provide that, if a recipient fails to adequately maintain preparedness equipment, the recipient must relinquish possession of the preparedness equipment or reimburse the [office] **department** for the cost of the preparedness equipment.

(C) Shall specify that the [office] **department** may conduct periodic inspections of the preparedness equipment as described in paragraph (f) of this subsection.

(D) Shall specify that preparedness equipment distributed to the recipient remains the property of the [office] **department** until it is fully depreciated under governmental accounting principles, after which the [office] **department** may offer the preparedness equipment for sale to the recipient at its fair market value at the time of sale.

(E) May permit the recipient to use the preparedness equipment for any purpose, governmental or otherwise, that is permissible for assets financed with tax-exempt bonds, including nonemergency purposes.

(F) Shall require private organizations to obtain approval from the [office] **department** before making any use of preparedness equipment that is outside the scope of the purpose of the private organization as stated in the formation documents or bylaws of the organization.

(G) Shall require the recipient to take action or refrain from action as necessary to maintain federal tax benefits related to any tax-exempt bonds that are used to fund the grant and to indemnify the State of Oregon for any costs, expenses or liability due to loss of such federal tax benefits caused by action or inaction of the recipient.

(f) The [office] **department** shall conduct periodic inspections of preparedness equipment distributed or purchased through the grant program to ensure that recipients are adequately maintaining the preparedness equipment. If the [office] **department** finds that any preparedness equipment is not adequately maintained, the [office] **department** may take possession of the preparedness equipment or require the recipient to reimburse the [office] **department** for the cost of the preparedness equipment.

(g) The [office] **department** may transfer between recipients, dispose of or otherwise manage the preparedness equipment as [it] **the department** determines is in the best interests of meeting the emergency preparedness needs of the State of Oregon. If the [office] **department** disposes of preparedness equipment for any reason, including sale to a recipient as provided in paragraph (e)(D) of this subsection, the [office] **department** shall deposit any moneys [it] **the department** receives from the disposal in the Resiliency Grant Fund established under ORS 401.552.

(4) On or before December 31 of each year, the [office] **department** shall submit a report to the Legislative Assembly and to the Oregon Homeland Security Council that describes the administration and effectiveness of the grant program established under this section and the current prioritized list of preparedness equipment types.

(5) The [office] **department** shall adopt rules to administer and implement the provisions of this section.

SECTION 38a. If House Bill 2426 becomes law, section 38 of this 2021 Act (amending ORS 401.551) is repealed and ORS 401.551, as amended by section 2, chapter __, Oregon Laws 2021 (Enrolled House Bill 2426), is amended to read:

401.551. (1) As used in this section:

(a) "Emergency" has the meaning given that term in ORS 401.025.

(b) "Maintain" means to repair, perform upkeep on and otherwise keep in good working condition.

(c) "Preparedness equipment" means equipment, vehicles or other personal property that:

(A) May be used to decrease the risk to life and property resulting from an emergency; and

(B) Qualifies as a capital asset eligible for financing with tax-exempt bonds.

(d) "Qualified applicant" means an entity that has responsibility for or expertise in emergency preparedness and that is a local government, a special government body, a federally recognized Indian tribe in Oregon or a private organization qualified for federal tax-exempt status under section 501(c)(3) of the Internal Revenue Code.

(e) "Recipient" means an entity that applies for and receives preparedness equipment, or funds to purchase preparedness equipment, under the grant program described in subsection (3) of this section.

(f) "Tax-exempt bond" means a bond, as defined in ORS 286A.001, the receipt of interest on which is excluded from gross income under the Internal Revenue Code or that is eligible for a federal interest subsidy payment or other tax-advantaged status.

(2)(a) The Oregon Homeland Security Council shall develop a list of preparedness equipment that is needed throughout this state to address deficiencies in the ability of the state to respond to local and regional emergencies.

(b) In developing, **updating and revising** the list, the council shall consult and coordinate with the [Office] **Oregon Department** of Emergency Management and with county officials who are responsible for emergency management.

(c) The council shall assign a priority level to each type of preparedness equipment on the list as described in this paragraph:

(A) Preparedness equipment that is necessary, in the determination of the council, to equip urban search and rescue teams must be included in the highest priority level.

(B) In assigning priority levels to other types of preparedness equipment, the council shall take into consideration, without limitation, the types of emergency that are most likely to occur in different regions of this state and the types of preparedness equipment that offer the highest ratio of utility to cost.

(d) The council shall periodically update and revise the list, including the assigned priority levels.

(3) The [Office] **Oregon Department** of Emergency Management shall develop and administer a grant program to distribute preparedness equipment, or funds to purchase preparedness equipment, to recipients throughout this state. Pursuant to the grant program:

(a) Qualified applicants may request preparedness equipment that is identified on the list described in subsection (2) of this section. Applicants must demonstrate a need for the specific preparedness equipment requested, the ability to maintain the preparedness equipment and the ability to use the preparedness equipment to address deficiencies in local or regional emergency preparedness.

(b) The [office] **department** shall identify which requests from applicants, if fulfilled, will maximize the state's ability to respond to an emergency, taking into account considerations that include but are not limited to:

(A) The level of priority assigned to the requested preparedness equipment type pursuant to subsection (2) of this section;

(B) The level of need for the requested preparedness equipment as demonstrated by the applicant;

(C) The ability to use and maintain the preparedness equipment as demonstrated by the applicant;

(D) The types of emergency most likely to occur in the region where the applicant is located; and

(E) Whether the applicant has an alternative means of acquiring the requested preparedness equipment.

(c)(A) Subject to subparagraph (B) of this paragraph, the [office] **department** shall issue grants to applicants identified under paragraph (b) of this subsection after entering into grant agreements with the applicants as provided in paragraph (e) of this subsection. The [office] **department** may either purchase the requested preparedness equipment for distribution to a recipient or disburse funds to the recipient for the purchase of the requested preparedness equipment.

(B) For the purpose of equipping urban search and rescue teams, the [office] **department** shall prioritize requests made by applicants that are capable, at the time of application, of deploying urban search and rescue teams.

(d) The Public Contracting Code does not apply to the acquisition of preparedness equipment by the [office] **department** or by a recipient pursuant to this section. When acquiring preparedness equipment pursuant to this section, the [office] **department** and recipients shall use procurement methods that are impartial and transparent to the greatest extent feasible and are designed to maximize value to the State of Oregon.

(e) The [office] **department** may not disburse preparedness equipment or funds under this section unless the [office] **department** and the intended recipient first enter into a grant agreement. The grant agreement:

(A) Shall require the recipient to maintain the preparedness equipment.

(B) Shall provide that, if a recipient fails to adequately maintain preparedness equipment, the recipient must relinquish possession of the preparedness equipment or reimburse the [office] **department** for the cost of the preparedness equipment.

(C) Shall specify that the [office] **department** may conduct periodic inspections of the preparedness equipment as described in paragraph (f) of this subsection.

(D) Shall specify that preparedness equipment distributed to the recipient remains the property of the [office] **department** until it is fully depreciated under governmental accounting principles, after which the [office] **department** may offer the preparedness equipment for sale to the recipient at its fair market value at the time of sale.

(E) May permit the recipient to use the preparedness equipment for any purpose, governmental or otherwise, that is permissible for assets financed with tax-exempt bonds, including nonemergency purposes.

(F) Shall require private organizations to obtain approval from the [office] **department** before making any use of preparedness equipment that is outside the scope of the purpose of the private organization as stated in the formation documents or bylaws of the organization.

(G) Shall require the recipient to take action or refrain from action as necessary to maintain federal tax benefits related to any tax-exempt bonds that are used to fund the grant and to indemnify

the State of Oregon for any costs, expenses or liability due to loss of such federal tax benefits caused by action or inaction of the recipient.

(f) The [office] **department** shall conduct periodic inspections of preparedness equipment distributed or purchased through the grant program to ensure that recipients are adequately maintaining the preparedness equipment. If the [office] **department** finds that any preparedness equipment is not adequately maintained, the [office] **department** may take possession of the preparedness equipment or require the recipient to reimburse the [office] **department** for the cost of the preparedness equipment.

(g) The [office] **department** may transfer between recipients, dispose of or otherwise manage the preparedness equipment as [it] **the department** determines is in the best interests of meeting the emergency preparedness needs of the State of Oregon. If the [office] **department** disposes of preparedness equipment for any reason, including sale to a recipient as provided in paragraph (e)(D) of this subsection, the [office] **department** shall deposit any moneys it receives from the disposal in the Resiliency Grant Fund established under ORS 401.552.

(4) On or before December 31 of each year, the [office] **department** shall submit a report to the Legislative Assembly and to the Oregon Homeland Security Council that describes the administration and effectiveness of the grant program established under this section and the current prioritized list of preparedness equipment types.

(5) The [office] **department** shall adopt rules to administer and implement the provisions of this section.

SECTION 39. ORS 401.534 is amended to read:

401.534. (1) The Oregon Disaster Response Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys received from federal grants for disaster response efforts shall be deposited into the Oregon Disaster Response Fund. Moneys in the fund are continuously appropriated to the [Oregon Military Department] **Oregon Department of Emergency Management** to be used to:

(a) Help state agencies and local government units with immediate disaster response and recovery efforts related to federally declared disasters in this state; and

(b) Implement long-term hazard mitigation measures after a federally declared disaster in this state during the period of immediate recovery from the disaster.

(2) The Oregon Disaster Response Fund may receive gifts, grants, bequests, endowments and donations from public and private sources for purposes related to the fund.

(3) The [Office of Emergency Management of the Oregon Military Department] **department** shall adopt rules for the disbursement of moneys from the Oregon Disaster Response Fund.

(4) If there are expenditures from the Oregon Disaster Response Fund, the [Adjutant General of the Oregon Military Department] **Director of the Oregon Department of Emergency Management** shall report to the Emergency Board, or to the Legislative Assembly if it is in session, on:

(a) The nature and severity of the disaster;

(b) The actual and projected deposits into the fund;

(c) The sources of actual and projected expenditures from the fund;

(d) The nature of in-kind donations received; and

(e) The rationale for expenditures and allocation of payments to state agencies and local government units.

(5) Following the final expenditure for a particular disaster, the [Adjutant General of the Oregon Military Department] **director** shall issue a final report to the Emergency Board, or to the Legislative Assembly if it is in session. The report must include an aggregate description of the factors described in subsection (4) of this section.

SECTION 40. ORS 401.536 is amended to read:

401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Account is established as an account in the Oregon Disaster Response Fund. The account consists of moneys appropriated by the Legislative Assembly and any other moneys deposited into the account pursuant to law.

(2) Moneys in the account are continuously appropriated to the [*Oregon Military Department*] **Oregon Department of Emergency Management** for:

(a) Providing loans to local governments, as defined in ORS 174.116, and school districts to match, either in full or in part, moneys from federal programs for federally declared disaster relief that require a match;

(b) Providing loans and grants to local governments, as defined in ORS 174.116, and school districts, for the purpose of paying costs incurred by local governments and school districts in response to federally declared disasters;

(c) Providing loans and grants to local governments, as defined in ORS 174.116, and school districts for the purposes of paying costs incurred by local governments and school districts in response to disasters that are not federally declared disasters, as determined by the Legislative Assembly, if all loans and grants provided under paragraphs (a) and (b) of this subsection have been repaid, fulfilled or otherwise satisfied and moneys remain in the account; and

(d) Subject to subsection (5) of this section, paying the department's expenses for administering loans made from the account under paragraph (a) of this subsection.

(3) Loans made under subsection (2)(b) or (c) of this section shall be repaid pursuant to such terms and conditions as may be established by the Oregon Department of Administrative Services. Loans made under subsection (2)(b) or (c) of this section may be interest free, or bear interest at a rate established by the Oregon Department of Administrative Services. Amounts repaid on loans made under subsection (2)(b) or (c) of this section shall be deposited in the General Fund.

(4) The [*Oregon Military Department*] **Oregon Department of Emergency Management** shall deposit into the account any amounts repaid on loans made under subsection (2)(a) of this section.

(5) The [*Oregon Military Department*] **department** may not charge the account more than five percent of the maximum amount in the account during a biennium for administrative expenses attributable to a loan made under subsection (2)(a) of this section.

(6) An applicant may apply to the [*Oregon Military Department*] **department** for a loan under subsection (2)(a) of this section. The department shall consider the application, make a recommendation and submit the application and recommendation to the Local Disaster Assistance Review Board established under subsection (7) of this section.

(7) The [*Oregon Military Department*] **department** shall establish a Local Disaster Assistance Review Board to:

(a) Review the recommendations of the department regarding loans under subsection (2)(a) of this section;

(b) Approve, by a majority vote of members, the amount of any loan under subsection (2)(a) of this section; and

(c) Approve, by a majority vote of members, the terms and conditions of any loan under subsection (2)(a) of this section.

(8) The review board shall include:

(a) Three members of county governing bodies, with at least one member representing a county from east of the crest of the Cascade Mountains, with membership determined by the Association of Oregon Counties;

(b) Three members of city governing bodies, with at least one member representing a city from east of the crest of the Cascade Mountains, with membership determined by the League of Oregon Cities;

(c) A representative of the office of the State Treasurer;

(d) A representative of the [*Oregon Military*] department;

(e) A representative of school districts, with membership determined by the Oregon School Boards Association;

(f) A representative of special districts, with membership determined by the Special Districts Association of Oregon;

(g) A representative of the Oregon Department of Administrative Services; and

(h) Two additional members determined jointly by the department, the Association of Oregon Counties and the League of Oregon Cities.

(9) The [Office] **Oregon Department** of Emergency Management [of the Oregon Military Department] shall adopt rules establishing:

(a) A loan application process and application forms for loans under subsection (2)(a) of this section;

(b) Reasonable financial terms and conditions for loans under subsection (2)(a) of this section, including interest and the repayment of the loans;

(c) Eligibility requirements for applicants for loans under subsection (2)(a) of this section;

(d) The maximum amount an applicant for a loan under subsection (2)(a) of this section may receive;

(e) The methodology the department will use for charging the account for administrative expenses; and

(f) Procedures for submission of recommendations to the review board for loans under subsection (2)(a) of this section.

(10) The [Oregon Military Department] **department** shall provide staff support for the review board.

SECTION 41. ORS 401.552 is amended to read:

401.552. The Resiliency Grant Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Resiliency Grant Fund must be credited to the fund. The Resiliency Grant Fund consists of moneys deposited in the fund under ORS 401.551 and may include moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise and interest earned on moneys in the fund. The moneys in the fund are continuously appropriated to the [Office] **Oregon Department** of Emergency Management for the purposes specified in ORS 401.551.

SECTION 41a. If House Bill 2426 becomes law, section 3, chapter __, Oregon Laws 2021 (Enrolled House Bill 2426) (amending ORS 401.552), is repealed.

SECTION 42. ORS 540.482 is amended to read:

540.482. (1) The Water Resources Department shall require the owner of a dam that has a high hazard rating to develop an emergency action plan for the dam.

(2) An emergency action plan required under this section must include, but need not be limited to:

(a) Means for emergency condition detection;

(b) Means for emergency level determination;

(c) Identification of, and information necessary for, notifications and communications to be made at each level of emergency condition;

(d) A description of actions expected to be undertaken to prevent dam failure or reduce the effects of dam failure;

(e) A map of dam failure inundation zones for varying conditions, including, but not limited to, dry weather conditions and high flood conditions; and

(f) Procedures to be followed at the termination of an emergency.

(3) A dam owner that develops an emergency action plan required under this section shall file copies of the plan with the **Water Resources** Department, the [Office] **Oregon Department** of Emergency Management and the local emergency services agency for the county where the dam is located. The **Water Resources** Department, in consultation with the [office] **Oregon Department of Emergency Management** and local emergency services agency, shall periodically review the emergency action plan and may require updates to the plan.

(4) The **Water Resources** Department, in consultation with the [office] **Oregon Department of Emergency Management** and local emergency services agency, shall determine the appropriate frequency for conducting emergency response exercises at a dam that has a high hazard rating.

SECTION 43. ORS 689.645 is amended to read:

689.645. (1) In accordance with rules adopted by the State Board of Pharmacy under ORS 689.205, a pharmacist may:

(a) Administer vaccines:

(A) To persons who are seven years of age or older; or

(B) If authorized by the Governor **or the Director of the Oregon Department of Emergency Management** under ORS 433.441 or the Public Health Director under ORS 433.443 or 433.444, to a person three years of age or older.

(b) Pursuant to a statewide drug therapy management protocol developed by the Public Health and Pharmacy Formulary Advisory Committee convened under ORS 689.649 and adopted by rule of the board, provide approved patient care services including smoking cessation therapy and travel health services.

(c) Using a form prescribed by the board, submit a concept for the development of a protocol, other than the protocols pharmacists may establish under subsection (5) of this section, to the committee for consideration by the committee and recommendation to the board for adoption by rule of the board.

(d) Prescribe and dispense a drug or device included on the formulary established under subsection (6) of this section if the prescription and dispensation is pursuant to a diagnosis by a health care practitioner who has prescriptive authority and is qualified to make the diagnosis.

(2) The board may adopt rules allowing a pharmacist to prescribe vaccines, provide patient care services and submit protocol concepts under subsection (1) of this section. The rules related to the prescription of vaccines may be only as broad as necessary to enable pharmacists to enroll and participate in the Vaccines for Children Program administered by the Centers for Disease Control and Prevention.

(3) The board is authorized to issue, to licensed pharmacists who have completed training accredited by the Centers for Disease Control and Prevention, the Accreditation Council for Pharmacy Education or a similar health authority or professional body, certificates of special competency in the prescription and administration of vaccines.

(4) The board shall adopt rules relating to the reporting of the prescription and administration of vaccines to a patient's primary health care provider and to the Oregon Health Authority.

(5) The board shall adopt rules requiring pharmacists to establish protocols for the prescription and administration of vaccines and the provision of patient care services under subsection (1) of this section.

(6)(a) The board shall establish by rule a formulary of drugs and devices, as recommended by the committee, that a pharmacist may prescribe and dispense to a patient pursuant to a diagnosis by a health care practitioner who has prescriptive authority and who is qualified to make the diagnosis.

(b) The formulary may include post-diagnostic drugs and devices such as diabetic testing supplies, emergency refills of insulin, albuterol inhalers, epinephrine autoinjectors, smoking cessation aids, discharge medications for transitions of care, rapid strep tests and spacers.

SECTION 44. ORS 401.654 is amended to read:

401.654. (1) The Oregon Health Authority may establish an emergency health care provider registry that includes emergency health care providers who are available to provide health care services during an emergency or crisis. As a condition of inclusion in the registry, the authority may require:

(a) Training related to the provision of health care services in an emergency or crisis as a condition of registration; and

(b) Criminal background checks for applicants and persons who have been registered.

(2) The authority shall issue identification cards to health care providers entered in the emergency health care provider registry established under this section that:

(a) Identify the health care provider;

(b) Indicate that the health care provider is registered as an Oregon emergency health care provider;

(c) Identify the license or certification held by the health care provider, or previously held by the health care provider if the health care provider is entered in the emergency health care provider registry under ORS 401.658; and

(d) Identify the health care provider's usual area of practice, and the types of health care that the health care provider is authorized to provide, if that information is available and the authority determines that it is appropriate to provide that information.

(3) The authority by rule shall establish a form for identification cards issued under subsection (2) of this section.

(4) The authority shall support and provide assistance to the [Office] **Oregon Department of Emergency Management** in emergencies or crises involving the public health or requiring emergency medical response.

(5) The authority may enter into agreements with other states to facilitate the registry of out-of-state health care providers in the emergency health care provider registry established under this section.

SECTION 45. ORS 401.900 is amended to read:

401.900. (1) Each state or local agency shall drill agency employees working in office buildings on emergency procedures so that the employees may respond to an earthquake emergency without confusion or panic.

(2) The state or local agency shall conduct the drills annually in accordance with [Office] **Oregon Department of Emergency Management** rules.

(3) The drills must include familiarization with routes and methods of exiting the building and the earthquake emergency response procedure recommended by the Federal Emergency Management Agency known as "drop, cover and hold on."

(4) Consistent with rules of the [Office of Emergency Management] **department**, the state or local agency may drill earthquake emergency response procedures in addition to "drop, cover and hold on" when the state or local agency determines, based on evaluation of specific engineering and structural issues related to an office building, that "drop, cover and hold on" may not be the most effective earthquake emergency response procedure to prevent or limit injury or loss of life.

(5) The [Office of Emergency Management] **department** may, by rule or on application, grant exemptions from the drill requirement for good cause.

(6) As used in this section, "state or local agency" means a state or local office, department, division, bureau, board or commission that is assigned, renting, leasing, owning or controlling office space for carrying out its duties. "State or local agency" includes the Legislative Assembly when in regular session.

SECTION 46. ORS 401.902 is amended to read:

401.902. (1) A person employing 250 or more full-time employees within this state shall drill employees working in office buildings on emergency procedures so that the employees may respond to an earthquake emergency without confusion or panic.

(2) The person shall conduct the drills annually in accordance with [Office] **Oregon Department of Emergency Management** rules.

(3) The drills must include familiarization with routes and methods of exiting the building and the earthquake emergency response procedure recommended by the Federal Emergency Management Agency known as "drop, cover and hold on."

(4) Consistent with rules of the [Office of Emergency Management] **department**, the person may drill earthquake emergency response procedures in addition to "drop, cover and hold on" when the person determines, based on evaluation of specific engineering and structural issues related to an office building, that "drop, cover and hold on" may not be the most effective earthquake emergency response procedure to prevent or limit injury or loss of life.

(5) The [Office of Emergency Management] **department** may, by rule or on application, grant exemptions from the drill requirement for good cause.

SECTION 47. ORS 401.904 is amended to read:

401.904. The [Office] **Oregon Department** of Emergency Management, in consultation with the State Department of Geology and Mineral Industries, shall adopt rules governing the conduct of earthquake emergency drills required by ORS 401.900 and 401.902. In addition to the [office] **Oregon Department of Emergency Management** submitting the rules for publication pursuant to ORS 183.360, the [office and the department] **departments** shall each post the rules on an electronic bulletin board, home page or similar site.

SECTION 48. ORS 401.910 is amended to read:

401.910. (1) The Oregon Business Development Department shall develop a grant program for the disbursement of funds for the seismic rehabilitation of critical public buildings, including hospital buildings with acute inpatient care facilities, fire stations, police stations, sheriffs' offices, other facilities used by state, county, district or municipal law enforcement agencies and buildings with a capacity of 250 or more persons that are routinely used for student activities by kindergarten through grade 12 public schools, community colleges, education service districts and institutions of higher education, including but not limited to public universities listed in ORS 352.002. The Oregon Infrastructure Finance Authority established in the department by ORS 285A.096 shall administer the grant program developed under this section. The funds for the seismic rehabilitation of critical public buildings under the grant program are to be provided from the issuance of bonds pursuant to the authority provided in Articles XI-M and XI-N of the Oregon Constitution.

(2) The grant program shall include the appointment of a grant committee. The grant committee may be composed of any number of persons with qualifications that the authority determines necessary. However, the authority shall include persons with experience in administering state grant programs and representatives of entities with responsibility over critical public buildings. The authority shall also include as permanent members representatives of:

- (a) The [Office] **Oregon Department** of Emergency Management;
- (b) The State Department of Geology and Mineral Industries;
- (c) The Seismic Safety Policy Advisory Commission;
- (d) The Oregon Department of Administrative Services;
- (e) The Department of Education;
- (f) The Oregon Health Authority;
- (g) The Oregon Fire Chiefs Association;
- (h) The Oregon Association Chiefs of Police;
- (i) The Oregon Association of Hospitals and Health Systems; and
- (j) The Confederation of Oregon School Administrators.

(3) The authority shall determine the form and method of applying for grants from the grant program, the eligibility requirements for grant applicants, and general terms and conditions of the grants. The authority shall also provide that the grant committee review grant applications and make a determination of funding based on a scoring system that is directly related to the statewide needs assessment performed by the State Department of Geology and Mineral Industries. Additionally, the grant process may:

(a) Require that the grant applicant provide matching funds for completion of any seismic rehabilitation project.

(b) Provide authority to the grant committee to waive requirements of the grant program based on special circumstances such as proximity to fault hazards, community value of the structure, emergency functions provided by the structure and storage of hazardous materials.

(c) Allow an applicant to appeal any determination of grant funding to the authority for reevaluation.

(d) Provide that applicants release the state, the authority and the grant committee from any claims of liability for providing funding for seismic rehabilitation.

(e) Provide separate rules for funding rehabilitation of structural and nonstructural building elements.

(4) Subject to the grant rules established by the authority and subject to reevaluation by the authority, the grant committee has the responsibility to review and make determinations on grant applications under the grant program established pursuant to this section.

SECTION 49. ORS 401.915 is amended to read:

401.915. (1) There is established a Seismic Safety Policy Advisory Commission consisting of the following members:

(a) The chief officer or the chief officer's designee of the following:

- (A) Department of Consumer and Business Services;
- (B) State Department of Geology and Mineral Industries;
- (C) Department of Land Conservation and Development;
- (D) Department of Transportation; and
- (E) [Office] **Oregon Department** of Emergency Management; and

(b) Thirteen members appointed by the Governor as follows:

- (A) One representative of local government;
- (B) Six members representing the public interest, including:
 - (i) One representative of a school district, community college or university;
 - (ii) Two members of the Legislative Assembly; and
 - (iii) Three members of the general public; and
- (C) Six members representing affected industries or stakeholders.

(2) The term of office of each member, except a member of the Legislative Assembly, appointed under subsection (1)(b) of this section is four years, but a member serves at the pleasure of the Governor. The term of office of a member of the Legislative Assembly expires at the end of the term for which the member is elected. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

SECTION 50. ORS 401.922 is amended to read:

401.922. The [Office] **Oregon Department** of Emergency Management shall provide technical, clerical and other necessary support services to the Seismic Safety Policy Advisory Commission. The Department of Consumer and Business Services, the State Department of Geology and Mineral Industries, the Department of Land Conservation and Development, the Department of Transportation, the Oregon Health Authority, the Water Resources Department and the public universities listed in ORS 352.002 shall provide assistance, as required, to the commission to enable it to meet its objectives.

SECTION 51. ORS 401.950 is amended to read:

401.950. (1) As used in this section:

(a) "Transient lodging facility" means a hotel, motel, inn, condominium, any other dwelling unit or a public or private park that is made available for transient occupancy or vacation occupancy as those terms are defined in ORS 90.100.

(b) "Tsunami inundation zone" means an area of expected tsunami inundation, based on scientific evidence that may include geologic field data and tsunami modeling, determined by the governing board of the State Department of Geology and Mineral Industries, by rule, as required by ORS 455.446 (1) and (2).

(2) The [Office] **Oregon Department** of Emergency Management, in consultation and cooperation with the State Department of Geology and Mineral Industries, shall:

(a) Develop and adopt by rule tsunami warning information and evacuation plans for distribution to transient lodging facilities located in a tsunami inundation zone; and

(b) Facilitate and encourage broad distribution of the tsunami warning information and evacuation plans to transient lodging facilities and other locations within tsunami inundation zones frequented by visitors to the area.

(3) The [office] **Oregon Department of Emergency Management** is not required to carry out the duties assigned under subsection (2) of this section if sufficient moneys are not available under ORS 401.955.

SECTION 52. ORS 401.952 is amended to read:

401.952. (1) The [Office] **Oregon Department** of Emergency Management, in consultation with the State Department of Geology and Mineral Industries, shall establish by rule a uniform tsunami warning signal, including rules specifying the type, duration and volume of the warning signal and the location of warning signal delivery devices, for use on the Oregon coast.

(2) The [office] **Oregon Department of Emergency Management** is not required to carry out the duties assigned under subsection (1) of this section if sufficient moneys are not available under ORS 401.955.

SECTION 53. ORS 401.955 is amended to read:

401.955. The [Office] **Oregon Department** of Emergency Management or the State Department of Geology and Mineral Industries may seek and accept gifts, grants and donations from any source to finance all or part of the duties assigned under ORS 401.950 and 401.952.

SECTION 54. ORS 401.975 is amended to read:

401.975. The Legislative Assembly finds that:

(1) During an evacuation after a major disaster or an emergency, many pet owners are reluctant to leave their pets and are willing to risk their lives to protect their pets.

(2) Animals are important to their owners and the presence of an animal brings comfort to an owner and may enhance recovery for an owner distressed over injury or damage caused by a major disaster or an emergency.

(3) Significant loss of livestock as a result of a major disaster or an emergency would seriously threaten the economy of Oregon. Therefore, a livestock emergency operations plan will ensure that livestock are provided for during a major disaster or an emergency.

(4) It is essential that the [Office] **Oregon Department** of Emergency Management and the State Department of Agriculture work together to develop emergency operations plans for animals and livestock that provide for animals and livestock during a major disaster or an emergency.

SECTION 55. ORS 401.977 is amended to read:

401.977. (1) As used in this section:

(a) "Companion animal" means a domestic animal commonly kept as a household pet.

(b) "Service animal" means an animal that assists or performs tasks for a person with a sensory, emotional, mental or physical disability.

(2) The [Office] **Oregon Department** of Emergency Management, in cooperation with the State Department of Agriculture and local governments, shall prepare a written animal emergency operations plan that provides for the evacuation, transport and temporary sheltering of companion animals and service animals during a major disaster or an emergency.

(3) The [office] **Oregon Department of Emergency Management**, in developing the plan, shall emphasize the protection of human life and shall consider:

(a) Allowing owners of service animals to be evacuated, transported and sheltered with their service animals;

(b) Establishing a sufficient number of evacuation shelters equipped to temporarily shelter companion animals and service animals in close proximity to a human sheltering facility;

(c) Allowing owners and their companion animals to be evacuated together whenever possible;

(d) Establishing an identification system to ensure that owners who are separated from their companion animals or service animals during an evacuation are provided with all information necessary to locate and reclaim their animals;

(e) Transporting companion animals or service animals, in cages or carriers that safely and securely confine the animals, in an impending major disaster or emergency;

(f) Recommending that animal shelters, humane societies, veterinary offices, boarding kennels, breeders, grooming facilities, animal testing facilities and any other entity that normally houses

companion animals or service animals create evacuation plans for the animals housed at their facilities;

(g) Establishing recommended minimum holding periods for companion animals or service animals that are sheltered during a major disaster or an emergency; and

(h) Creating and promoting an educational campaign for owners of companion animals or service animals that will:

(A) Encourage owners to plan for and incorporate their animals in the owners' personal plans in the event of a major disaster or an emergency; and

(B) Inform owners of companion animals or service animals about the animal emergency operations plan prepared under this section.

SECTION 55a. If Senate Bill 103 becomes law, section 55 of this 2021 Act (amending ORS 401.977) is repealed and ORS 401.977, as amended by section 3, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 103), is amended to read:

401.977. (1) As used in this section:

(a) "Companion animal" means a domestic animal commonly kept as a household pet.

(b) "Service animal" means an animal that assists or performs tasks for a person with a sensory, emotional, mental or physical disability.

(2) The State Department of Agriculture, in cooperation with the [Office] **Oregon Department** of Emergency Management, the Department of Human Services and local governments, shall prepare a written animal emergency operations plan that provides for the evacuation, transport and temporary sheltering of companion animals and service animals during a major disaster or an emergency.

(3) The State Department of Agriculture, in developing the plan, shall emphasize the protection of human life and shall consider:

(a) Allowing owners of service animals to be evacuated, transported and sheltered with their service animals;

(b) Establishing a sufficient number of evacuation shelters equipped to temporarily shelter companion animals and service animals in close proximity to a human sheltering facility;

(c) Allowing owners and their companion animals to be evacuated together whenever possible;

(d) Establishing an identification system to ensure that owners who are separated from their companion animals or service animals during an evacuation are provided with all information necessary to locate and reclaim their animals;

(e) Transporting companion animals or service animals, in cages or carriers that safely and securely confine the animals, in an impending major disaster or emergency;

(f) Recommending that animal shelters, humane societies, veterinary offices, boarding kennels, breeders, grooming facilities, animal testing facilities and any other entity that normally houses companion animals or service animals create evacuation plans for the animals housed at their facilities;

(g) Establishing recommended minimum holding periods for companion animals or service animals that are sheltered during a major disaster or an emergency; and

(h) Creating and promoting an educational campaign for owners of companion animals or service animals that will:

(A) Encourage owners to plan for and incorporate their animals in the owners' personal plans in the event of a major disaster or an emergency; and

(B) Inform owners of companion animals or service animals about the animal emergency operations plan prepared under this section.

SECTION 56. ORS 401.978 is amended to read:

401.978. (1) As used in this section, "livestock" means cattle, horses, sheep and any other animals designated by the State Department of Agriculture.

(2) The State Department of Agriculture, in cooperation with the [Office] **Oregon Department** of Emergency Management and local governments, shall prepare a written livestock emergency operations plan that provides for the evacuation, transport and temporary sheltering of livestock during a major disaster or an emergency.

(3) The **State Department of Agriculture**, in developing the plan, shall consider:

(a) Methods for providing adequate food and water for livestock during a major disaster or an emergency;

(b) Methods for providing livestock with adequate shelter or protection from harsh weather conditions during a major disaster or an emergency;

(c) Creating and promoting an educational campaign for owners of livestock that will:

(A) Encourage owners to plan for and incorporate their livestock in the owners' personal plans in the event of a major disaster or an emergency; and

(B) Inform owners of livestock about the livestock emergency operations plan prepared under this section; and

(d) Any other methods or arrangements that the department determines would protect livestock during a major disaster or an emergency.

SECTION 57. ORS 402.015 is amended to read:

402.015. In carrying out the provisions of ORS chapter 401, the Governor and the executive officers or governing bodies of the counties and cities may request and utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the state and of local governments. The officers and personnel of all local government departments, offices and agencies may cooperate with, and extend such services and facilities to the Governor, to the [Office] **Oregon Department of Emergency Management** and to emergency management agencies and emergency service agencies upon request.

SECTION 58. ORS 402.020 is amended to read:

402.020. The state shall reimburse a local government for the compensation paid and the actual and necessary travel, subsistence and maintenance expenses of employees of the local government while actually serving at the direction of the Governor or the Director of the [Office] **Oregon Department of Emergency Management** in a state function or capacity.

SECTION 59. ORS 402.210 is amended to read:

402.210. (1) There is created an intrastate mutual assistance agreement called the Oregon Resource Coordination Assistance Agreement.

(2)(a) The state government and, except as provided in this subsection, each local government is a participant in the agreement.

(b) A local government may opt out of participation in the agreement by adopting a resolution or ordinance so declaring and transmitting a copy of the resolution or ordinance to the Director of the [Office] **Oregon Department of Emergency Management**.

(c) An opt-out by a local government under this subsection is effective upon receipt by the director of a copy of the resolution or ordinance.

(3)(a) A tribal government is not a participant in the agreement unless it opts in as described in this subsection.

(b) A tribal government may opt in to participation in the agreement by adopting a resolution so declaring and transmitting the resolution to the director [of the Office of Emergency Management].

(c) An opt-in by a tribal government is effective upon receipt by the director of a copy of the resolution.

(4) The agreement streamlines the process by which a participant:

(a) Requests assistance from another participant whenever an event occurs; and

(b) Temporarily acquires resources from another participant for training, drills or exercises.

(5) The agreement does not:

(a) Require a participant to provide resources to a requesting participant.

(b) Preclude a participant from entering into any other agreement with another participant.

(c) Affect any other agreement to which a participant is a party or may become a party.

(6) The [Office] **Oregon Department of Emergency Management** shall develop, adopt and disseminate:

(a) Guidelines and procedures for requesting and providing assistance under the agreement;

- (b) Requirements for recordkeeping by participants; and
- (c) Other procedures and guidelines that the [office] **department** considers necessary to implement the agreement in an effective and efficient manner.

SECTION 60. ORS 402.230 is amended to read:

402.230. (1) The intent of the intrastate mutual assistance agreement created under ORS 402.210 is to provide for nonreimbursable assistance to a requesting participant.

(2) Notwithstanding subsection (1) of this section, a responding participant may request reimbursement and a requesting participant may reimburse the responding participant.

(3) A request for reimbursement must be made and agreed to in writing prior to the provision of resources by the responding participant.

(4) Request and provision of reimbursement are the sole responsibility of the requesting and responding participants. The [Office] **Oregon Department** of Emergency Management is not responsible for requesting or providing reimbursement unless the [office] **department** is a requesting or responding participant.

(5) If a dispute regarding reimbursement arises between a requesting participant and a responding participant, the involved participants shall make every effort to resolve the dispute within 30 days of written notice of the dispute given by the participant asserting noncompliance to the other participant.

(6) If the participants cannot resolve the dispute within 90 days after receipt of the notice of alleged noncompliance, either participant in the dispute may submit the dispute to arbitration under the commercial arbitration rules of the American Arbitration Association.

SECTION 61. ORS 403.120 is amended to read:

403.120. (1) The [Office] **Oregon Department** of Emergency Management shall:

(a) Except as otherwise provided by law, adopt rules relating to the emergency communications system, as deemed necessary by the [office] **department**.

(b) Plan, implement, administer, operate and maintain the emergency communications system required to fulfill the requirements of ORS 403.115.

(c) At the request of a 9-1-1 jurisdiction, act as an agent of the 9-1-1 jurisdiction for the purposes of purchasing and maintaining equipment and services required to conform to applicable laws and rules adopted by the [office] **department**.

(d) Report biennially to the Legislative Assembly the progress made in implementing ORS 305.823 and 403.105 to 403.250. The report must include:

(A) Financial information concerning the revenues collected, distributed and expended by state agencies and 9-1-1 jurisdictions for the purposes of complying with ORS 403.105 to 403.250; and

(B) Account and subaccount balances.

(2) The [office] **department** may enter into and administer contracts for goods and services related to the emergency communications system.

(3) The [office] **department** may establish advisory committees and study groups to study and advise on:

(a) The planning and administration of public safety answering points; and

(b) Issues impacting the emergency communications system or individual public safety answering points.

SECTION 62. ORS 403.130 is amended to read:

403.130. (1) A 9-1-1 jurisdiction shall create and maintain a 9-1-1 jurisdiction plan for emergency communications services provided within a 9-1-1 service area pursuant to ORS 403.105 to 403.250 and rules adopted by the [Office] **Oregon Department** of Emergency Management. The 9-1-1 jurisdiction shall submit the 9-1-1 jurisdiction plan to:

(a) The [office] **department**;

(b) Public and private safety agencies within the 9-1-1 service area; and

(c) Any other public or private entity within the 9-1-1 service area that may be affected.

(2) The 9-1-1 jurisdiction plan must describe the capital and recurring costs to provide the components of the emergency communications system within the 9-1-1 service area.

(3) The [office] **department** shall review the 9-1-1 jurisdiction plan for compliance with the requirements imposed under ORS 403.105 to 403.250 and rules adopted by the [office] **department**, and if the plan is:

(a) In compliance, the [office] **department** shall approve the plan.

(b) Not in compliance, the [office] **department** shall reject the plan.

(4) If the [office] **department** rejects the 9-1-1 jurisdiction plan under subsection (3) of this section:

(a) The 9-1-1 jurisdiction shall revise and resubmit the plan within 90 days after the date the [office] **department** rejects the plan; and

(b) The [office] **department** shall review the revised plan and either approve or reject the revised plan within 90 days after the date the [office] **department** receives the revised plan.

(5) Each 9-1-1 jurisdiction shall submit to the [Office of Emergency Management] **department** in writing within 30 days any change to a public safety answering point that alters the approved 9-1-1 jurisdiction plan on file with the [office] **department**. The changes may include, but are not limited to:

(a) The address of the public safety answering point;

(b) Telephone numbers used to satisfy requirements set forth in ORS 403.115;

(c) Director changes;

(d) Agencies served by the 9-1-1 jurisdiction; and

(e) The method used to direct an emergency call once received by the primary public safety answering point.

(6) If an established 9-1-1 jurisdiction proposes to move a public safety answering point to another location or a governing body proposes to establish a new 9-1-1 jurisdiction with a new primary public safety answering point, and if either of these proposals will result in control of the 9-1-1 service area by an agency or agencies other than the agency or agencies identified in the approved 9-1-1 jurisdiction plan filed with the [office] **department**, the 9-1-1 jurisdiction or governing body shall submit a revised 9-1-1 jurisdiction plan setting forth the changes to:

(a) The [Office of Emergency Management] **department**;

(b) Public and private safety agencies in the 9-1-1 service area; and

(c) Any other public or private entity in the 9-1-1 service area that may be affected.

(7) In addition to meeting the requirements imposed under ORS 403.105 to 403.250 and rules adopted pursuant to ORS 403.120, the revised 9-1-1 jurisdiction plan must describe the capital and recurring costs for the proposed components of the emergency communications system within the 9-1-1 service area.

(8) The [office] **department** shall review the revised 9-1-1 jurisdiction plan for compliance with the requirements imposed under ORS 403.105 to 403.250 and rules adopted pursuant to ORS 403.120 and, if the [office] **department** determines that the plan is in compliance, approve the plan.

(9) The [office] **department** may not approve a revised 9-1-1 jurisdiction plan submitted under subsection (6) of this section unless the revised plan is accompanied by written approval of the governing bodies of all public and private safety agencies affected by or providing service in the 9-1-1 service area.

SECTION 63. ORS 403.132 is amended to read:

403.132. (1) At the request of a law enforcement agency, a provider of communications service for cellular devices shall provide the call location information, or the best available location information, of a cellular device that is:

(a) Used to place an emergency call requesting emergency assistance from the law enforcement agency; or

(b) Reasonably believed to be in the possession of an individual that the law enforcement agency reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.

(2) To facilitate requests for call location information, or the best available location information, from a law enforcement agency under this section:

(a) The [Office] **Oregon Department** of Emergency Management shall:

(A) Maintain a database containing emergency contact information for providers of communications service for cellular devices that are registered to do business in this state or that submit to the jurisdiction of this state; and

(B) Make the information immediately available upon request to a public safety answering point in this state.

(b) A provider that is registered to do business in this state, or that submits to the jurisdiction of this state, shall submit emergency contact information for the provider to the [office] **department**.

(3) Emergency contact information submitted by a provider of communications service for cellular devices under this section must be submitted by June 15 of each year or immediately after a change in contact information.

(4) Notwithstanding the limitations of ORS 403.135 (3), a cause of action does not arise against a provider of communications service for cellular devices or the officers, employees or agents of the provider for providing call location information, or the best available location information, in good faith as required by this section.

(5) The [office] **department** may adopt rules to implement this section.

(6) This section shall be known, and may be cited, as the Kelsey Smith Act.

SECTION 64. ORS 403.160 is amended to read:

403.160. (1) All disputes between a governing body, 9-1-1 jurisdiction and public or private safety agency regarding the emergency communications system must be mediated if the dispute cannot be resolved in accordance with a written agreement. When a governing body or 9-1-1 jurisdiction obtains knowledge that a dispute exists and cannot be resolved by the agencies, the governing body or the 9-1-1 jurisdiction shall notify the [Office] **Oregon Department** of Emergency Management of the dispute in writing. Within 30 days after this notification, the disputing agencies shall mutually select a mediator and notify the [office] **department** in writing of this selection. If a mediator is not mutually selected by the agencies within this period, the Director of the [Office] **Oregon Department** of Emergency Management shall select a mediator from the list of mediators established under subsection (3) of this section. Once selected, the mediator shall establish a schedule for the mediation process. The disputing agencies shall resolve the dispute within 60 days after the date the mediator is agreed upon or selected unless the agencies mutually agree in writing to an extension of this deadline. A copy of all extensions must be submitted to the [office] **department**.

(2) When the mediation process in subsection (1) of this section ends, the mediator shall notify the [office] **department** in writing of the outcome of the mediation. If the agencies are not able to resolve their dispute through mediation, the 9-1-1 jurisdiction or governing body and public or private safety agency or agencies shall submit the dispute to arbitration. The agencies shall select an arbitrator within 30 days after the end of the mediation. If the disputing agencies are unable to mutually select an arbitrator within this period, the director shall request the presiding judge for the judicial district in which the 9-1-1 service area is located to select an arbitrator. The arbitrator shall hear and decide the dispute within 30 days after selection unless the agencies mutually agree in writing to an extension of this deadline. A party to an arbitration under this subsection may seek confirmation, vacation, modification or correction of the arbitrator's decision as provided in ORS 36.700, 36.705 and 36.710. A court may vacate a decision only if there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d). The court may modify or correct a decision only for the grounds given in ORS 36.710.

(3) The [office] **department** shall establish a roster of mediators qualified to mediate disputes under subsection (1) of this section. This list may be used by the disputing agencies when selecting a mediator.

(4) Unless otherwise agreed upon, the costs of the mediation or arbitration, including the mediator's or arbitrator's fees, must be divided equally among the disputing agencies.

SECTION 65. ORS 403.165 is amended to read:

403.165. (1) The [Office] **Oregon Department** of Emergency Management may institute proceedings against a public or private safety agency, a 9-1-1 jurisdiction or other person to compel compliance with or to restrain further violation of ORS 305.823 and 403.105 to 403.250 or rules adopted pursuant to ORS 403.120.

(2) Proceedings authorized by subsection (1) of this section may be instituted without official notice, hearing or order provided in ORS chapter 183. However, proceedings brought against a telecommunications utility must be brought before the Public Utility Commission as provided by ORS chapter 756.

SECTION 66. ORS 403.170 is amended to read:

403.170. (1) The [Office] **Oregon Department** of Emergency Management may enter into an agreement with the Confederated Tribes of the Warm Springs Reservation of Oregon for the purpose of forming an entity to participate in the emergency communications system.

(2) An entity formed under subsection (1) of this section:

(a) Is a 9-1-1 jurisdiction for purposes of ORS 305.823 and 403.105 to 403.250.

(b) Shall comply with all state and federal law applicable to 9-1-1 jurisdictions.

(c) Shall operate within a 9-1-1 service area that includes the Warm Springs Indian Reservation.

(d) May operate a primary public safety answering point to provide emergency communications services within its 9-1-1 service area.

(3) As used in this section, “emergency communications system,” “primary public safety answering point,” “9-1-1 jurisdiction” and “9-1-1 service area” have the meanings given those terms in ORS 403.105.

SECTION 67. ORS 403.235 is amended to read:

403.235. (1) The Emergency Communications Account is established **in the State Treasury**, separate and distinct from the General Fund [*in the State Treasury*]. All moneys received by the Department of Revenue pursuant to ORS 403.200 to 403.230 and interest thereon must be paid to the State Treasurer to be held in a suspense account established under ORS 293.445. After payment of refunds, the balance of the moneys received must be paid into the State Treasury and credited to the Emergency Communications Account. Interest earned by the account must be credited to the 9-1-1 Subaccount established under subsection (2) of this section. All moneys in the Emergency Communications Account are continuously appropriated to the [Office] **Oregon Department** of Emergency Management and must be used for the purposes described in ORS 403.240.

(2) The 9-1-1 Subaccount is established as a subaccount of the Emergency Communications Account. Thirty-five percent of the amount in the Emergency Communications Account on the date of distribution must be credited to the 9-1-1 Subaccount. Interest earned by the subaccount must be credited to the subaccount. All moneys in the subaccount are continuously appropriated to the [Office] **Oregon Department** of Emergency Management and must be used for the purposes described in ORS 403.240 (3), (4) and (5).

SECTION 68. ORS 403.240, as amended by section 4, chapter 653, Oregon Laws 2019, is amended to read:

403.240. (1) The [Office] **Oregon Department** of Emergency Management shall distribute quarterly the entire amount of the moneys in the Emergency Communications Account. The [office] **department** shall pay the following amounts from the account:

(a) Administrative costs incurred during the preceding calendar quarter by the Department of Revenue in carrying out ORS 403.200 to 403.230 in an amount that does not exceed six-tenths of one percent of the amount in the account on the date of distribution, or actual expenses incurred by the department, whichever is less.

(b) Administrative costs to be incurred during the calendar quarter by the [Office] **Oregon Department** of Emergency Management in carrying out its duties under ORS 305.823 and 403.105 to 403.250. The amount to be paid under this paragraph may not exceed 2.4 percent of the amount in the account on the date of distribution, and, on or before the next date of distribution, the [office] **department** shall repay to the account any amount received under this paragraph that exceeds the actual expenses incurred by the [office] **department** in the quarter.

(2) The [office] **department** may:

(a) Provide funding for the Oregon Emergency Response System in an amount that does not exceed 15 percent of the legislatively approved budget for the Oregon Emergency Response System subject to availability of funds within the limit for administrative costs in subsection (1)(b) of this section.

(b) Prescribe the manner in which funding is provided to the Oregon Emergency Response System under this subsection.

(3) The [office] **department** shall use funds in the 9-1-1 Subaccount to pay for costs incurred during the preceding calendar quarter for emergency communications services provided by a 9-1-1 jurisdiction under ORS 403.105 to 403.250. The [office] **department** may not disburse funds in the 9-1-1 Subaccount to a 9-1-1 jurisdiction that does not have an approved 9-1-1 jurisdiction plan under ORS 403.130. The [office] **department** shall make payments for costs of the emergency communications system on behalf of a 9-1-1 jurisdiction, or make reimbursement to the 9-1-1 jurisdiction for such costs, only after a reimbursement or payment request has been submitted to the [office] **department** in the manner prescribed by the [office] **department**. Reimbursement or payment requests for recurring and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 403.105 to 403.250 must be submitted directly to the [office] **department**. The costs reimbursable or payable under this subsection are only those costs incurred for:

(a) Modification of network routers or servers, central office switching and trunking equipment or other transport equipment;

(b) Network development, hosting services, operation and maintenance;

(c) Database development, operation and maintenance;

(d) On-premises equipment procurement, maintenance and replacement;

(e) Conversion of pay station telephones required by ORS 403.140;

(f) Collection of the tax imposed by ORS 403.200 to 403.230;

(g) Addressing if the reimbursement or payment request is consistent with rules adopted by the [office] **department**; and

(h) An employee of a 9-1-1 jurisdiction obtaining certification as a telecommunicator or emergency medical dispatcher from the Department of Public Safety Standards and Training under ORS 181A.560.

(4) Subject to availability of funds, the [office] **Oregon Department of Emergency Management** shall provide funding to 9-1-1 jurisdictions based on cost information provided in their final plan under ORS 403.130. The [office] **department** shall approve 9-1-1 jurisdiction plans that meet the requirements set forth in ORS 403.115 (2) and (4). The [office] **department** shall limit funding for costs incurred prior to the preceding calendar quarter to charges associated with database development, network and on-premises equipment that satisfies the requirements of ORS 403.115 (2) and (4). The [office] **department** shall prescribe the manner in which funding is provided under this subsection.

(5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from an account or subaccount established in ORS 403.235 to repay loans from the Special Public Works Fund if the loans were used for purposes that are allowable under ORS 403.105 to 403.250.

(6) The [office] **department** shall retain amounts remaining in the 9-1-1 Subaccount and may distribute the amounts in a subsequent quarter for those purposes set forth in subsections (3), (4) and (5) of this section.

(7) The [office] **department** shall review reimbursement or payment requests for costs identified in subsection (3) of this section, necessary to comply with ORS 403.105 to 403.250, for the appropriateness of the costs claimed. The [office] **department** shall approve or reject the reimbursement or payment requests.

(8) After all amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have been paid, the [office] **department** shall allocate the balance of the Emergency Communications Account to cities on a per capita basis and to counties on a per capita basis of each county's unincorporated area for distribution directly to 9-1-1 jurisdictions as directed by the city or county. However, each

county must be credited a minimum of one percent of the balance of the account after the amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have been paid.

(9) 9-1-1 jurisdictions shall submit an accounting report to the [office] **department** annually. The report must be provided in the manner prescribed by the [office] **department** and must include but not be limited to:

(a) Funds received and expended under subsection (8) of this section for the purposes of fulfilling the requirements of ORS 403.115;

(b) Local funds received and expended for the purposes of fulfilling the requirements of ORS 403.115; and

(c) Local funds received and expended for the purposes of providing emergency communications services.

SECTION 69. ORS 403.250 is amended to read:

403.250. (1) The Director of the [Office] **Oregon Department** of Emergency Management shall establish by administrative rule the minimum standards for a primary public safety answering point.

(2) If a primary public safety answering point does not meet the minimum standards established under subsection (1) of this section within 45 days after receipt of written notice from the [Office] **Oregon Department** of Emergency Management, the [office] **department** shall designate an alternate primary public safety answering point that meets the minimum standards and cause calls to be rerouted to the designated primary public safety answering point.

SECTION 70. ORS 403.415 is amended to read:

403.415. (1) Subject to subsection (3) of this section, the [Office] **Oregon Department** of Emergency Management shall enter into a contract with a 2-1-1 system facilitator to design, implement and support a statewide 2-1-1 system.

(2) The contract shall ensure that the 2-1-1 system facilitator develops and maintains a statewide resources database that contains information regarding services after an emergency and health and human services input by designated regional information centers.

(3) In awarding the contract under subsection (1) of this section, the [office] **department** shall ensure that the 2-1-1 system facilitator has the funds and the financial capacity to carry out the terms of the contract and that the contract is cost-neutral to the [office] **department**.

SECTION 71. ORS 403.425 is amended to read:

403.425. Before a state agency that provides health and human services establishes a new public information hotline, the state agency shall consult with the [Office] **Oregon Department** of Emergency Management about using the 2-1-1 system to provide public access to the information.

SECTION 71a. If House Bill 2119 becomes law, section 71 of this 2021 Act (amending ORS 403.425) is repealed.

SECTION 72. ORS 403.430 is amended to read:

403.430. (1) The [Office] **Oregon Department** of Emergency Management may accept contributions of moneys and assistance from the federal government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the purpose of establishing a statewide 2-1-1 system.

(2) The [office] **department** may, from contributions of moneys received under subsection (1) of this section, provide grants to the 2-1-1 system facilitator to enable the provision of 2-1-1 service 24 hours per day, seven days per week.

SECTION 72a. If House Bill 2119 becomes law, section 72 of this 2021 Act (amending ORS 403.430) is repealed.

SECTION 73. ORS 403.435 is amended to read:

403.435. The 2-1-1 Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the [Office] **Oregon Department** of Emergency Management for the 2-1-1 system under ORS 403.430 shall be deposited into the account and are continuously appropriated to the [Office] **Oregon Department** of Emergency Management to be used only for the implementation and support of the 2-1-1 system.

SECTION 74. ORS 403.450 is amended to read:

403.450. (1) The State Interoperability Executive Council is created under the State Chief Information Officer to be the statewide interoperability governing body serving as the primary steering group for the Oregon Statewide Communication Interoperability Plan. The membership of the council consists of:

(a) Two members from the Legislative Assembly, as follows:

(A) The President of the Senate shall appoint one member from the Senate with an interest in public safety communications infrastructure; and

(B) The Speaker of the House of Representatives shall appoint one member from the House of Representatives with an interest in public safety and emergency communications infrastructure.

(b) The following members appointed by the Governor:

(A) One member from the Department of State Police;

(B) One member from the [Office] **Oregon Department** of Emergency Management;

(C) One member from the State Forestry Department;

(D) One member from the Department of Corrections;

(E) One member from the Department of Transportation;

(F) One member from the office of the State Chief Information Officer;

(G) One member from the Oregon Health Authority;

(H) One member from the Oregon Military Department;

(I) One member from the Department of Public Safety Standards and Training;

(J) One member from the Oregon Broadband Advisory Council;

(K) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe; and

(L) One member of the public.

(c) The following members appointed by the Governor with the concurrence of the President of the Senate and the Speaker of the House of Representatives:

(A) One member from the Oregon Fire Chiefs Association;

(B) One member from the Oregon Association Chiefs of Police;

(C) One member from the Oregon State Sheriffs' Association;

(D) One member from the Association of Oregon Counties;

(E) One member from the League of Oregon Cities;

(F) One member from the Special Districts Association of Oregon;

(G) One member who is an information technology officer of an Oregon city;

(H) One member who is an information technology officer of an Oregon county;

(I) One member who represents a nonprofit professional organization interested in the enhancement of public safety communications systems; and

(J) One member of the public who works or resides in Federal Communications Commission Region 35.

(2) Each agency or organization identified in subsection (1)(b)(A) to (J) and (1)(c)(A) to (H) of this section shall recommend an individual from the agency or organization for membership on the council.

(3) Members of the council are not entitled to compensation, but in the discretion of the State Chief Information Officer may be reimbursed from funds available to the office of the State Chief Information Officer for actual and necessary travel and other expenses the members incur in performing the members' official duties in the manner and amount provided in ORS 292.495.

(4) Members of the Legislative Assembly appointed to the council are nonvoting members and may act in an advisory capacity only.

SECTION 75. ORS 465.505 is amended to read:

465.505. (1) In addition to any other applicable federal or state law and regulation, the following waste minimization requirements shall apply to dry cleaning facilities:

(a) All wastes meeting the state and federal criteria for hazardous waste, excluding wastewater, generated at any dry cleaning facility and containing dry cleaning solvents, including residues and filters, shall be managed and disposed of, regardless of quantity generated, as hazardous wastes in

accordance with federal and state laws otherwise applicable to management of hazardous wastes, except that, as to the cleanup of releases of dry cleaning solvents, ORS 465.503 shall apply rather than ORS 466.205;

(b) Wastewater contaminated with dry cleaning solvents from the water separation process of dry cleaning machines may not be discharged into any sanitary sewer or septic tank or into the waters of this state;

(c) Dry cleaning operators shall manage solvent contaminated wastewater generated in the water separation process in accordance with rules adopted by the Environmental Quality Commission;

(d) A dry cleaning facility may not include operation of transfer-type dry cleaning equipment using perchloroethylene;

(e) All newly installed dry cleaning systems using perchloroethylene shall be of the dry-to-dry type and be equipped with integral refrigerated condensers with an outlet temperature sensor for the control of perchloroethylene emissions;

(f) All existing dry cleaning systems using perchloroethylene shall install refrigerated condensers, or an equivalent;

(g) Every dry cleaning facility shall install secondary containment systems capable of containing dry cleaning solvent under and around each machine or item of equipment in which any dry cleaning solvent is used, treated or stored; and

(h) All perchloroethylene dry cleaning solvent shall be delivered to dry cleaning facilities by means of closed, direct-coupled delivery systems.

(2) The Department of Environmental Quality may authorize the use of alternative measures at a dry cleaning facility in lieu of one or more of the measures described under subsection (1) of this section upon proof satisfactory to the department that the alternative measures can provide equivalent protection for public health and the environment, can achieve equivalent waste minimization and are consistent with other applicable laws and regulations.

(3) Every dry cleaning and dry store operator shall provide annually to the department on forms to be supplied by the department, information regarding compliance with the waste minimization requirements set forth in subsection (1) of this section and any other information as the department considers necessary for carrying out the purposes of ORS 465.200 and 465.500 to 465.545.

(4) Notwithstanding any law to the contrary, a dry cleaning operator for a facility having a release of dry cleaning solvents shall immediately report any release exceeding one pound to the notification system managed by the [Office] **Oregon Department** of Emergency Management pursuant to ORS 401.094.

(5) The Environmental Quality Commission shall adopt rules necessary to implement ORS 465.200 and 465.500 to 465.545, including but not limited to rules implementing the recommendations of the advisory group established under ORS 465.507 or requiring the implementation of new waste minimization technologies.

SECTION 76. ORS 466.635 is amended to read:

466.635. Any person owning or having control over any oil or hazardous material who has knowledge of a spill or release shall immediately notify the [Office] **Oregon Department** of Emergency Management as soon as that person knows the spill or release is a reportable quantity.

SECTION 77. ORS 824.088 is amended to read:

824.088. (1) Each railroad that gives notice to the United States Department of Transportation of an incident that occurs during the course of transporting hazardous materials as defined by federal regulations shall also give notice of the incident to the Director of the [Office] **Oregon Department** of Emergency Management.

(2) As soon as reasonably practicable, each railroad shall notify the director by telephone or similar means of communication of any derailment or fire involving or affecting hazardous material.

(3) To facilitate expedited and accurate notice to the director under this section, each train transporting hazardous materials in this state shall be equipped with at least two radio transmitter-receivers in good working order. In addition, 18 months after October 4, 1977, trains over 2,000 feet in length that are transporting hazardous materials shall be equipped with a radio

handset in good working order capable of communicating with the radio transmitter-receivers. If the equipment required under this section does not function while the train is en route, the train may proceed to the next point of crew change where the equipment shall be replaced or repaired.

SECTION 78. ORS 30.269 is amended to read:

30.269. (1) Punitive damages may not be awarded on any claim subject to ORS 30.260 to 30.300.

(2) Claims subject to ORS 30.260 to 30.300 are not subject to the limitation imposed by ORS 31.710.

(3) A court may not apply the limitations imposed on recovery under ORS 30.271, 30.272 and 30.273 until after the entry of a verdict or a stipulation by the parties to the amount of the damages.

(4) The limitations imposed under ORS 30.271 (2) and 30.272 (2) on single claimants include damages claimed for loss of services or loss of support arising out of the same tort.

(5) If two or more claimants recover on a claim that arises out of a single accident or occurrence, and the recovery is subject to a limitation imposed by ORS 30.271 (3), 30.272 (3) or 30.273 (2)(b), any party to the action in which the claim is made may apply to the court to apportion to each claimant the proper share of the amount allowed by ORS 30.271 (3), 30.272 (3) or 30.273 (2)(b). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement made to the claimant bears to the aggregate awards and settlements for all claims arising out of the accident or occurrence.

(6) Liability of any public body and one or more of its officers, employees or agents, or two or more officers, employees or agents of a public body, on claims arising out of a single accident or occurrence, may not exceed in the aggregate the amounts allowed by ORS 30.271, 30.272 and 30.273.

(7) ORS 30.271, 30.272 and 30.273 do not apply to a claim arising in connection with a nuclear incident covered by an insurance or indemnity agreement under 42 U.S.C. 2210.

(8) For the purposes of the limitations imposed by ORS 30.271, 30.272 and 30.273, events giving rise to a [*proclamation*] **declaration** of a state of emergency under ORS 401.165, or a [*proclamation*] **declaration** of a state of public health emergency under ORS 433.441, do not constitute a single accident or occurrence.

SECTION 79. ORS 401.364 is amended to read:

401.364. (1) A qualified emergency service volunteer is an agent of a public body under ORS 30.260 to 30.300 for the purpose of acts and omissions of the volunteer that are within the course and scope of the volunteer's duties if the acts or omissions occur:

(a) While the volunteer is performing emergency service activities under the direction of the public body during a state of emergency declared under this chapter, or during a state of public health emergency [*proclaimed*] **declared** under ORS 433.441; or

(b) While the volunteer is engaged in training being conducted or approved by a public body for the purpose of preparing the volunteer to perform emergency services.

(2) A public body shall defend, save harmless and indemnify a qualified emergency service volunteer as required by ORS 30.285 for any tort claim arising out of an act or omission described in subsection (1) of this section.

SECTION 80. ORS 401.655 is amended to read:

401.655. During a state of emergency declared under ORS 401.165 or a state of public health emergency [*proclaimed*] **declared** under ORS 433.441, a health care provider who is licensed, certified or otherwise authorized or permitted by the laws of another state to administer health care services and who is registered under ORS 401.654 may administer health care services in this state as if the health care provider were licensed in this state.

SECTION 81. ORS 401.657 is amended to read:

401.657. (1) The Oregon Health Authority may designate all or part of a health care facility or other location as an emergency health care center. If the Governor declares a state of emergency under ORS 401.165, or [*proclaims*] **declares** a state of public health emergency under ORS 433.441, emergency health care centers may be used for:

(a) Evaluation and referral of individuals affected by the emergency;

(b) Provision of health care services; and

(c) Preparation of patients for transportation.

(2) The Oregon Health Authority may enter into cooperative agreements with a local public health authority, as defined in ORS 431.003, that allow the local public health authority to designate emergency health care centers under this section.

(3) An emergency health care center designated under this section must have an emergency operations plan and a credentialing plan that governs the use of emergency health care providers registered under ORS 401.654 and other health care providers who volunteer to perform health care services at the center under ORS 401.651 to 401.670. The emergency operations plan and credentialing plan must comply with rules governing those plans adopted by the Oregon Health Authority.

SECTION 82. ORS 401.658 is amended to read:

401.658. (1) The Oregon Health Authority may include in the emergency health care provider registry established under ORS 401.654 a person who was previously licensed, certified or otherwise authorized to provide health care services in Oregon by a health professional regulatory board if:

(a) The person was licensed, certified or otherwise authorized to provide health care services not more than 10 years before entry in the registry; and

(b) The person meets such other criteria as may be established by the authority.

(2) Notwithstanding any other law prohibiting a person from providing health care services without a license, certificate or other authorization from a health professional regulatory board, a person entered in the emergency health care provider registry under subsection (1) of this section may provide health care services during a state of emergency declared under ORS 401.165 or a state of public health emergency [*proclaimed*] **declared** under ORS 433.441 without a license, certification or other authorization if:

(a) The person is in compliance with all rules adopted by the authority for persons providing health care services under this section; and

(b) The authority has directed the person to provide health care services under ORS 401.661 (1).

(3) The authority may adopt rules, after consulting with the appropriate health professional regulatory boards, that establish criteria and requirements for including persons in the emergency health care provider registry under this section, including but not limited to:

(a) Educational requirements;

(b) Training requirements;

(c) Verification of previous licenses, certifications or other authorization by a health professional regulatory board;

(d) Verification that the previous licenses, certifications or other authorization of the person was not revoked by reason of unprofessional conduct or any other reason that would affect the person's ability to safely provide health care services; and

(e) Limitations on the type of health care services that may be provided by the person under this section and the places at which those services may be provided.

SECTION 83. ORS 401.661 is amended to read:

401.661. If the Governor declares a state of emergency under ORS 401.165 or [*proclaims*] **declares** a state of public health emergency under ORS 433.441:

(1) The Oregon Health Authority, in conjunction with the Department of Human Services for facilities licensed by the department, may direct emergency health care providers registered under ORS 401.654 who are willing to provide health care services to proceed to any place in this state where health care services are required by reason of the emergency or crisis;

(2) Pursuant to the Emergency Management Assistance Compact and the Pacific Northwest Emergency Management Arrangement, the Oregon Health Authority may direct emergency health care providers registered under ORS 401.654 who are willing to provide health care services in another state to proceed to another state where emergency health care services are required by reason of an emergency in that state; and

(3) Any emergency health care provider registered under ORS 401.654 or other health care provider may volunteer to perform health care services described in ORS 401.657 at any emergency health care center or health care facility in the manner provided by ORS 401.664.

SECTION 84. ORS 401.667 is amended to read:

401.667. (1) If the Governor declares a state of emergency under ORS 401.165, or [*proclaims*] **declares** a state of public health emergency under ORS 433.441, emergency health care providers registered under ORS 401.654 and other health care providers who volunteer to perform health care services under ORS 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are provided under ORS 401.651 to 401.670 pursuant to directions from a public body and that are within the course and scope of the health care provider's duties, without regard to whether the health care provider is compensated for the services.

(2) If the Governor declares a state of emergency under ORS 401.165, or [*proclaims*] **declares** a state of public health emergency under ORS 433.441, health care facilities designated under ORS 401.657 and other persons operating emergency health care centers designated under ORS 401.657 are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are provided through those centers or facilities under ORS 401.651 to 401.670 pursuant to directions from a public body and that are within the course and scope of the duties of the health care facility or other person, without regard to whether the health care facility or other person is compensated for the services.

(3) An emergency health care provider registered under ORS 401.654 participating in training authorized by the Oregon Health Authority under ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of that training.

(4) The provisions of subsection (2) of this section apply only to emergency health care centers or health care facilities that have adopted emergency operations plans and credentialing plans that govern the use of emergency health care providers registered under ORS 401.654 and other health care providers who volunteer to perform health care services under ORS 401.651 to 401.670. An emergency operations plan and a credentialing plan must comply with rules governing those plans adopted by the authority.

SECTION 85. ORS 433.448 is amended to read:

433.448. (1)(a) During a state of public health emergency [*proclaimed*] **declared** under ORS 433.441 or during a state of emergency declared under ORS 401.165 that is related to a state of public health emergency that has not expired, the immunization registry and tracking and recall system established under ORS 433.094 may be used as a vaccination management and tracking system for the purpose of preventing the spread of diseases that can be prevented by vaccination or for tracking the mass administration of antibiotic prophylaxis.

(b) When being used as authorized by this section, an immunization registry may include persons of any age, and vaccination records may be shared with authorized users of the registry for purposes related to the [*proclaimed*] **declared** state of public health emergency without obtaining the prior authorization of the clients of the registry.

(2) As used in this section, "client" and "immunization registry" have the meaning given those terms in ORS 433.090.

SECTION 86. Section 1, chapter 85, Oregon Laws 2016, is amended to read:

Sec. 1. The Fuel Storage Facility Compatibility Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Fuel Storage Facility Compatibility Fund shall be credited to the fund. The Fuel Storage Facility Compatibility Fund consists of any moneys deposited in the fund from whatever source and may include moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise and interest earned on moneys in the fund. The moneys in the fund are continuously appropriated to the [*Office*] **Oregon Department** of Emergency Management for the purposes specified in section 3, **chapter 85, Oregon Laws 2016** [*of this 2016 Act*].

SECTION 87. Section 3, chapter 85, Oregon Laws 2016, as amended by section 1, chapter 516, Oregon Laws 2019, is amended to read:

Sec. 3. (1) The [Office] **Oregon Department** of Emergency Management shall develop a grant program for the purpose of installing generator connectors on fuel sources at cardlock facilities in this state.

(2) Pursuant to the grant program:

(a) The [office] **department** may solicit and receive applications for grants from owners or operators of cardlock facilities in this state. The [office] **department** shall establish standards for the qualification of applicants.

(b) The [office] **department** shall establish criteria by which to determine which applicants will receive grants, with the goal of maximizing the availability of fuel to emergency response personnel in the case of emergency.

(c) The [office] **department** shall enter into agreements with grant recipients that require grant recipients to install generator connectors on cardlock facilities.

(d) The [office] **department** shall specify one or more types of generator connectors that a grant recipient must install. In specifying types of generator connectors, the [office] **department** shall consult with the Department of Transportation and the State Fire Marshal and shall have the goal of maximizing the compatibility of cardlock facilities in this state with generators possessed or controlled by the [office] **Oregon Department of Emergency Management**, the [department] **Department of Transportation** and the Oregon National Guard.

(e) The [office] **Oregon Department of Emergency Management** may not issue grants in excess of \$10,000 per cardlock facility.

(3) The [office] **Oregon Department of Emergency Management** shall adopt rules to administer and implement the provisions of this section.

SECTION 88. Section 4, chapter 85, Oregon Laws 2016, is amended to read:

Sec. 4. The State Fire Marshal, while conducting an annual safety inspection as described in ORS 480.375 of a cardlock facility that received a grant under the program established under section 3, **chapter 85, Oregon Laws 2016 [of this 2016 Act]**, shall inspect generator connectors installed pursuant to the grant program. If the State Fire Marshal determines that generator connectors installed pursuant to the grant program meet safety requirements and are otherwise properly installed, the State Fire Marshal shall deliver a letter certifying the determination to the [Office] **Oregon Department** of Emergency Management.

SECTION 88a. ORS 469.533 is amended to read:

469.533. Notwithstanding ORS chapter 401, the State Department of Energy in cooperation with the Oregon Health Authority and the [Office] **Oregon Department** of Emergency Management shall establish rules for the protection of health and procedures for the evacuation of people and communities who would be affected by radiation in the event of an accident or a catastrophe in the operation of a nuclear power plant or nuclear installation.

SECTION 88b. ORS 404.100 is amended to read:

404.100. The Director of the [Office] **Oregon Department** of Emergency Management shall appoint a Search and Rescue Coordinator to:

(1) Coordinate the search and rescue function of the [Office] **Oregon Department** of Emergency Management;

(2) Coordinate the activities of state and federal agencies involved in search and rescue;

(3) Establish liaison with the Oregon State Sheriffs' Association and other public and private organizations and agencies involved in search and rescue;

(4) Provide on-scene search and rescue coordination when requested by an authorized person;

(5) Coordinate and process requests for the use of volunteers and equipment;

(6) Assist in developing training and outdoor education programs;

(7) Gather statistics in search and rescue operations; and

(8) Gather and disseminate resource information of personnel, equipment and materials available for search and rescue.

SECTION 88c. ORS 404.105 is amended to read:

404.105. The [Office] **Oregon Department** of Emergency Management shall establish and maintain a program for the air search and rescue of lost aircraft and persons and for the air support of other emergency situations. The program established under this section may include, but is not limited to, the following:

(1) The formation of a volunteer air search and rescue organization and provision of appropriate training to this organization.

(2) Directing, coordinating and performing air activities in conjunction with air search and rescue and other emergency situations.

(3) Entering into agreements with private persons, volunteer organizations, and federal, state and local agencies for air search and rescue and other emergency activities.

(4) Such other related activities as may be deemed necessary and appropriate by the Director of the [Office] **Oregon Department** of Emergency Management.

SECTION 88d. ORS 404.110 is amended to read:

404.110. (1) The sheriff of each county has the responsibility for search and rescue activities within the county. The duty of a sheriff under this subsection may be delegated to a deputy or other qualified person.

(2) If the sheriff does not accept the responsibility for search and rescue activities, the chief executive of the county shall direct the county emergency program manager appointed under ORS 401.305 to perform the duties and responsibilities required under ORS 404.100 to 404.270.

(3) A sheriff or other person performing the duties of the sheriff under this section shall notify the [Office] **Oregon Department** of Emergency Management of each search and rescue in the county and shall request the assignment of incident numbers for each search and rescue.

(4) When search and rescue activities occur in a multicounty area:

(a) The sheriff of one county, or the other person performing the duties of the sheriff of one of the counties under this section, shall take charge, or the counties shall form a unified command, as outlined in the National Incident Management System Incident Command System established by Homeland Security Presidential Directive 5 of February 28, 2003; or

(b) If the appropriate sheriff or other person does not assume command as described in paragraph (a) of this subsection, the sheriff who received the initial call shall take charge of the multicounty search and rescue.

SECTION 88e. ORS 404.120 is amended to read:

404.120. (1) The sheriff of each county shall adopt a search and rescue plan for the county. The search and rescue plan shall set forth search and rescue policies, including policies for implementation of multicounty search and rescue activities, for the county that comply with the relevant provisions of the National Incident Management System Incident Command System established by Homeland Security Presidential Directive 5 of February 28, 2003, and shall describe procedures for implementing those policies. A county search and rescue plan shall list and describe materials, mutual aid agreements, equipment and personnel available within the county for search and rescue incidents. The plan shall also include:

(a) A detailed description of activities and circumstances that constitute search and rescue in the county.

(b) Identification of volunteer organizations available to the county for use for search and rescue.

(c) Procedures for contacting and requesting assistance from volunteer organizations during search and rescue activities.

(d) Procedures for contacting and requesting available assistance from other agencies and groups.

(e) Minimum standards for individuals whose technical or professional skills may be required for search and rescue.

(2) A county search and rescue plan adopted under this section shall require a person in charge of a search and rescue to complete a fact sheet for the incident. The fact sheet shall contain the

incident number assigned under ORS 404.130 for search and rescue and such other information required under the search and rescue plan of the county.

(3) The sheriff of each county shall review and, if necessary or desirable, revise the search and rescue plan annually. After the initial adoption of a search and rescue plan under this section and after each annual review or revision of the plan, the sheriff shall submit the plan to the Search and Rescue Coordinator appointed under ORS 404.100.

(4) The [Office] **Oregon Department** of Emergency Management, after consultation with the Oregon State Sheriffs' Association, may establish guidelines for county search and rescue plans.

(5) The [Office of Emergency Management] **department** shall annually publish and distribute to the sheriff of each county a search and rescue resource inventory, which shall include materials, equipment and personnel available from counties, agencies and the State of Oregon for use in search and rescue incidents.

SECTION 88f. ORS 404.125 is amended to read:

404.125. (1) After a search and rescue, the sheriff of the county in which the search and rescue took place shall conduct a critique of the incident:

(a) If, in the opinion of the sheriff, the critique would be useful; or

(b) Upon request from an individual directly involved in the incident.

(2) As part of the critique, the sheriff shall examine the search and rescue report and may receive testimony and information from persons involved in the incident.

(3) When a critique of a search and rescue is conducted under this section, the sheriff shall prepare findings of fact concerning the search and rescue, including the investigatory component, and may prepare recommendations for the conduct of future incidents or propose amendments to the search and rescue plan under which the search and rescue was conducted.

(4) If amendments to the search and rescue plan are proposed and adopted, the sheriff shall file the amended search and rescue plan with the [Office] **Oregon Department** of Emergency Management.

(5) The [office] **department** shall, in consultation with the Oregon State Sheriffs' Association, develop a standardized critique form to be used in the search and rescue critiques performed by a sheriff under this section.

SECTION 88g. ORS 404.200 is amended to read:

404.200. As used in ORS 404.200 to 404.215:

(1) "Qualified search and rescue volunteer" means [a person who is]:

(a) **A person who is** registered with the [Office] **Oregon Department** of Emergency Management to conduct search and rescue activities;

(b) **A person who is** registered with a sheriff to conduct search and rescue activities;

(c) A member of a designated search and rescue organization that is registered with a sheriff or the [Office of Emergency Management] **department**; or

(d) **A person who is** acknowledged in writing as a qualified search and rescue volunteer by the [Office of Emergency Management] **department**, or by a sheriff or the designee of a sheriff, at the scene of a search or rescue.

(2) "Search and rescue activities" means:

(a) Searching for, rescuing or recovering any person who is missing, injured or deceased; and

(b) Training to perform the activities described in paragraph (a) of this subsection that is either conducted or approved by a public body.

SECTION 88h. ORS 433.441 is amended to read:

433.441. (1) Upon the occurrence of a public health emergency, the Governor may declare a state of public health emergency as authorized by ORS 433.441 to 433.452 to protect the public health.

(2) A [proclamation] **declaration** of a state of public health emergency must specify:

(a) The nature of the public health emergency;

(b) The political subdivision or geographic area subject to the [proclamation] **declaration**;

(c) The conditions that have brought about the public health emergency; and

(d) The duration of the state of public health emergency, if the duration is less than 14 days.

- (3) During a **declared** public health emergency, the Governor may:
- (a) Close, order the evacuation of or **order** the decontamination of any facility the Governor has reasonable cause to believe may endanger the public health.
 - (b) Regulate or restrict by any means necessary the use, sale or distribution of food, fuel, medical supplies, medicines or other goods and services.
 - (c) Prescribe modes of transportation, routes and destinations required for the evacuation of individuals or the provision of emergency services.
 - (d) Control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public health emergency if such actions are reasonable and necessary to respond to the public health emergency.
 - (e) Authorize pharmacists licensed under ORS chapter 689 to administer vaccines to persons who are three years of age or older.
 - (f) Take any other action that may be necessary for the management of resources, or to protect the public during a public health emergency, including any actions authorized under ORS 401.168, 401.185, 401.188 and 401.192.
- (4) Nothing in ORS 433.441 to 433.452 limits the authority of the Governor to declare a state of emergency under ORS 401.165. If a state of emergency is declared as authorized under ORS 401.165, the Governor may implement any action authorized by ORS 433.441 to 433.452.
- (5) A [*proclamation*] **declaration** of a state of public health emergency expires when terminated by a declaration of the Governor or no more than 14 days after the date the public health emergency is [*proclaimed*] **declared** unless the Governor expressly extends the [*proclamation*] **declaration** for an additional 14-day period.
- (6) When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation from the state.

RENAMING AND REORGANIZATION OF THE OFFICE OF THE STATE FIRE MARSHAL

SECTION 89. (1) The amendments to ORS 476.020 by section 90 of this 2021 Act are intended to change the name of the office of the State Fire Marshal to the Department of the State Fire Marshal and establish that entity as a state agency independent from the Department of State Police.

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the “office of the State Fire Marshal,” wherever they occur in statutory law, other words designating the “Department of the State Fire Marshal.”

SECTION 90. ORS 476.020 is amended to read:

476.020. (1) The [*office of*] **Department of the State Fire Marshal** is established. [*in the Department of State Police. The State Fire Marshal shall be appointed by and be administratively responsible to the Superintendent of State Police, and shall serve at the pleasure of the superintendent. The State Fire Marshal shall retain all current authority of the office and shall be responsible for the implementation of its mission and programs.*] **The department is under the supervision and control of the State Fire Marshal.**

(2) **The Governor shall appoint the State Fire Marshal, who holds the office at the pleasure of the Governor. The appointment of the State Fire Marshal is subject to confirmation by the Senate in the manner prescribed by ORS 171.562 and 171.565.**

(2) The State Fire Marshal shall be qualified to direct the technical and executive work of the [*agency*] **department** as determined by the [*superintendent*] **Governor** and shall have education or training related to the programs of the [*agency*] **department** and significant experience in managing fire protection or related programs.

(3) **The State Fire Marshal shall be paid a salary as provided by law or, if not so provided, as prescribed by the Governor.**

(4) Subject to the approval of the Governor, the State Fire Marshal may organize and reorganize the administrative structure of the department as the State Fire Marshal considers appropriate to properly conduct the work of the department.

(5) The State Fire Marshal may divide the functions of the department into administrative divisions. Subject to the approval of the Governor, the State Fire Marshal may appoint an individual to administer each division. The administrator of each division serves at the pleasure of the State Fire Marshal and is not subject to the provisions of ORS chapter 240. Each individual appointed under this subsection must be well qualified by technical training and experience in the functions to be performed by the individual.

(Finance)

SECTION 91. (1) The unexpended balances of amounts authorized to be expended by the Department of State Police for purposes of the office of the State Fire Marshal for the biennium beginning July 1, 2023, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by the amendments to ORS 476.020 by section 90 of this 2021 Act are transferred to and are available for expenditure by the Department of the State Fire Marshal for the biennium beginning July 1, 2023.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the office of the State Fire Marshal remain applicable to expenditures by the Department of the State Fire Marshal under this section.

(Action, Proceeding, Prosecution)

SECTION 92. The transfer of duties, functions and powers to the Department of the State Fire Marshal by the amendments to ORS 476.020 by section 90 of this 2021 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Department of the State Fire Marshal is substituted for the office of the State Fire Marshal in the action, proceeding or prosecution.

(Liability, Duty, Obligation)

SECTION 93. (1) Nothing in the amendments to ORS 476.020 by section 90 of this 2021 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by the amendments to ORS 476.020 by section 90 of this 2021 Act. The Department of the State Fire Marshal may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the office of the State Fire Marshal legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date specified in section 155a of this 2021 Act are transferred to the Department of the State Fire Marshal. For the purpose of succession to these rights and obligations, the Department of the State Fire Marshal is a continuation of the office of the State Fire Marshal and not a new authority.

(Rules)

SECTION 94. Notwithstanding the transfer of duties, functions and powers by the amendments to ORS 476.020 by section 90 of this 2021 Act, the rules of the office of the State Fire Marshal in effect on the operative date specified in section 155a of this 2021 Act continue in effect until superseded or repealed by rules of the Department of the State Fire Marshal.

References in rules of the office of the State Fire Marshal to the office of the State Fire Marshal or an officer or employee of the office of the State Fire Marshal are considered to be references to the Department of the State Fire Marshal or an officer or employee of the Department of the State Fire Marshal.

SECTION 95. Whenever, in any statutory law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the office of the State Fire Marshal or an officer or employee of the office of the State Fire Marshal, the reference is considered to be a reference to the Department of the State Fire Marshal or an officer or employee of the Department of the State Fire Marshal. Whenever, in any statutory law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the State Fire Marshal, the reference is considered to be a reference to the Department of the State Fire Marshal, the State Fire Marshal or both, as the context requires.

(Interim State Fire Marshal)

SECTION 96. The State Fire Marshal on the operative date specified in section 155a of this 2021 Act shall serve as the initial State Fire Marshal at the pleasure of the Governor and without the need for confirmation by the Senate.

NOTE: Sections 97 through 107 were deleted by amendment. Subsequent sections were not re-numbered.

(Conforming Amendments)

SECTION 108. ORS 182.535 is amended to read:

182.535. For purposes of ORS 182.535 to 182.550, “natural resource agency” means the Department of Environmental Quality, the State Department of Agriculture, the Water Resources Department, the State Department of Fish and Wildlife, the State Forestry Department, the Department of State Lands, the Department of Education, the State Department of Geology and Mineral Industries, the Department of Land Conservation and Development, the State Marine Board, the Public Utility Commission, the Department of Transportation, the **Department of the State Fire Marshal** and the Oregon Health Authority.

SECTION 109. ORS 183.457 is amended to read:

183.457. (1) Notwithstanding ORS 8.690, 9.160 and 9.320, and unless otherwise authorized by another law, a person participating in a contested case hearing conducted by an agency described in this subsection may be represented by an attorney or by an authorized representative subject to the provisions of subsection (2) of this section. The Attorney General shall prepare model rules for proceedings with lay representation that do not have the effect of precluding lay representation. No rule adopted by a state agency shall have the effect of precluding lay representation. The agencies before which an authorized representative may appear are:

- (a) The State Landscape Contractors Board in the administration of the Landscape Contractors Law.
- (b) The State Department of Energy and the Energy Facility Siting Council.
- (c) The Environmental Quality Commission and the Department of Environmental Quality.
- (d) The Department of Consumer and Business Services for proceedings in which an insured appears pursuant to ORS 737.505.
- (e) The Department of Consumer and Business Services and any other agency for the purpose of proceedings to enforce the state building code, as defined by ORS 455.010.
- (f) The **Department of the State Fire Marshal** [*in the Department of State Police*].
- (g) The Department of State Lands for proceedings regarding the issuance or denial of fill or removal permits under ORS 196.800 to 196.825.
- (h) The Public Utility Commission.

- (i) The Water Resources Commission and the Water Resources Department.
 - (j) The Land Conservation and Development Commission and the Department of Land Conservation and Development.
 - (k) The State Department of Agriculture, for purposes of hearings under ORS 215.705.
 - (L) The Bureau of Labor and Industries.
- (2) A person participating in a contested case hearing as provided in subsection (1) of this section may appear by an authorized representative if:
- (a) The agency conducting the contested case hearing has determined that appearance of such a person by an authorized representative will not hinder the orderly and timely development of the record in the type of contested case hearing being conducted;
 - (b) The agency conducting the contested case hearing allows, by rule, authorized representatives to appear on behalf of such participants in the type of contested case hearing being conducted; and
 - (c) The officer presiding at the contested case hearing may exercise discretion to limit an authorized representative's presentation of evidence, examination and cross-examination of witnesses, or presentation of factual arguments to ensure the orderly and timely development of the hearing record, and shall not allow an authorized representative to present legal arguments except to the extent authorized under subsection (3) of this section.
- (3) The officer presiding at a contested case hearing in which an authorized representative appears under the provisions of this section may allow the authorized representative to present evidence, examine and cross-examine witnesses, and make arguments relating to the:
- (a) Application of statutes and rules to the facts in the contested case;
 - (b) Actions taken by the agency in the past in similar situations;
 - (c) Literal meaning of the statutes or rules at issue in the contested case;
 - (d) Admissibility of evidence; and
 - (e) Proper procedures to be used in the contested case hearing.
- (4) Upon judicial review, no limitation imposed by an agency presiding officer on the participation of an authorized representative shall be the basis for reversal or remand of agency action unless the limitation resulted in substantial prejudice to a person entitled to judicial review of the agency action.
- (5) For the purposes of this section, "authorized representative" means a member of a participating partnership, an authorized officer or regular employee of a participating corporation, association or organized group, or an authorized officer or employee of a participating governmental authority other than a state agency.

SECTION 110. ORS 264.348 is amended to read:

264.348. Copies of the fire prevention code referred to in ORS 264.342 shall be filed with the [State Fire Marshal's office] **Department of the State Fire Marshal** and a copy shall be posted at each fire station within the domestic water supply district.

SECTION 111. ORS 443.760 is amended to read:

443.760. (1) Adult foster homes that are certified as residential homes as defined in ORS 197.660 must meet all state and local building, sanitation, utility and fire code requirements applicable to single family dwellings. However, by rule, the licensing agency may adopt more stringent standards upon a finding that there is a significant health or safety threat to residents that necessitates a standard not imposed on other single family dwellings.

(2) In adopting more stringent standards, the licensing agency shall consult with the Department of Consumer and Business Services and the [office] **Department** of the State Fire Marshal to ensure that the provider has the ability to evacuate all residents from an adult foster home within:

- (a) Three minutes; or
 - (b) A period that meets applicable fire, life and safety requirements if the adult foster home has an interior sprinkler system approved by the appropriate regulatory authorities.
- (3) If a licensed provider rents or leases the premises where the adult foster home is located, the lessor shall charge a flat rate for the lease or rental.

SECTION 112. ORS 453.327 is amended to read:

453.327. (1) Notwithstanding any other provision of ORS 453.307 to 453.414 and 476.030, the public is permitted access to records retained under ORS 453.322 relating to hazardous substances not otherwise protected as a trade secret or by a confidentiality agreement described in ORS 453.332 and 453.337. A person requesting information under this section may be required to complete the form provided by the **Department of the State Fire Marshal** pursuant to subsection (2) of this section.

(2) If, in the discretion of the State Fire Marshal, it is necessary to protect the public safety and welfare, the State Fire Marshal may require a person requesting information under subsection (1) of this section to complete a form developed by the State Fire Marshal. The form shall require the person making the request for information to provide the name and address and proof of identity of the person making the request.

SECTION 113. ORS 453.342 is amended to read:

453.342. Any fire department, emergency service personnel or law enforcement agency responding to an incident of injury to a human, wildlife, domestic animal or property resulting from a hazardous substance emergency shall make a report of the incident, in writing, to the [office] **Department** of the State Fire Marshal. The State Fire Marshal annually shall summarize all incidents reported to the [State Fire Marshal] **department** and the information received as a result of the survey conducted under ORS 453.317. The State Fire Marshal shall submit a copy of the summary to:

- (1) The Governor;
- (2) The Legislative Assembly;
- (3) The Department of Environmental Quality;
- (4) The Department of Consumer and Business Services;
- (5) The Department of Transportation;
- (6) The Environmental Health Sciences Center at Oregon State University;
- (7) The [Office] **Oregon Department** of Emergency Management;
- (8) The Oregon Health Authority; and
- (9) Every public library as defined in ORS 357.400.

SECTION 114. ORS 453.362 is amended to read:

453.362. In order to conduct the hazardous substance survey under ORS 453.317, the State Fire Marshal may obtain employers' names and addresses from the Department of Consumer and Business Services. The **Department of the State Fire Marshal** shall pay for the expenses incurred by the Department of Consumer and Business Services in providing such information.

SECTION 115. ORS 453.392 is amended to read:

453.392. (1) As part of the plan for the effective implementation of a statewide hazardous material emergency response system established by rule under ORS 453.374, the State Fire Marshal shall adopt by rule a plan for the coordinated response to oil or hazardous material spills or releases that occur during rail transport. The plan adopted under this subsection:

(a) Shall address with a specific focus on oil or hazardous material spills or releases that occur during rail transport all required provisions under ORS 453.374;

(b) May include requirements and incentives for local governments and other responders to participate in ongoing training programs;

(c) Shall provide a system for identifying where hazardous material response resources owned by railroads are located throughout this state and how access to those resources is to be coordinated;

(d) Shall include a recurring, three-year training cycle of statewide training exercises that:

(A) Commences with a triennial tabletop exercise that includes the Department of Environmental Quality, the Department of Transportation, the [Office] **Oregon Department** of Emergency Management, state and local responders, federally recognized Indian tribes in this state and railroads that operate in this state;

(B) Includes, in the second year of the training cycle, a triennial statewide functional exercise to test and evaluate response capabilities, functional groups, plans, incident command staff and

emergency operations centers in their abilities to respond to an oil or a hazardous material spill or release that occurs during rail transport; and

(C) Includes provisions for the planning, preparation and implementation, in the third year of the training cycle, of a triennial full-scale, multiagency, multijurisdictional and multidisciplinary oil or hazardous material spill or release training exercise that:

(i) Involves training for all manner of personnel necessary for a coordinated response to an oil or a hazardous material spill or release;

(ii) Is intended to examine or validate the planning, coordination and command and control decisions that may be made in the event of an oil or hazardous material spill or release and to also examine or validate response-specific capabilities or functions; and

(iii) Involves training that covers the entire sequence of events that take place during an oil or hazardous material spill or release incident that occurs during rail transport; and

(e) Shall include any other information deemed necessary by the [office] **Department** of the State Fire Marshal to provide coordinated response to oil or hazardous material spills or releases that occur during rail transport.

(2) The [office of the State Fire Marshal] **department** shall annually coordinate with local governments, other state agencies involved in hazardous material emergency response, other responders and representatives of the railroad industry to prepare a report on the coordinated response plan adopted under this section and shall:

(a) Make the report available as an appendix to the [Office] **Oregon Department** of Emergency Management's oil and hazardous material response emergency operations plan developed pursuant to ORS 401.092; and

(b) No later than February 1 of each year, submit the report to the Legislative Assembly in the manner provided in ORS 192.245.

(3) The report required by subsection (2) of this section shall include, but need not be limited to, the following in relation to oil and hazardous material emergency response for rail transport:

(a) An inventory of all emergency response resources available in this state, including information on:

(A) The location of, and the means of access to, the resources;

(B) Whether the resources are publicly or privately maintained; and

(C) Additional resources that are needed to provide for adequate response;

(b) Suggested changes to the structure for the continued coordination between state agencies and industry;

(c) Possible revisions to the response roles or responsibilities of state agencies, local governments and railroads; and

(d) Strategies for ensuring adequate funding at the state and local government levels to cover the training, equipment and administrative costs associated with providing comprehensive response and equipment.

SECTION 116. ORS 453.394 is amended to read:

453.394. (1) The Oil and Hazardous Material Transportation by Rail Action Fund is established in the State Treasury, separate and distinct from the General Fund. The Oil and Hazardous Material Transportation by Rail Action Fund shall consist of all moneys placed in the fund as provided by law and any gifts, grants, donations, endowments or bequests from any public or private source. Interest earned by the fund shall be credited to the fund.

(2) All moneys in the fund are continuously appropriated to [the Department of State Police for use by the office] **the Department** of the State Fire Marshal only for the payment of costs associated with the development and effective implementation of the plan adopted under ORS 453.392 for the coordinated response to oil or hazardous material spills or releases that occur during rail transport.

SECTION 117. ORS 453.520 is amended to read:

453.520. (1) The Governor shall designate the [office] **Department** of the State Fire Marshal as the state emergency response commission as required by the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.).

(2) The [office] **department** shall:

(a) Provide, in a timely manner, advice to a state agency that is required to consult with the [office] **department** about programs that involve hazardous materials or hazardous substances; and

(b) Undertake all duties of a state emergency response commission required by the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.) including but not limited to:

(A) Designating emergency planning districts;

(B) Establishing local emergency planning committees within emergency planning districts and appointing members to the local emergency planning committees; and

(C) Providing comments on local emergency plans.

SECTION 118. ORS 453.825 is amended to read:

453.825. (1) The Department of Transportation shall coordinate development of a single plan and procedure for the regulation of the transportation of hazardous material and waste and radioactive material and waste in Oregon.

(2) In developing the plan under subsection (1) of this section, the Department of Transportation shall cooperate with the [office] **Department** of the State Fire Marshal.

(3) As used in this section, "hazardous waste" has the meaning given that term in ORS 466.005.

SECTION 119. ORS 466.620 is amended to read:

466.620. In accordance with the applicable provisions of ORS chapter 183, the Environmental Quality Commission shall adopt an oil and hazardous material emergency response master plan consistent with the plan adopted by the Department of Transportation under ORS 453.825 and 453.835, and after consultation with the [office] **Department** of the State Fire Marshal, the Oregon State Police, the Oregon Fire Chiefs Association and any other appropriate agency or organization.

SECTION 120. ORS 468B.365 is amended to read:

468B.365. (1) The Department of Environmental Quality shall approve a contingency plan required under ORS 468B.345 only if it determines that the plan meets the requirements of ORS 468B.345 to 468B.360 and:

(a) The covered vessel or facility demonstrates evidence of compliance with ORS 468B.390; and

(b) If implemented, the plan is capable, to the maximum extent practicable in terms of personnel, materials and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

(2) An owner or operator of a covered vessel or facility shall notify the department in writing immediately of any significant change affecting the contingency plan, including changes in any factor set forth in this section or in rules adopted by the Environmental Quality Commission. The department may require the owner or operator to update a contingency plan as a result of these changes.

(3) A holder of an approved contingency plan does not violate the terms of the contingency plan by furnishing to another plan holder, after notifying the department, equipment, materials or personnel to assist the other plan holder in a response to an oil discharge. The plan holder shall replace or return the transferred equipment, materials and personnel as soon as feasible.

(4) The department may attach any reasonable term or condition to its approval or modification of a contingency plan that the department determines is necessary to insure that the applicant:

(a) Has access to sufficient resources to protect environmentally sensitive areas and to prevent, contain, clean up and mitigate potential oil discharges from the facility or tank vessel;

(b) Maintains personnel levels sufficient to carry out emergency operations; and

(c) Complies with the contingency plan.

(5) The contingency plan must provide for the use by the applicant of the best technology available at the time the contingency plan was submitted or renewed.

(6) The department may require an applicant or a holder of an approved contingency plan to take steps necessary to demonstrate its ability to carry out the contingency plan, including:

- (a) Periodic training;
- (b) Response team exercises; and
- (c) Verification of access to inventories of equipment, supplies and personnel identified as available in the approved contingency plan.

(7) The department may consider evidence that oil discharge prevention measures such as double hulls or double bottoms on vessels or barges, secondary containment systems, hydrostatic testing, enhanced vessel traffic systems or enhanced crew or staffing levels have been implemented and in its discretion, may make exceptions to the requirements of this section to reflect the reduced risk of oil discharges from the facility or tank vessel for which the plan is submitted or being modified.

(8) Before the department approves or modifies a contingency plan required under ORS 468B.345, the department shall provide a copy of the contingency plan to the State Department of Fish and Wildlife, the [office] **Department** of the State Fire Marshal and the Department of Land Conservation and Development for review. The agencies shall review the plan according to procedures and time limits established by rule of the Environmental Quality Commission.

(9) Upon approval of a contingency plan, the Department of **Environmental Quality** shall issue to the plan holder a certificate stating that the plan has been approved. The certificate shall include the name of the facility or tank vessel for which the certificate is issued, the effective date of the plan and the date by which the plan must be submitted for renewal.

(10) The approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan or constitute a defense to liability imposed under ORS chapters 468, 468A and 468B or any other state law.

SECTION 121. ORS 468B.431 is amended to read:

468B.431. (1) The Department of Environmental Quality shall review a contingency plan for a high hazard train route submitted under ORS 468B.427 and shall approve the contingency plan if the plan:

- (a) Meets the requirements of ORS 468B.429; and
- (b) If implemented, is capable, to the maximum extent practicable in terms of personnel, materials and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

(2) A railroad that owns or operates a high hazard train route shall notify the department in writing promptly of any significant change affecting the contingency plan, including changes in any factor set forth in this section. The department may require the railroad to update a contingency plan as a result of these changes.

(3) The contingency plan must provide for the use by the applicant of the best technology available at the time the contingency plan was submitted or renewed. For purposes of this subsection, the technology that provides the greatest degree of protection, taking into consideration processes that are currently in use anywhere in the world, shall be considered the best technology available. In determining what is the best technology available, the department shall consider the effectiveness, engineering feasibility, technological achievability and cost of the technology.

(4)(a) Before the department approves a contingency plan required under ORS 468B.427, the department shall provide a copy of the contingency plan to the State Department of Fish and Wildlife, the [office] **Department** of the State Fire Marshal and the Department of Land Conservation and Development for review.

(b) In addition to providing copies to the agencies listed in paragraph (a) of this subsection, before approving or modifying a contingency plan for a high hazard train route, the Department of Environmental Quality shall provide a copy of the contingency plan to each federally recognized Indian tribe that owns land or enjoys treaty-reserved hunting, fishing or gathering rights that could be impacted by an oil discharge along any portion of the high hazard train route.

(c) The agencies and tribes that receive copies of a contingency plan under this subsection shall review the contingency plan according to procedures and time limits established by rule of the Environmental Quality Commission.

(5) Upon approval of a contingency plan, the department shall issue to the plan holder a certificate stating that the contingency plan has been approved. The certificate shall include the name of the high hazard train route for which the certificate is issued, the effective date of the contingency plan and the date by which the contingency plan must be submitted for renewal.

(6) The approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the contingency plan or constitute a defense to liability imposed under ORS chapters 468, 468A and 468B or any other state law.

SECTION 122. ORS 476.030 is amended to read:

476.030. (1) The State Fire Marshal shall enforce all statutes, and make rules relating to:

(a) The prevention of fires.

(b) The storage and use of combustibles and explosives.

(c) The maintenance and regulation of structural fire safety features in occupied structures and overseeing the safety of and directing the means and adequacy of exit in case of fire from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters, all buildings, except private residences, which are occupied for sleeping purposes, and all other places where large numbers of persons work, live or congregate from time to time for any purpose except that structural changes shall not be required in buildings built, occupied and maintained in conformity with state building code regulations applicable at the time of construction.

(d) Standards for equipment used for fire protection purposes within this state including standard thread for fire hose couplings and hydrant fittings.

(2) The State Fire Marshal and deputies shall have such powers and perform such other duties as are prescribed by law.

(3) If, in the opinion of the State Fire Marshal, a governmental subdivision of the state has enacted adequate regulations generally conforming to state and national standards concerning fire prevention, fire safety measures and building construction requirements for safety, and if the governmental subdivision provides reasonable enforcement of its regulations, the State Fire Marshal may exempt the area subject to such regulation either partially or fully from the statutes, rules and regulations administered by the State Fire Marshal. Prior to adoption of any such exemption, the State Fire Marshal may request from the Department of Public Safety Standards and Training consideration of and recommendations regarding the exemption. The exemption may extend for a two-year period, and may be renewed from time to time, but may be canceled by the State Fire Marshal following 30 days' written notice if the State Fire Marshal finds that the governmental subdivision's regulations or enforcement thereof are not reasonably sufficient. The governmental subdivision shall furnish a copy of such regulations to the State Fire Marshal and shall file with the State Fire Marshal any amendment thereto within 30 days before the effective date of such amendment. The State Fire Marshal shall designate a person or division within such governmental subdivision as an approved authority for exercising functions relating to fire prevention, fire safety measures and building construction. Upon request of a local official having enforcement responsibility and a showing of unusual fire hazard or other special circumstances, the State Fire Marshal shall make investigation and appropriate recommendations.

(4) The State Fire Marshal may investigate or cause an investigation to be made to determine the probable cause, origin and circumstances of any fire and shall classify such findings as the State Fire Marshal may find appropriate to promote fire protection and prevention.

(5) The State Fire Marshal shall provide training in fire safety inspection to the Department of Human Services, area agencies, the Oregon Health Authority, community mental health programs, developmental disabilities programs and designees of the Long Term Care Ombudsman and the Residential Facilities Ombudsman. If an adult foster home has been inspected by the Department of Human Services, the Oregon Health Authority, an area agency, a community mental health program or a developmental disabilities program and the agency conducting the inspection reasonably

believes that the adult foster home is not in compliance with applicable fire safety rules, the agency conducting the inspection may request the State Fire Marshal to inspect or cause an inspection to be made. If a designee of the Long Term Care Ombudsman or the Residential Facilities Ombudsman, in the course of visiting an adult foster home, believes that the adult foster home is not in compliance with applicable fire safety rules, the designee shall report the problem to the appropriate agency to request a fire safety inspection by [*the office of*] the State Fire Marshal or by a designated representative of the [*office of the*] State Fire Marshal.

(6) Upon the request of the Department of Human Services, the Oregon Health Authority, an area agency, a community mental health program or a developmental disabilities program, the State Fire Marshal shall inspect or cause an inspection to be made to determine if the adult foster home is in compliance with rules jointly adopted by the Department of Human Services and the State Fire Marshal establishing fire safety standards for adult foster homes.

(7) As used in subsections (5) and (6) of this section:

(a) "Adult foster home" has the meaning given that term in ORS 443.705.

(b) "Area agency" has the meaning given that term in ORS 410.040.

(c) "Community mental health program" means a program established under ORS 430.620 (1)(b).

(d) "Developmental disabilities program" means a program established under ORS 430.620 (1)(a).

SECTION 123. ORS 476.050 is amended to read:

476.050. The salary of the chief deputy state fire marshal, deputy state fire marshals, compensation of clerks and other assistants and other expenses of the [*office of*] **Department of the State Fire Marshal** necessary in the performance of the duties imposed upon the State Fire Marshal shall be paid in the same manner as are other state officers and the expenses of other state departments, and shall not exceed the amount paid to the State Treasurer for the maintenance of the [*office of*] **Department of the State Fire Marshal**.

SECTION 124. ORS 476.055 is amended to read:

476.055. (1) All moneys received by the **Department of the State Fire Marshal** shall be paid into the State Treasury, and shall be placed by the State Treasurer to the credit of the State Fire Marshal Fund, except those moneys received and accounted for under the provisions of ORS 279A.290.

(2) Except as otherwise provided by this section, moneys in the State Fire Marshal Fund shall be available and constitute a continuing appropriation for the payment of any expense of the [*State Fire Marshal*] **department** and for the payment of expenses of the Department of Public Safety Standards and Training and the Board on Public Safety Standards and Training relating to training programs concerning fire services and accreditation of fire service professionals. The **Department of the State Fire Marshal** shall keep on file an itemized statement of all expenses incurred by the [*State Fire Marshal*] **department** and shall approve all disbursements as submitted for payment. Administrative expenditures made from the State Fire Marshal Fund shall not exceed a reasonable amount for the services performed.

SECTION 125. ORS 476.090 is amended to read:

476.090. (1) The **Department of the State Fire Marshal** shall keep a record of all fires occurring in this state and of all facts concerning the same, including statistics as to the extent of such fires and the damage caused, whether such losses were covered by insurance, and if so, in what amount. All such records shall be public, except any testimony, information or other evidence taken in an investigation under ORS 476.010 to 476.090, 476.155 to 476.170, 476.210 to 476.270 and 479.180, which shall be considered investigatory information as described in ORS 192.345.

(2) This section shall not apply to forestlands under the jurisdiction of the State Forester.

SECTION 126. ORS 476.130 is amended to read:

476.130. (1) The State Fire Marshal may from time to time cause to be prepared statistical reports on the history and condition of state fire defenses, and an analysis of contributing factors of fire causes for the period of the report. Such reports may be printed at the expense of the [*office*] **Department** of the State Fire Marshal and sold at a price not to exceed cost of printing and dis-

tribution. Receipts from the sale of such material shall be deposited with the State Treasurer and shall be placed in the State Fire Marshal Fund.

(2) The State Fire Marshal may fix a sale price for each copy of any publication of the [office of the State Fire Marshal] **department** supplied to private persons interested therein, when such publication has been approved as provided by law.

SECTION 127. ORS 476.210 is amended to read:

476.210. (1) The municipal fire marshals, fire department chiefs, constables and other officers referred to in ORS 476.060 shall investigate the cause, origin and circumstances of each fire occurring in their respective cities, villages or townships, by which property has been destroyed or damaged, and shall make an investigation to determine whether the fire was the result of carelessness or design. The investigation shall be commenced immediately after the occurrence of the fire. The State Fire Marshal may superintend and direct the investigation if the State Fire Marshal deems it necessary.

(2) The fire chief of every city, or rural fire protection district shall provide the State Fire Marshal with a full report of every fire occurring within the jurisdiction of the fire chief on a form provided by the **Department of the State Fire Marshal** or approved by the State Fire Marshal. Whenever the fire chief of every city under 200,000 population finds any fire is of undetermined or suspicious origin or involves a death or serious injury, the fire chief shall immediately notify the State Fire Marshal or a deputy state fire marshal and shall assemble all known facts and circumstances concerning the fire in an approved report form and shall submit such report to the State Fire Marshal, or the deputy state fire marshal assigned to the territory in which the fire originated. When evidence clearly indicates the cause of fire to be of incendiary origin, the fire chief shall also immediately notify the state, county or municipal police agency.

(3) This section shall not apply to forestlands under the jurisdiction of the State Forester.

SECTION 128. ORS 476.220 is amended to read:

476.220. (1) The officer making an investigation of a fire occurring in a city, village or township shall forthwith notify the State Fire Marshal and, within one week of the occurrence of the fire, shall furnish the State Fire Marshal a written statement of all facts relating to its cause and origin, and such other information as is required by forms provided by the **Department of the State Fire Marshal**.

(2) This section shall not apply to forestland under the jurisdiction of the State Forester.

SECTION 129. ORS 476.270 is amended to read:

476.270. (1) If an insurance company has reason to believe that a fire loss to its assured's real or personal property was caused by incendiary means, the company shall immediately make a report to the [office] **Department** of the State Fire Marshal. The report shall indicate the name of the assured, the date of the fire, location, occupancy, and facts and circumstances coming to the company's knowledge, tending to establish the cause or origin of the fire.

(2) Any federal, state or local public official or authorized agent thereof having legal authority to investigate a fire loss of real or personal property may request any insurance company to provide relevant information in its possession pertaining to that loss. Upon request, the company shall release such information to the official who requests it. For purposes of this subsection, "relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation more probable or less probable.

(3) In the absence of fraud or malice, no insurance company or its authorized representative shall be liable for damages in a civil action or subject to criminal prosecution for the release of information required by subsections (1) and (2) of this section.

SECTION 130. ORS 476.290 is amended to read:

476.290. Whenever a fire is extinguished pursuant to ORS 476.280, the governing body of the city or the district board of the rural fire protection district that provided the fire suppression service may, on forms furnished by the **Department of the State Fire Marshal** for such purposes, bill the owner of the property involved in the fire for the cost of providing the fire suppression service. The governing body of the city or the district board of the rural fire protection district that provided the

fire suppression service may determine the cost of providing the fire suppression service by use of a state standardized-costs schedule as approved by the State Fire Marshal. The cost charged for providing the fire suppression service may not be greater than the pro rata cost that would have been charged by the city or district for the performance by the city or district of a similar fire suppression service within its jurisdiction. If the cost is not paid within 30 days after the second billing, the governing body of the city or the district board of the rural fire protection district that provided the fire suppression service may bring an action for the recovery of the unpaid cost from the owner of the real property upon which the fire suppression service was rendered.

SECTION 131. ORS 476.680 is amended to read:

476.680. (1) There is created the Governor's Fire Service Policy Council. The council shall include the following nonvoting ex officio members:

(a) The Superintendent of State Police, *or a designee thereof experienced in the oversight of Department of State Police activities relating to the office of the State Fire Marshal*; and

(b) The Director of the Department of Public Safety Standards and Training, or a designee thereof.

(2) The State Fire Marshal shall serve as executive director of the council, but is not a member. The council shall meet at least quarterly. The council shall select a chairperson and vice chairperson at the first council meeting of each odd-numbered year. The council may elect additional officers as the council determines to be reasonable and necessary.

(3) In addition to the ex officio members identified in subsection (1) of this section, the Governor may designate a representative of the Governor to serve as a nonvoting member. The Governor may also appoint not more than nine members to serve on the council for three-year terms. Initial terms of the appointed members may be adjusted to promote council stability. An appointed member may not serve more than two consecutive terms. A member appointed by the Governor must be a representative of one of the following:

(a) The Oregon Fire Chiefs Association or a successor or other organization representing fire chiefs.

(b) The Oregon Fire District Directors Association or a successor or other organization representing fire district directors.

(c) The Oregon Fire Marshals Association or a successor or other organization representing fire marshals.

(d) Property and casualty insurance providers.

(e) Employees of the *[office]* **Department** of the State Fire Marshal.

(f) The Oregon State Fire Fighters Council or a successor or other organization representing professional firefighters.

(g) The Oregon Volunteer Firefighters Association or a successor or other organization representing volunteer firefighters.

(h) The League of Oregon Cities or a successor or other organization representing municipalities.

(i) The general public.

(4) Notwithstanding the term of office specified in subsection (3) of this section, the initial term of a member appointed by the Governor may be adjusted to limit the number of member terms expiring in the same year.

(5) To the extent funding is available from moneys appropriated to the *[office]* **Department** of the State Fire Marshal, a member of the council is entitled to compensation and expenses as provided in ORS 292.495.

(6) The council shall advise the Governor and the Superintendent of State Police on fire policy issues and serve in an advisory capacity to the State Fire Marshal on strategies for the implementation of fire and life safety issues. The council may initiate advice to the State Fire Marshal, the Superintendent of State Police and the Governor on any matter related to the mission of the council. The council may not participate in the discussion of traditional labor relations issues.

(7) The [office] **Department** of the State Fire Marshal shall provide staff services to the council. All agencies, departments and officers of this state are directed to assist the council in the performance of its functions and to furnish information and advice as the council considers necessary.

SECTION 132. ORS 476.685 is amended to read:

476.685. The Governor's Fire Service Policy Council shall provide a biennial report to the Governor [and the Superintendent of State Police] on the overall performance of the [office] **Department** of the State Fire Marshal. The report shall identify significant successes and improvement opportunities.

SECTION 133. ORS 476.735 is amended to read:

476.735. (1) As used in this section, "sky lantern" means an unmanned self-contained luminary device that uses heated air produced by an open flame or produced by another source to become or remain airborne.

(2) A person may not release a sky lantern into the airspace of this state.

(3) Violation of this section is a Class A violation.

(4) In addition to any enforcement officer specifically identified in ORS 153.005, a citation for a violation of this section may be issued by:

(a) The State Fire Marshal, employees of the [office] **Department** of the State Fire Marshal or assistants to the State Fire Marshal as described in ORS 476.040 or 476.060;

(b) The Director of the Oregon Department of Aviation or employees specifically designated by the director under ORS 837.100 to enforce violations;

(c) The State Forester or the State Forestry Department, or any employee specifically designated by the State Forester or the department under ORS 477.985 to enforce violations; or

(d) The State Parks and Recreation Director or any State Parks and Recreation Department employee specifically designated by the director under ORS 390.050 to enforce violations.

SECTION 134. ORS 476.765 is amended to read:

476.765. (1) The State Fire Marshal shall impose civil penalties under ORS 476.995 in the manner provided by ORS 183.745.

(2) The Attorney General may bring an action at the request of the [office] **Department** of the State Fire Marshal, in the name of the state, seeking:

(a) Injunctive relief to prevent or end a violation of ORS 476.760;

(b) To recover civil penalties imposed under ORS 476.995; or

(c) To recover attorney fees and other enforcement costs and disbursements.

SECTION 135. ORS 476.806 is amended to read:

476.806. (1) The Cigarette Fire Safety Fund is established in the State Treasury, separate and distinct from the General Fund. The Cigarette Fire Safety Fund shall consist of all moneys recovered from the imposition of civil penalties under ORS 476.995. Interest earned by the Cigarette Fire Safety Fund shall be credited to the fund.

(2) All moneys in the fund are continuously appropriated to [the Department of State Police for use by the office] **the Department** of the State Fire Marshal for fire safety, enforcement and fire prevention programs.

SECTION 136. ORS 476.925 is amended to read:

476.925. The Fire Protection Equipment Loan Fund is established in the State Treasury, separate and distinct from the General Fund. All moneys in the **Fire Protection Equipment Loan** Fund are **continuously** appropriated [continuously] to the **Department of the State Fire Marshal** to carry out the provisions of ORS 476.900 to 476.925. Interest earned by moneys in the fund shall be credited to the fund.

SECTION 137. ORS 478.270 is amended to read:

478.270. (1) The district board shall report monthly to the State Fire Marshal, upon forms prescribed by the State Fire Marshal, information the State Fire Marshal may require, and shall, at any time, upon request furnish further report or information required by the State Fire Marshal.

(2) The State Fire Marshal shall cooperate in the formation, operation and administration of districts. The **Department of the State Fire Marshal** shall prepare and make available uniform

forms for reports required by this section and other uniform forms and blanks the State Fire Marshal considers advisable.

SECTION 138. ORS 478.940 is amended to read:

478.940. Copies of the fire prevention code shall be filed with the [*State Fire Marshal's office*] **Department of the State Fire Marshal** and a copy shall be posted at each fire station within the district.

SECTION 139. ORS 479.180 is amended to read:

479.180. (1) If the owner, lessee, agent or occupant is aggrieved by the order of an officer under the provisions of ORS 476.030, 479.170, 479.210 to 479.220, 480.123 to 480.160, 480.330, 480.340, 480.420 to 480.434 or 480.450 and desires a hearing, the person may complain or appeal in writing to the State Fire Marshal within 10 days from the service of the order. The complaint or appeal shall set forth the specific grounds of the complaint or appeal and no other ground shall be considered thereafter. The complaint or appeal shall be accompanied by a fee of \$40 payable to the State Fire Marshal, and the State Fire Marshal may refer the complaint or appeal to the regional appeal advisory board established for that region by notifying the chairperson of that board and sending a copy of the notice to the complainant or appellant. The board shall fix a time for hearing and notify the complainant or appellant of the time and place thereof, which shall be within 10 days after such referral by the State Fire Marshal. If the State Fire Marshal does not refer the matter to a regional appeal advisory board, the State Fire Marshal shall fix a time and place, not less than five and not more than 10 days thereafter, when and where the complaint or appeal will be heard by the State Fire Marshal. Within 10 days after receiving a recommendation from the regional appeal advisory board, or if no referral was made to such board, within 10 days after the hearing before the State Fire Marshal, the State Fire Marshal may affirm, modify, revoke or vacate the order complained of or appealed from. Unless the order is modified, revoked or vacated by the State Fire Marshal, it shall remain in force and be complied with by the owner, lessee, agent or occupant, and within the time fixed in the order or fixed by the State Fire Marshal. If the State Fire Marshal vacates or revokes the order complained of or appealed from, or modified it in any particular other than extending time for compliance, the fee paid with the complaint or appeal shall be refunded. Otherwise, it shall be credited to appropriate state funds, and the State Fire Marshal shall so notify the State Treasurer.

(2) If the complainant or appellant under subsection (1) of this section is aggrieved by the final order of the State Fire Marshal, and if such order necessitates the expenditure of money or involves statutory interpretation, the complainant or appellant may, within 10 days thereafter, appeal to the circuit court of the county in which the property is situated, notifying the State Fire Marshal of the appeal within 10 days thereafter, which notice shall be in writing and delivered personally or by registered letter to the marshal, or left at the principal office of the **Department of the State Fire Marshal** at the state capital. The party so appealing shall, within two days after filing the appeal, file with the circuit court in which appeal is made a bond in an amount to be fixed by the court or judge, but in no case less than \$100, with two sufficient sureties possessing the qualification of bail on arrest, the bond to be approved by the court and conditioned to pay all the costs on the appeal in case the appellant fails to sustain it or it is dismissed for any cause. In the case of an appeal involving an order under ORS 479.170, the circuit court shall hear and determine the appeal within 10 days after the date of filing the same.

(3) The State Fire Marshal shall make or have made a certified summary of the proceedings at the hearing before the regional appeal advisory board or before the State Fire Marshal, and together with all the evidentiary matter filed [*in the office of the State Fire Marshal*] **with the department** or presented to the regional appeal advisory board, transmit them to the circuit court at least three days prior to the date fixed by the court for hearing when it shall be tried de novo.

SECTION 140. ORS 480.230 is amended to read:

480.230. A person desiring a certificate of possession shall apply on application forms provided by the [*office*] **Department** of the State Fire Marshal. The forms shall be completed in full and shall include:

- (1) The applicant's legal name, current address and current telephone number;
- (2) The applicant's date of birth;
- (3) A statement by the applicant that the applicant is eligible for a certificate of possession under ORS 480.225;
- (4) The number of the certificate of registration issued under ORS 480.244 for the explosives magazine where the applicant intends to store the explosives;
- (5) Any other information that the issuing authority may require to readily identify the applicant;
- (6) A certification, signed and dated by the applicant, that the information contained in the application is true; and
- (7) A nonrefundable application fee of \$50 for a three-year certificate.

SECTION 141. ORS 480.450 is amended to read:

480.450. (1) The installer shall notify the State Fire Marshal, before the last day of each month, of all new installations made during the preceding month of containers or receptacles for liquefied petroleum gas, including installations for private homes and apartments. The installer shall certify on a form provided by the State Fire Marshal that all of the new installations are duly and properly reported. The State Fire Marshal may require that the notification include the location and description of the installation and the name of the user. All fees due and payable must accompany the notification. The replacement of empty containers or receptacles with other containers constructed in accordance with United States Department of Transportation specifications is not a new installation or change in the original installation that requires notification to the State Fire Marshal or necessitates further inspection of the installation. The State Fire Marshal shall collect from the installer an installation fee of \$50 for each tank installed or for all tanks at the installation if the total combined capacity is 200 gallons or less. The State Fire Marshal or deputies of the fire marshal or assistants shall inspect a reasonable number of the installations and maintain a record of the inspections in the [office] **records** of the **Department of the State Fire Marshal**.

(2) In addition to any installation or inspection fee, the State Fire Marshal may charge a plan review fee, not to exceed \$100, for any liquefied petroleum gas container and receptacle plan review required under a uniform fire code prescribed by the State Fire Marshal by rule.

(3) After the initial installation, liquefied petroleum gas containers may be inspected once every 10 years except when changes have been made in the original installation. An installer making changes must notify the State Fire Marshal of the changes in the same manner provided in this section for new installations. The State Fire Marshal shall collect from the owner a fee of \$50 for the inspection of each container. The manner of inspection, requirement of corrections, satisfaction of requirements and collection of fees due and payable must conform with the provisions of ORS 480.410 to 480.460 for new installations. Upon request of the State Fire Marshal, LP gas installation licensees shall furnish a list of the locations of 10-year old installations that they service.

(4) If, upon inspection of any tank, the new installation does not comply with the requirements of the State Fire Marshal, the State Fire Marshal shall instruct the installer as to what corrections are necessary for compliance with the State Fire Marshal's requirements. The installer of the new installation shall, within the time set by the State Fire Marshal, not to exceed 60 days after notification, notify the State Fire Marshal that the new installation complies with the requirements of the fire marshal. If the installer fails to notify the State Fire Marshal, or the State Fire Marshal has reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect the new installation and shall collect from the installer an additional fee of \$125. The user, not the installer, shall pay the additional fee resulting from actions of the user that require correction to achieve compliance with the requirements of the State Fire Marshal.

(5) A person who receives notice from the State Fire Marshal must correct any improper installation within the time set by the State Fire Marshal, not to exceed 60 days after receipt of the notice.

(6) If the fees provided for in this section are due and payable and are not paid within 30 days after service of written notice by the State Fire Marshal therefor, or if the installer fails to notify

the State Fire Marshal by the last day of the month succeeding the month a new installation is made or a change is made requiring an inspection, the fees are delinquent and a penalty equal to the greater of 10 percent of the fee amount or \$30, is imposed for the delinquency. The State Fire Marshal shall collect all fees and penalties in the name of the State of Oregon in the same manner that other debts are collected.

(7) The provisions of this section do not apply to liquefied petroleum gas installations if made entirely within the jurisdiction of a governmental subdivision granted the exemption provided by ORS 476.030 (3) and written evidence of the licensing of the installation by the approved authority is submitted to the State Fire Marshal. The provisions of this section do not apply to LP gas installations made in manufactured dwellings that are constructed or altered in accordance with applicable rules of the Department of Consumer and Business Services. The provisions of this section do not apply to LP gas installations in a recreational vehicle as defined in ORS 174.101.

SECTION 142. ORS 480.460 is amended to read:

480.460. All fees received by the State Fire Marshal under ORS 480.200 to 480.290 and 480.410 to 480.460 shall be paid by the **State** Fire Marshal to the State Treasurer monthly and shall constitute and be an appropriation **to the Department of the State Fire Marshal** available for the payment of salaries and expenses of deputies and clerical and other assistants of the State Fire Marshal.

SECTION 143. ORS 657.665 is amended to read:

657.665. (1) Except as provided in subsections (2) to (5) of this section, all information in the records of the Employment Department pertaining to the administration of the unemployment insurance, employment service and workforce and labor market information programs:

(a) Is confidential and for the exclusive use and information of the Director of the Employment Department in administering the unemployment insurance, employment service and workforce and labor market information programs in Oregon.

(b) May not be used in any court action or in any proceeding pending in the court unless the director or the state is a party to the action or proceeding or unless the proceeding concerns the establishment, enforcement or modification of a support obligation and support services are being provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

(c) Is exempt from disclosure under ORS 192.311 to 192.478.

(2) The Employment Department shall disclose information:

(a) To any claimant or legal representative, at a hearing before an administrative law judge, to the extent necessary for the proper presentation of an unemployment insurance claim.

(b) Upon request to the United States Secretary of Labor. The Employment Department shall disclose the information in a form and containing the information that the United States Secretary of Labor may require. The information disclosed is confidential and may not be used for any other purpose.

(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the United States charged with the administration of public works or assistance through public employment. Under this paragraph, the Employment Department shall disclose the name, address, ordinary occupation and employment status of each recipient of unemployment insurance benefits and a statement of the recipient's right to further benefits under this chapter. The information disclosed is confidential and may not be used for any other purpose.

(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board. Under this paragraph, the Employment Department shall disclose unemployment insurance records. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the board.

(e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees of the United States Department of Agriculture and to officers or employees of any state Supplemental Nutrition Assistance Program agency for the purpose of determining an individual's eligibility for or the amount of supplemental nutrition assistance. The information disclosed is confidential

and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Agriculture.

(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child support enforcement agencies enforcing child support obligations under Title IV-D of the Social Security Act for the purposes of establishing child support obligations, locating individuals owing child support obligations and collecting child support obligations from those individuals. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the child support enforcement agency.

(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in the income and eligibility verification system for the purpose of verifying an individual's eligibility for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security Income, child support enforcement or Social Security programs. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States Department of Health and Human Services National Directory of New Hires. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Health and Human Services.

(i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United States Department of Housing and Urban Development and to representatives of a public housing agency for the purpose of determining an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program of the United States Department of Housing and Urban Development. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Housing and Urban Development or the public housing agency.

(j) Pursuant to regulations of the United States Secretary of Health and Human Services issued under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by section 303 of the Social Security Act, to the state, a political subdivision or a federally recognized Indian tribe that has signed an agreement with the Department of Human Services to administer Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the Social Security Act. The information disclosed is confidential and may not be used for any other purpose.

(k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment Department may disclose an individual's employment and wage information in response to a federal grand jury subpoena or for the purpose of collecting civil and criminal judgments, including restitution and special assessment fees. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Attorney's Office.

(3) The Employment Department may disclose information secured from employing units:

(a) To state agencies, federal agencies, local government agencies, public universities listed in ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis or policy analysis functions performed under applicable law. The information disclosed is confidential and may not be disclosed by the agencies or universities in any manner that would identify individuals, claimants, employees or employing units. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency or university requesting the information.

(b) As part of a geographic information system. Points on a map may be used to represent economic data, including the location, employment size class and industrial classification of businesses

in Oregon. Information presented as part of a geographic information system may not give specific details regarding a business's address, actual employment or proprietary information. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the party requesting the information.

(c) In accordance with ORS 657.673.

(4) The Employment Department may:

(a) Disclose information to public employees in the performance of their duties under state or federal laws relating to the payment of unemployment insurance benefits, the provision of employment services and the provision of workforce and labor market information.

(b) At the discretion of the Director of the Employment Department and subject to an interagency agreement, disclose information to public officials in the performance of their official duties administering or enforcing laws within their authority and to the agents or contractors of public officials. The public official shall agree to assume responsibility for misuse of the information by the official's agent or contractor.

(c) Disclose information pursuant to an informed consent, received from an employer or claimant, to disclose the information.

(d) Disclose information to partners under the federal Workforce Innovation and Opportunity Act for the purpose of administering state workforce programs under the Act. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting partner.

(e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries for the purpose of disseminating information to employing units. The names and addresses disclosed are confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Retirement System for the purpose of determining the eligibility of members of the retirement system for disability under ORS chapters 238 and 238A. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the Public Employees Retirement System.

(h) Disclose to the Oregon Business Development Commission and the Oregon Business Development Department information required by the commission and the department in performing their duties under ORS 285A.050 and 285B.630 to verify changes in employment levels following direct employer participation in department programs or indirect participation through municipalities under ORS 285B.410 to 285B.482. The information disclosed to the commission and the department may include an employer's employment level, total subject wages payroll and whole hours worked. The information disclosed is confidential and may not be used for any other purpose. The commission and the department may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's and the department's duties under ORS 285A.050 and 285B.630. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission or the Oregon Business Development Department.

(i) Disclose information to the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and

employees. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(j) Disclose information to the Department of Consumer and Business Services for the purpose of performing its duties under ORS chapters 654 and 656. The information disclosed may include the name, address, number of employees and industrial classification code of an employer and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Consumer and Business Services in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS chapters 654 and 656, including administrative hearings and court proceedings in which the Department of Consumer and Business Services is a party. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Consumer and Business Services.

(k) Disclose information to the Construction Contractors Board for the purpose of performing its duties under ORS chapter 701. The information disclosed to the board may include the names and addresses of employers and status of their compliance with this chapter. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the board.

(L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address, telephone number and industrial classification code of an employer. The information disclosed is confidential and may not be disclosed by the State Fire Marshal in any manner that would identify an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the [office] **Department** of the State Fire Marshal.

(m) Disclose information to the Higher Education Coordinating Commission for the purpose of performing the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act of 1965. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the commission in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duties under ORS chapter 348 or Title IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

(n) Disclose information to the Department of Transportation to assist the Department of Transportation in carrying out the duties of the Department of Transportation relating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Transportation in any manner that would identify an employing unit or employee except to the extent necessary to carry out the Department of Transportation's duties relating to collection of delinquent and liquidated debts or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the Department of Transportation. The Department of Transportation may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared

for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Transportation.

(o) Disclose information to the Department of Human Services and the Oregon Health Authority to assist the Department of Human Services and the Oregon Health Authority in the collection of debts that the Department of Human Services and the Oregon Health Authority are authorized by law to collect. The information disclosed may include the names, addresses and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Human Services or the Oregon Health Authority in a manner that would identify an employing unit or employee except to the extent necessary for the collection of debts as described in this paragraph. The Department of Human Services and the Oregon Health Authority may not disclose information received under this paragraph to a private collection agency or use the information for a purpose other than the collection of debts as described in this paragraph. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Human Services or the Oregon Health Authority.

(p) Disclose to the Alcohol and Drug Policy Commission information required by the commission in evaluating and measuring the performance of alcohol and drug prevention and treatment programs under ORS 430.223 or the impact of the programs on employment. The information disclosed to the commission may include total subject wages payroll and whole hours worked. The information disclosed under this paragraph is confidential and may not be used for any other purpose. The commission may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duties under ORS 430.223. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

(q) Disclose to any person establishment level information secured pursuant to this chapter from federal, state and local government agencies, public universities listed in ORS 352.002 or the Oregon Health and Science University established under ORS 353.020. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the person requesting the information.

(r) Disclose to any person the industrial classification code assigned to an employing unit. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the person requesting the information.

(5) The Employment Department may make public all decisions of the Employment Appeals Board.

(6) Any officer appointed by or any employee of the Director of the Employment Department who discloses confidential information, except with the authority of the director, pursuant to rules or as otherwise required by law, may be disqualified from holding any appointment or employment with the Employment Department.

(7) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.

SECTION 143a. ORS 657.665, as amended by section 68, chapter 678, Oregon Laws 2019, is amended to read:

657.665. (1) Except as provided in subsections (2) to (5) of this section, all information in the records of the Employment Department pertaining to the administration of the unemployment insurance, employment service and workforce and labor market information programs:

(a) Is confidential and for the exclusive use and information of the Director of the Employment Department in administering the unemployment insurance, employment service and workforce and labor market information programs in Oregon.

(b) May not be used in any court action or in any proceeding pending in the court unless the director or the state is a party to the action or proceeding or unless the proceeding concerns the establishment, enforcement or modification of a support obligation and support services are being provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

(c) Is exempt from disclosure under ORS 192.311 to 192.478.

(2) The Employment Department shall disclose information:

(a) To any claimant or legal representative, at a hearing before an administrative law judge, to the extent necessary for the proper presentation of an unemployment insurance claim.

(b) Upon request to the United States Secretary of Labor. The Employment Department shall disclose the information in a form and containing the information that the United States Secretary of Labor may require. The information disclosed is confidential and may not be used for any other purpose.

(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the United States charged with the administration of public works or assistance through public employment. Under this paragraph, the Employment Department shall disclose the name, address, ordinary occupation and employment status of each recipient of unemployment insurance benefits and a statement of the recipient's right to further benefits under this chapter. The information disclosed is confidential and may not be used for any other purpose.

(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board. Under this paragraph, the Employment Department shall disclose unemployment insurance records. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the board.

(e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees of the United States Department of Agriculture and to officers or employees of any state Supplemental Nutrition Assistance Program agency for the purpose of determining an individual's eligibility for or the amount of supplemental nutrition assistance. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Agriculture.

(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child support enforcement agencies enforcing child support obligations under Title IV-D of the Social Security Act for the purposes of establishing child support obligations, locating individuals owing child support obligations and collecting child support obligations from those individuals. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the child support enforcement agency.

(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in the income and eligibility verification system for the purpose of verifying an individual's eligibility for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security Income, child support enforcement or Social Security programs. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States Department of Health and Human Services National Directory of New Hires. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Health and Human Services.

(i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United States Department of Housing and Urban Development and to representatives of a public housing agency for the purpose of determining an individual's eligibility for benefits, or the amount of ben-

efits, under a housing assistance program of the United States Department of Housing and Urban Development. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Housing and Urban Development or the public housing agency.

(j) Pursuant to regulations of the United States Secretary of Health and Human Services issued under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by section 303 of the Social Security Act, to the state, a political subdivision or a federally recognized Indian tribe that has signed an agreement with the Department of Human Services to administer Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the Social Security Act. The information disclosed is confidential and may not be used for any other purpose.

(k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment Department may disclose an individual's employment and wage information in response to a federal grand jury subpoena or for the purpose of collecting civil and criminal judgments, including restitution and special assessment fees. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Attorney's Office.

(3) The Employment Department may disclose information secured from employing units:

(a) To state agencies, federal agencies, local government agencies, public universities listed in ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis or policy analysis functions performed under applicable law. The information disclosed is confidential and may not be disclosed by the agencies or universities in any manner that would identify individuals, claimants, employees or employing units. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency or university requesting the information.

(b) As part of a geographic information system. Points on a map may be used to represent economic data, including the location, employment size class and industrial classification of businesses in Oregon. Information presented as part of a geographic information system may not give specific details regarding a business's address, actual employment or proprietary information. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the party requesting the information.

(c) In accordance with ORS 657.673.

(4) The Employment Department may:

(a) Disclose information to public employees in the performance of their duties under state or federal laws relating to the payment of unemployment insurance benefits, the provision of employment services and the provision of workforce and labor market information.

(b) At the discretion of the Director of the Employment Department and subject to an interagency agreement, disclose information to public officials in the performance of their official duties administering or enforcing laws within their authority and to the agents or contractors of public officials. The public official shall agree to assume responsibility for misuse of the information by the official's agent or contractor.

(c) Disclose information pursuant to an informed consent, received from an employer or claimant, to disclose the information.

(d) Disclose information to partners under the federal Workforce Innovation and Opportunity Act for the purpose of administering state workforce programs under the Act. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting partner.

(e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries for the purpose of disseminating information to employing units. The names and addresses disclosed are confidential and may not be used for any other purpose. If the information disclosed under this

paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Retirement System for the purpose of determining the eligibility of members of the retirement system for disability under ORS chapters 238 and 238A. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the Public Employees Retirement System.

(h) Disclose to the Oregon Business Development Commission and the Oregon Business Development Department information required by the commission and the department in performing their duties under ORS 285A.050 and 285B.630 to verify changes in employment levels following direct employer participation in department programs or indirect participation through municipalities under ORS 285B.410 to 285B.482. The information disclosed to the commission and the department may include an employer's employment level, total subject wages payroll and whole hours worked. The information disclosed is confidential and may not be used for any other purpose. The commission and the department may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's and the department's duties under ORS 285A.050 and 285B.630. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission or the Oregon Business Development Department.

(i) Disclose information to the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(j) Disclose information to the Department of Consumer and Business Services for the purpose of performing its duties under ORS chapters 654 and 656. The information disclosed may include the name, address, number of employees and industrial classification code of an employer and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Consumer and Business Services in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS chapters 654 and 656, including administrative hearings and court proceedings in which the Department of Consumer and Business Services is a party. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Consumer and Business Services.

(k) Disclose information to the Construction Contractors Board for the purpose of performing its duties under ORS chapter 701. The information disclosed to the board may include the names and addresses of employers and status of their compliance with this chapter. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the board.

(L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address, telephone number and industrial classification code of an employer. The information disclosed is confidential and may not be disclosed by the State Fire Marshal in any manner that would identify an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the [office] **Department** of the State Fire Marshal.

(m) Disclose information to the Higher Education Coordinating Commission for the purpose of performing the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act of 1965. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the commission in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duties under ORS chapter 348 or Title IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

(n) Disclose information to the Department of Transportation to assist the Department of Transportation in carrying out the duties of the Department of Transportation relating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Transportation in any manner that would identify an employing unit or employee except to the extent necessary to carry out the Department of Transportation's duties relating to collection of delinquent and liquidated debts or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the Department of Transportation. The Department of Transportation may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Transportation.

(o) Disclose information to the Department of Human Services and the Oregon Health Authority to assist the Department of Human Services and the Oregon Health Authority in the collection of debts that the Department of Human Services and the Oregon Health Authority are authorized by law to collect. The information disclosed may include the names, addresses and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Human Services or the Oregon Health Authority in a manner that would identify an employing unit or employee except to the extent necessary for the collection of debts as described in this paragraph. The Department of Human Services and the Oregon Health Authority may not disclose information received under this paragraph to a private collection agency or use the information for a purpose other than the collection of debts as described in this paragraph. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Human Services or the Oregon Health Authority.

(p) Disclose to the Alcohol and Drug Policy Commission information required by the commission in evaluating and measuring the performance of alcohol and drug prevention and treatment programs under ORS 430.223 or the impact of the programs on employment. The information disclosed to the commission may include total subject wages payroll and whole hours worked. The information disclosed under this paragraph is confidential and may not be used for any other purpose. The commission may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duties under ORS 430.223.

If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

(q) Disclose to any person establishment level information secured pursuant to this chapter from federal, state and local government agencies, public universities listed in ORS 352.002 or the Oregon Health and Science University established under ORS 353.020. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the person requesting the information.

(r) Disclose to any person the industrial classification code assigned to an employing unit. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the person requesting the information.

(s) Disclose information to the State Treasurer useful for the purpose of performing the State Treasurer's duties under ORS 98.302 to 98.436, 98.992 and 116.253 and the role of an estate administrator under ORS 113.235. The information disclosed is confidential and may not be used by the State Treasurer for any other purpose. If the information disclosed is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the State Treasurer.

(5) The Employment Department may make public all decisions of the Employment Appeals Board.

(6) Any officer appointed by or any employee of the Director of the Employment Department who discloses confidential information, except with the authority of the director, pursuant to rules or as otherwise required by law, may be disqualified from holding any appointment or employment with the Employment Department.

(7) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.

SECTION 144. ORS 731.820 is amended to read:

731.820. (1)(a) For the purpose of maintaining the [office] **Department** of **the** State Fire Marshal and paying the expenses incident thereto, every insurer transacting insurance covering the peril of fire shall pay a tax to the Director of the Department of Consumer and Business Services, on or before April 1 of each year, equal to 1.15 percent of the gross amount of premiums received by it or its insurance producers from such business, from and under its policies covering direct domestic risks in the preceding calendar year after deducting the amount of return premiums paid and the amount of dividend payments made to policyholders or, in the case of a reciprocal insurer, the amount of savings paid or credited to the accounts of subscribers, with respect to such policies.

(b) For the purpose of paragraph (a) of this subsection the following portions of the amounts required to be reported by line of business in the annual financial statement required by ORS 731.574 shall be considered premiums for insurance covering the peril of fire:

- (A) Fire, 100 percent.
- (B) Homeowners and farm owners multiple peril, 65 percent.
- (C) Commercial multiple peril, 50 percent.
- (D) Inland marine, 20 percent.
- (E) Automobile physical damage, eight percent.
- (F) Aircraft physical damage, eight percent.

(2) If an insurer ceases to do business or collect premiums on direct domestic risks, it thereupon shall make a report to the director of its premiums subject to taxation as provided in subsection (1) of this section and collected or due as of the date when it ceased to do business or collect premiums

on direct domestic risks, and not theretofore reported, and shall forthwith pay to the director the tax thereon.

(3) If the director, during the period in which the director under ORS 731.836 may collect taxes owing under this section, finds the amount of such taxes paid by an insurer to have been incorrect, the director shall charge or credit the insurer with the difference between the correct amount of tax and the amount actually paid.

SECTION 145. ORS 735.470 is amended to read:

735.470. (1)(a) The surplus lines licensee shall pay the Director of the Department of Consumer and Business Services a surplus lines premium tax equal to two percent of the gross amount of premiums received on Oregon home state risks as shown in the report required by ORS 735.465.

(b) Notwithstanding ORS 731.820, the surplus lines licensee shall also pay to the director a tax equal to 0.3 percent of the premium or fees charged by the insurer or the insurer's insurance producer and other intermediaries for the insurance, for the purpose of maintaining the [office] **Department** of the State Fire Marshal and paying the expenses incident thereto.

(c) The taxes shall be collected by the surplus lines licensee as specified by the director, in addition to the gross amount of premiums charged by the insurer or the insurer's insurance producer and other intermediaries for the insurance. The taxes on any portion of the premium unearned at termination of insurance having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing insurance producer, if any. The surplus lines licensee is prohibited from absorbing the taxes, and from rebating for any reason, any part of the taxes.

(2) The surplus lines taxes are due quarterly on the 45th day following the calendar quarter in which the premium is collected. The taxes shall be paid to and reported on forms prescribed by the director or upon the director's order paid to and reported on forms prescribed by the Surplus Line Association of Oregon.

(3) Notwithstanding subsection (2) of this section, if a surplus lines license is terminated or nonrenewed for any reason, the taxes described in this section are due on the 30th day after the termination or nonrenewal.

(4) For the purposes of carrying out the Nonadmitted and Reinsurance Reform Act of 2010 (P.L. 111-203, Title V, Subtitle B), the director may collect taxes on 100 percent of the gross amount of premiums on Oregon home state risks. If the director enters into a compact or otherwise establishes procedures with other states pursuant to ORS 735.418, the director by rule shall establish procedures to facilitate the reporting, collection, payment, allocation and disbursement of premium taxes on Oregon home state risks that also include risks allocable to other states.

(5) As used in this section, "gross amount of premiums" has the meaning given that term in ORS 731.808.

SECTION 146. Section 13c, chapter 581, Oregon Laws 2019, is amended to read:

Sec. 13c. (1)(a) The owner of oil at the time the oil is transported by loaded tank railroad car in this state shall pay to the Department of Revenue a fee not to exceed \$20 for each tank railroad car loaded with oil.

(b) If the loaded tank railroad car enters this state from outside of this state, the fee shall be imposed on the owner of the oil at the time the loaded tank railroad car enters this state.

(c) If the tank railroad car is loaded with oil in this state, the fee shall be imposed upon the loading of the oil into or onto the tank railroad car for transport in or through this state.

(2) The Department of Environmental Quality and the [office] **Department** of the State Fire Marshal shall establish by rule the amount of the fee required under this section as necessary to provide funding for programs authorized to be funded by moneys in the High Hazard Train Route Oil Spill Preparedness Fund established under [section 14 of this 2019 Act] **ORS 468B.435** and the Oil and Hazardous Material Transportation by Rail Action Fund established under ORS 453.394.

(3) Any oil that the Constitution or laws of the United States prohibit the state from taxing is exempt from the fee imposed under this section.

(4)(a) Each owner of oil transported by loaded tank railroad car shall remit payment of the fee established under this section on a quarterly basis.

(b) Each owner of oil transported by loaded tank railroad car shall register with the Department of Revenue at least 30 days prior to the date that the owner's oil is transported by loaded tank railroad car in this state.

(c) Each owner of oil transported by loaded tank railroad car shall keep at the person's registered place of business complete and accurate records of any petroleum products sold, purchased by, or brought in or caused to be brought in to the place of business.

(d) The Department of Revenue, upon oral or written reasonable notice, may make such examinations of the books, papers, records and equipment required to be kept under this subsection as it may deem necessary in carrying out this section.

(5) The Department of Revenue is authorized to establish those rules and procedures for the implementation and enforcement of this section that are consistent with this section's provisions and are considered necessary and appropriate.

(6) The provisions of ORS chapters 305 and 314 as to liens, delinquencies, claims for refund, issuance of refunds, conferences, appeals to the Oregon Tax Court, stay of collection pending appeal, cancellation, waiver, reduction or compromise of fees, penalties or interest, subpoenaing and examining witnesses and books and papers, and the issuance of warrants and the procedures relating thereto, shall apply to the collection of fees, penalties and interest by the Department of Revenue under this section, except where the context requires otherwise.

(7) All moneys received by the Department of Revenue under this section shall be deposited in the State Treasury and credited to a suspense account established under ORS 293.445. After payment of administration expenses incurred by the department in the administration of this section and of refunds or credits arising from erroneous overpayments, the balance of the money shall be transferred to the High Hazard Train Route Oil Spill Preparedness Fund established under [section 14 of this 2019 Act] **ORS 468B.435** and to the Oil and Hazardous Material Transportation by Rail Action Fund established under ORS 453.394, in the proportionate amounts that each agency found and determined to be necessary under subsection (2) of this section.

OREGON HOMELAND SECURITY COUNCIL

SECTION 147. ORS 401.109 is amended to read:

401.109. (1) The Oregon Homeland Security Council is *[created]* **established** within the Office of *[Emergency Management]* **the Governor. The mission of the council is to assess risks to the safety and security of the State of Oregon with special emphasis on matters related to domestic terrorism and other major threats to the people of Oregon, including to critical infrastructure, and to make formal recommendations to the Governor with respect to homeland security policy. [The council shall:]**

[(a) Receive briefings on security matters:]

[(A) For which the office is responsible at least annually from state agencies and organizations as determined by the council; and]

[(B) Relating to catastrophic disasters declared by the Governor pursuant to Article X-A, section 1, of the Oregon Constitution, or states of emergency declared by the Governor pursuant to ORS 401.165.]

[(b) Advise state agencies with responsibility for security matters on the future direction of the office's planning, preparedness, response and recovery activities.]

(2) The council may:

(a) Recommend strategies to the Governor for the effective coordination of information gathering and dissemination on subjects associated with the mission.

(b) Request and receive briefings from state agencies or other entities for development of reports and recommendations for the Governor on subjects associated with the mission.

(c) **Facilitate interagency collaboration, cooperation and coordination on operational issues associated with the mission.**

(d) **Recommend policies to the Emergency Preparedness Advisory Council on subjects associated with the mission.**

[2] (3) The membership of the council consists of:

(a) Four members from the Legislative Assembly appointed as follows:

(A) Two members from the Senate appointed by the President of the Senate; and

(B) Two members from the House of Representatives appointed by the Speaker of the House of Representatives;

(b) The Governor;

(c) The Adjutant General;

(d) The Superintendent of State Police;

(e) The Director of the [Office] **Oregon Department** of Emergency Management; [and]

(f) A representative of the Department of Justice appointed by the Attorney General[.];

(g) The State Resilience Officer;

(h) The State Fire Marshal;

(i) The Director of the Department of Public Safety Standards and Training;

(j) The Director of the Oregon Health Authority;

(k) The Director of Transportation;

(L) The State Forester;

(m) The Director of the Department of Corrections;

(n) The Superintendent of State Police;

(o) One member appointed by the Governor to act as a senior policy advisor for emergency operations;

(p) A representative of the Oregon TITAN Fusion Center with the ability to organize and explain mission critical information, appointed by the Attorney General; and

(q) Additional members appointed by the Governor as the Governor may deem necessary.

[3] (4) Each member appointed to the council under subsection [(2)] (3) of this section serves at the pleasure of the appointing authority. The membership of a public official ceases upon termination of the office held by the official at the time of appointment to the council.

[4] (5) The Governor is the chairperson of the council.

[5] (6) The [Adjutant General] **Director of the Oregon Department of Emergency Management** is the vice chairperson of the council and serves as the chairperson in the absence of the Governor.

[6] (7) Members of the council are not entitled to compensation under ORS 292.495. The [director] **Governor**, in the [director's] **Governor's** discretion, may reimburse members of the council as provided in ORS 292.495 for actual and necessary travel or other expenses incurred in the performance of their duties as members of the council.

(8) A majority of the members of the council constitutes a quorum for the transaction of business.

(9) Official action by the council requires the approval of a majority of the members of the council.

(10) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(11) The council shall meet as needed to carry out the mission of the council, at times and places specified by the call of the chairperson or of a majority of the members of the council.

(12) The council may adopt rules necessary for the operation of the council.

(13) The council may employ and fix the compensation of such professional assistants and clerical and other employees as the council deems necessary for the effective conduct of its work.

(14) All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of the duties of the council and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the council consider necessary to perform their duties.

(Finance)

SECTION 148. (1) The unexpended balances of amounts authorized to be expended by the Office of Emergency Management for purposes of the Oregon Homeland Security Council for the biennium beginning July 1, 2021, from revenues dedicated, continuously appropriated, appropriated or otherwise made available to the office, are transferred to and are available for expenditure by the Office of the Governor for purposes of the Oregon Homeland Security Council for the biennium beginning July 1, 2021.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Office of Emergency Management remain applicable to expenditures by the Office of the Governor under this section.

NOTE: Sections 149 through 150c were deleted by amendment. Subsequent sections were not renumbered.

EMERGENCY PREPAREDNESS ADVISORY COUNCIL

SECTION 151. (1) The Emergency Preparedness Advisory Council is established within the Office of the Governor. The mission of the council is to facilitate policy recommendations for catastrophic disaster preparedness, mitigation and response and recovery planning, procedures and protocols with special emphasis on outreach to representatives of designated state and federal emergency support functions.

(2) The council consists of:

(a) One member appointed by the Adjutant General to represent the Oregon Military Department;

(b) One member appointed by the Director of the Oregon Department of Emergency Management to represent the Oregon Department of Emergency Management;

(c) One member appointed by the State Fire Marshal to represent the Department of the State Fire Marshal;

(d) One member appointed by the Superintendent of State Police to represent the Department of State Police;

(e) One member appointed by the Director of the Department of Public Safety Standards and Training to represent the Department of Public Safety Standards and Training;

(f) One member appointed by the Director of the Oregon Health Authority to represent the Oregon Health Authority;

(g) One member appointed by the Director of Transportation to represent the Department of Transportation;

(h) One member appointed by the Attorney General to represent the Department of Justice;

(i) One member appointed by the State Forester to represent the State Forestry Department;

(j) Seven members appointed by the Governor as follows:

(A) One member to represent counties;

(B) One member to represent cities;

(C) One member with experience in emergency preparedness to represent regional organizations;

(D) One member with experience in emergency preparedness to represent local organizations;

- (E) One member representing the private sector;
 - (F) One member representing the nonprofit community with a designated emergency support function responsibility; and
 - (G) One member to represent Indian tribes in Oregon; and
 - (k) Additional members appointed by the Governor as the Governor may deem necessary.
- (3)(a) The council may research international and national best practices and make formal recommendations to the State Resilience Officer or the Governor as needed, with special emphasis given to connecting statewide policy recommendations with state and federal emergency support function capabilities.
- (b) The council shall advise and make policy recommendations to the Oregon Homeland Security Council regarding federal emergency support functions.
- (4) A majority of the members of the Emergency Preparedness Advisory Council constitutes a quorum for the transaction of business.
- (5) Official action by the council requires the approval of a majority of the members of the council.
- (6) The council shall elect one of its members to serve as chairperson.
- (7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.
- (8) The council shall meet at least once quarterly at the place specified by the call of the chairperson or of a majority of the members of the council.
- (9) The council may adopt rules necessary for the operation of the council.
- (10) The Oregon Department of Emergency Management shall provide staff support to the council.
- (11) Members of the council are not entitled to compensation or reimbursement for expenses and serve as volunteers on the council.
- (12) All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of the duties of the council and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the council consider necessary to perform their duties.

SECTION 151a. Section 151 of this 2021 Act is repealed on January 2, 2030.

LOCAL GOVERNMENT EMERGENCY MANAGEMENT ADVISORY COUNCIL

- SECTION 152. (1) The Local Government Emergency Management Advisory Council is established within the Oregon Department of Emergency Management.
- (2) The council consists of 11 members appointed by the Governor as follows:
- (a) One member to represent an organization representing Oregon counties;
 - (b) One member to represent an organization representing Oregon cities;
 - (c) One member to represent emergency medical service providers;
 - (d) One member to represent fire departments;
 - (e) One member to represent a statewide association of emergency managers, emergency responders, government agencies and elected officials committed to minimizing the impact of disasters in Oregon;
 - (f) One member to represent county sheriffs;
 - (g) One member to represent 9-1-1 emergency dispatchers;
 - (h) One member to represent volunteer emergency medical service providers; and
 - (i) Three members with experience relating to emergency preparedness or management to represent the public.
- (3) The council shall provide advice and recommendations to the Oregon Department of Emergency Management regarding its emergency preparedness and response functions.
- (4) A majority of the members of the council constitutes a quorum for the transaction of business.

(5) Official action by the council requires the approval of a majority of the members of the council.

(6) The council shall elect one of its members to serve as chairperson.

(7) If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective.

(8) The council shall meet at times and places specified by the call of the chairperson or of a majority of the members of the council.

(9) The council may adopt rules necessary for the operation of the council.

(10) The department shall provide staff support to the council.

(11) Members of the council are not entitled to compensation or reimbursement for expenses and serve as volunteers on the council.

(12) All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of the duties of the council and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the council consider necessary to perform their duties.

SECTION 152a. Section 152 of this 2021 Act is repealed on January 2, 2030.

TASK FORCE ON IMPLEMENTATION

SECTION 152b. (1) The Task Force on Implementation is established.

(2) The task force consists of the members of the Governor's Fire Service Policy Council created under ORS 476.680. Nonvoting members of the council are nonvoting members of the task force.

(3) The task force shall make recommendations as to whether the office of the State Fire Marshal should be made an independent state agency, and, if not, in which existing state agency the office of the State Fire Marshal should be housed. The task force's recommendations must describe the rationales for the decisions of the task force.

(4) No later than February 1, 2022, the task force shall submit a report on its findings and recommendations, which may include recommendations for legislation, to the standing or interim committees of the Legislative Assembly with subject matter responsibility for veterans and emergency management.

(5) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(6) Official action by the task force requires the approval of a majority of the voting members of the task force.

(7) The task force shall elect one of its members to serve as chairperson.

(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The office of the State Fire Marshal shall provide staff support to the task force.

(11) Members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

(12) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the duties of the task force and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties.

SECTION 152c. Section 152b of this 2021 Act is repealed on January 2, 2023.

SECTION 153. The Governor or the following agencies may take any action before the operative date specified in section 155 of this 2021 Act that is necessary for the Governor or agency to exercise, on or after the operative date specified in section 155 of this 2021 Act, all of the duties, functions and powers conferred on the Governor or agency by sections 1,

10 to 15, 25a and 148 to 152 of this 2021 Act and the amendments to statutes and session law by sections 2 to 9, 16, 24, 26 to 88h and 108 to 147 of this 2021 Act:

- (1) The Office of Emergency Management;
- (2) The Oregon Military Department;
- (3) The office of the State Fire Marshal;
- (4) The Department of State Police; or
- (5) The Oregon Homeland Security Council.

SECTION 153a. The Governor or the following agencies may take any action before the operative date specified in section 155a of this 2021 Act that is necessary for the Governor or agency to exercise, on or after the operative date specified in section 155a of this 2021 Act, all of the duties, functions and powers conferred on the Governor or agency by sections 89 and 91 to 96 of this 2021 Act and the amendments to ORS 476.020 by section 90 of this 2021 Act:

- (1) The office of the State Fire Marshal; or
- (2) The Department of State Police.

SECTION 153b. The Governor or the following agencies may take any action before the operative date specified in section 155b of this 2021 Act that is necessary for the Governor or agency to exercise, on or after the operative date specified in section 155b of this 2021 Act, all of the duties, functions and powers conferred on the Governor or agency by the amendments to ORS 401.094 by section 16a of this 2021 Act:

- (1) The Oregon Department of Emergency Management; or
- (2) The Department of State Police.

NOTE: Section 154 was deleted by amendment. Subsequent sections were not renumbered.

OPERATIVE DATES

SECTION 155. Sections 1, 10 to 15, 25a and 148 to 152 of this 2021 Act and the amendments to statutes and session law by sections 2 to 9, 16, 24, 26 to 88h and 108 to 147 of this 2021 Act become operative on July 1, 2022.

SECTION 155a. Sections 89 and 91 to 96 of this 2021 Act and the amendments to ORS 476.020 by section 90 of this 2021 Act become operative on July 1, 2023.

SECTION 155b. The amendments to ORS 401.094 by section 16a of this 2021 Act become operative on July 1, 2025.

SECTION 155c. Between the operative date specified in section 155 of this 2021 Act and the operative date specified in section 155a of this 2021 Act:

(1) Except as otherwise provided in this section, statutory references to the Department of the State Fire Marshal shall be construed to mean the office of the State Fire Marshal in the Department of State Police.

(2) Duties, functions and powers conferred on the Department of the State Fire Marshal are conferred on the office of the State Fire Marshal in the Department of State Police.

(3) Moneys appropriated to the Department of the State Fire Marshal shall be construed as appropriations to the Department of State Police for purposes of the office of the State Fire Marshal.

FISCAL PROVISIONS

SECTION 156. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (3), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5535), for the biennium beginning July 1, 2021, for emergency management, is increased by \$3,431,834 for preparing the Office of Emergency Management as a separate state agency.

SECTION 157. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (1), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5535), for the biennium beginning July 1, 2021, for administration, is increased by \$1,006,057 for preparing the Office of Emergency Management as a separate state agency.

SECTION 158. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5535), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and reimbursements from federal service agreements, but excluding lottery funds and federal funds not described in section 2 (4), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5535), collected or received by the Oregon Military Department, for community support, is increased by \$5,000,000 for state active duty costs.

SECTION 159. In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$1,807,561, to be allocated to the Department of State Police for preparing the office of the State Fire Marshal as a separate state agency.

SECTION 160. In addition to and not in lieu of any other appropriation, there is appropriated to the Office of the Governor, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$237,161 to support the work of the Oregon Homeland Security Council.

UNIT CAPTIONS

SECTION 161. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

EMERGENCY CLAUSE

SECTION 162. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House June 21, 2021

Repassed by House June 26, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 25, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State