

SENATE AMENDMENTS TO RESOLVE CONFLICTS TO B-ENGROSSED HOUSE BILL 2927

By JOINT COMMITTEE ON WAYS AND MEANS

June 25

1 On page 1 of the printed B-engrossed bill, line 14, after “2019;” insert “repealing section 3,
2 chapter ___, Oregon Laws 2021 (Enrolled House Bill 2426);”.

3 On page 18, after line 33, insert:

4 “**SECTION 34a. If Senate Bill 104 becomes law, section 34 of this 2021 Act (amending ORS**
5 **401.239) is repealed and ORS 401.239, as amended by section 1, chapter ___, Oregon Laws 2021**
6 **(Enrolled Senate Bill 104), is amended to read:**

7 “401.239. (1) As used in this section, ‘critical service provider’ means an individual:

8 “(a) Who has received credentials under this section and who is employed by, or is acting pur-
9 suant to a contract under the direction of, an organization deemed by the [*Office*] **Oregon Depart-**
10 **ment** of Emergency Management to be critical to emergency response operations in Oregon; and

11 “(b) Who is:

12 “(A) Maintaining, including repairing or resupplying, critical infrastructure equipment or sys-
13 tems;

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

15 “(C) Supporting emergency response activities; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 On page 22, after line 16, insert:

12 “**SECTION 38a. If House Bill 2426 becomes law, section 38 of this 2021 Act (amending ORS**
13 **401.551) is repealed and ORS 401.551, as amended by section 2, chapter __, Oregon Laws 2021**
14 **(Enrolled House Bill 2426), is amended to read:**

15 “401.551. (1) As used in this section:

16 “(a) ‘Emergency’ has the meaning given that term in ORS 401.025.

17 “(b) ‘Maintain’ means to repair, perform upkeep on and otherwise keep in good working condi-
18 tion.

19 “(c) ‘Preparedness equipment’ means equipment, vehicles or other personal property that:

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

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

22 “(d) ‘Qualified applicant’ means an entity that has responsibility for or expertise in emergency
23 preparedness and that is a local government, a special government body, a federally recognized In-
24 dian tribe in Oregon or a private organization qualified for federal tax-exempt status under section
25 501(c)(3) of the Internal Revenue Code.

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

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

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

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

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

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

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

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

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

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

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

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

16 “(B) The level of need for the requested preparedness equipment as demonstrated by the appli-
17 cant;

18 “(C) The ability to use and maintain the preparedness equipment as demonstrated by the appli-
19 cant;

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

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

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

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

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

37 “(e) The [office] **department** may not disburse preparedness equipment or funds under this sec-
38 tion unless the [office] **department** and the intended recipient first enter into a grant agreement.
39 The grant agreement:

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

41 “(B) Shall provide that, if a recipient fails to adequately maintain preparedness equipment, the
42 recipient must relinquish possession of the preparedness equipment or reimburse the [office] **de-**
43 **partment** for the cost of the preparedness equipment.

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

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

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

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

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

15 “(f) The [office] **department** shall conduct periodic inspections of preparedness equipment dis-
16 tributed or purchased through the grant program to ensure that recipients are adequately main-
17 taining the preparedness equipment. If the [office] **department** finds that any preparedness
18 equipment is not adequately maintained, the [office] **department** may take possession of the
19 preparedness equipment or require the recipient to reimburse the [office] **department** for the cost
20 of the preparedness equipment.

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

27 “(4) On or before December 31 of each year, the [office] **department** shall submit a report to
28 the Legislative Assembly and to the Oregon Homeland Security Council that describes the adminis-
29 tration and effectiveness of the grant program established under this section and the current prior-
30 itized list of preparedness equipment types.

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

33 On page 24, after line 33, insert:

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

36 On page 31, after line 6, insert:

37 “**SECTION 55a. If Senate Bill 103 becomes law, section 55 of this 2021 Act (amending ORS**
38 **401.977) is repealed and ORS 401.977, as amended by section 3, chapter __, Oregon Laws 2021**
39 **(Enrolled Senate Bill 103), is amended to read:**

40 “401.977. (1) As used in this section:

41 “(a) ‘Companion animal’ means a domestic animal commonly kept as a household pet.

42 “(b) ‘Service animal’ means an animal that assists or performs tasks for a person with a sensory,
43 emotional, mental or physical disability.

44 “(2) The State Department of Agriculture, in cooperation with the [Office] **Oregon Department**
45 of Emergency Management, the Department of Human Services and local governments, shall prepare

1 a written animal emergency operations plan that provides for the evacuation, transport and tempo-
2 rary sheltering of companion animals and service animals during a major disaster or an emergency.

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

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

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

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

10 “(d) Establishing an identification system to ensure that owners who are separated from their
11 companion animals or service animals during an evacuation are provided with all information nec-
12 essary to locate and reclaim their animals;

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

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

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

21 “(h) Creating and promoting an educational campaign for owners of companion animals or ser-
22 vice animals that will:

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

25 “(B) Inform owners of companion animals or service animals about the animal emergency oper-
26 ations plan prepared under this section.”.

27 On page 38, after line 42, insert:

28 “**SECTION 71a. If House Bill 2119 becomes law, section 71 of this 2021 Act (amending ORS**
29 **403.425) is repealed.**”.

30 On page 39, after line 5, insert:

31 “**SECTION 72a. If House Bill 2119 becomes law, section 72 of this 2021 Act (amending ORS**
32 **403.430) is repealed.**”.

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