

HB 2927-1
(LC 268)
2/22/21 (DFY/ps)

Requested by HOUSE COMMITTEE ON VETERANS AND EMERGENCY MANAGEMENT (at the request of Representative Paul Evans)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2927**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete lines 3 through 15 and insert “creating new pro-
3 visions; and amending ORS 30.269, 182.535, 183.457, 195.260, 244.050, 264.348,
4 276A.300, 276A.326, 377.833, 399.035, 401.052, 401.054, 401.062, 401.072, 401.076,
5 401.082, 401.088, 401.092, 401.094, 401.096, 401.109, 401.165, 401.239, 401.305,
6 401.358, 401.364, 401.368, 401.534, 401.536, 401.551, 401.552, 401.654, 401.655,
7 401.657, 401.658, 401.661, 401.667, 401.900, 401.902, 401.904, 401.910, 401.915,
8 401.922, 401.950, 401.952, 401.955, 401.975, 401.977, 401.978, 402.015, 402.020,
9 402.210, 402.230, 403.120, 403.130, 403.132, 403.160, 403.165, 403.170, 403.235,
10 403.240, 403.250, 403.415, 403.425, 403.430, 403.435, 403.450, 404.100, 404.105,
11 404.110, 404.120, 404.125, 404.200, 433.441, 433.443, 433.448, 443.760, 453.327,
12 453.342, 453.362, 453.392, 453.394, 453.520, 453.825, 465.505, 466.620, 466.635,
13 468B.365, 468B.431, 469.533, 476.020, 476.030, 476.050, 476.055, 476.090, 476.130,
14 476.210, 476.220, 476.270, 476.290, 476.515, 476.590, 476.680, 476.685, 476.735,
15 476.765, 476.806, 476.925, 478.270, 478.940, 479.180, 480.230, 480.450, 480.460,
16 540.482, 561.560, 657.665, 689.645, 731.820, 735.470 and 824.088 and sections 1,
17 3 and 4, chapter 85, Oregon Laws 2016, and section 13c, chapter 581, Oregon
18 Laws 2019.”.

19 Delete lines 18 through 20 and delete pages 2 through 90 and insert:

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21

“RENAMING AND REORGANIZATION OF

1 **THE OFFICE OF EMERGENCY MANAGEMENT**

2
3 **“SECTION 1. (1) The amendments to ORS 401.052, 401.054, 401.062,**
4 **401.072, 401.076, 401.082, 401.088 and 401.092 by sections 2 to 9 of this 2021**
5 **Act are intended to change the name of the ‘Office of Emergency**
6 **Management’ to the ‘Oregon Department of Emergency Management’**
7 **and to establish that entity as a state agency independent from the**
8 **Oregon Military Department.**

9 **“(2) For the purpose of harmonizing and clarifying statutory law,**
10 **the Legislative Counsel may substitute for words designating the ‘Of-**
11 **fice of Emergency Management,’ wherever they occur in statutory**
12 **law, other words designating the ‘Oregon Department of Emergency**
13 **Management.’**

14 **“SECTION 2.** ORS 401.052 is amended to read:

15 **“401.052. (1) The [Office] Oregon Department of Emergency Management**
16 **is established [in the Oregon Military Department].**

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

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

20 **“(b) Coordinating exercises and training, planning, preparedness, re-**
21 **sponse, mitigation and recovery activities with state and local emergency**
22 **services agencies and organizations.**

23 **“(3) The [office] department shall prepare a statewide emergency man-**
24 **agement plan and update the plan from time to time as necessary.**

25 **“SECTION 3.** ORS 401.054 is amended to read:

26 **“401.054. (1) Each of the following agencies, entities and officials shall**
27 **designate an individual to act as a liaison with the [Office] Oregon De-**
28 **partment of Emergency Management:**

29 **“(a) The Department of Consumer and Business Services;**

30 **“(b) The Department of Corrections;**

1 “(c) The Department of Education;
2 “(d) The Department of Environmental Quality;
3 “(e) The Department of Human Services;
4 “(f) The Department of Justice;
5 “(g) The Department of Land Conservation and Development;
6 “(h) The Department of Public Safety Standards and Training;
7 “(i) The Department of State Lands;
8 “(j) The Department of State Police;
9 “(k) The Department of Transportation;
10 “(L) The Department of Veterans’ Affairs;
11 “(m) The Employment Department;
12 “(n) The Housing and Community Services Department;
13 “(o) The Judicial Department;
14 “(p) The Oregon Business Development Department;
15 “(q) The Oregon Department of Administrative Services;
16 “(r) The Oregon Department of Aviation;
17 “(s) The Oregon Health Authority;
18 “(t) The Oregon Military Department;
19 “(u) The Oregon Tourism Commission;
20 “(v) The Public Utility Commission of Oregon;
21 “(w) The Secretary of State;
22 “(x) The State Department of Agriculture;
23 “(y) The State Department of Energy;
24 “(z) The State Department of Fish and Wildlife;
25 “(aa) The State Department of Geology and Mineral Industries;
26 “(bb) The State Fire Marshal;
27 “(cc) The State Forestry Department;
28 “(dd) The State Marine Board;
29 “(ee) The State Parks and Recreation Department;
30 “(ff) The Travel Information Council; and

1 “(gg) The Water Resources Department.

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

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

10 “**SECTION 4.** ORS 401.062 is amended to read:

11 “401.062. (1) The [*Office*] **Oregon Department** of Emergency Management
12 is under the supervision and control of a director, who is responsible for the
13 performance of the duties, functions and powers of the [*office*] **department**.

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

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

22 “(4) For purposes of administration, subject to the approval of the [*Ad-*
23 *jutant General*] **Governor**, the director may organize and reorganize the [*of-*
24 *fice*] **department** as the director considers necessary to properly conduct the
25 work of the [*office*] **department**.

26 “(5) The director may divide the functions of the [*office*] **department** into
27 administrative divisions. Subject to the approval of the [*Adjutant General*]
28 **Governor**, the director may appoint an individual to administer each divi-
29 sion. The administrator of each division serves at the pleasure of the director
30 and is not subject to the provisions of ORS chapter 240. Each individual

1 appointed under this subsection must be well qualified by technical training
2 and experience in the functions to be performed by the individual.

3 **“SECTION 5.** ORS 401.072 is amended to read:

4 “401.072. (1) The Director of the [*Office*] **Oregon Department** of Emer-
5 gency Management may, by written order filed with the Secretary of State,
6 appoint a deputy director. The deputy director serves at the pleasure of the
7 director, has authority to act for the director in the absence of the director
8 and is subject to the control of the director at all times.

9 “(2) Subject to any applicable provisions of ORS chapter 240, the director
10 shall appoint all subordinate officers and employees of the [*Office of Emer-*
11 *gency Management*] **department**, prescribe their duties and fix their com-
12 pensation.

13 **“SECTION 6.** ORS 401.076 is amended to read:

14 “401.076. In accordance with applicable provisions of ORS chapter 183, the
15 Director of the [*Office*] **Oregon Department** of Emergency Management may
16 adopt rules necessary for the administration of the laws that the [*Office of*
17 *Emergency Management*] **department** is charged with administering.

18 **“SECTION 7.** ORS 401.092 is amended to read:

19 “401.092. (1) The Director of the [*Office*] **Oregon Department** of Emer-
20 gency Management is responsible for coordinating and facilitating exercises
21 and training, emergency planning, preparedness, response, mitigation and
22 recovery activities with the state and local emergency services agencies and
23 organizations, and shall[, *with the approval of the Adjutant General or as*
24 *directed by the Governor*]:

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

27 “(b) Coordinate the activities of all public and private organizations spe-
28 cifically related to providing emergency services within this state;

29 “(c) Maintain a cooperative liaison with emergency management agencies
30 and organizations of local governments, other states and the federal govern-

1 ment;

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

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

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

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

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

14 “(i) Establish task forces and advisory groups to assist the [*office*] **de-**
15 **partment** in achieving mandated responsibilities;

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

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

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

24 “(2) Notwithstanding subsection (1) of this section, the State Forester
25 shall serve as the Governor’s authorized representative for the purpose of
26 initiating the fire management assistance declaration process with the Fed-
27 eral Emergency Management Agency and administering Federal Emergency
28 Management Agency fire management assistance grants.

29 **“SECTION 8.** ORS 401.082 is amended to read:

30 “401.082. (1) To aid and advise the Director of the [*Office*] **Oregon De-**

1 **partment** of Emergency Management in the performance of the functions
2 of the [*Office*] **Oregon Department** of Emergency Management, the director
3 may establish such advisory and technical committees as the director con-
4 siders necessary. The committees may be continuing or temporary. The di-
5 rector shall determine the representation, membership, terms and
6 organization of the committees and shall appoint their members. The director
7 is an ex officio member of each committee.

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

13 **“SECTION 9.** ORS 401.088 is amended to read:

14 “401.088. The Director of the [*Office*] **Oregon Department** of Emergency
15 Management may enter into interagency agreements with other state agen-
16 cies that the director determines are necessary to carry out the duties of the
17 [*Office*] **Oregon Department** of Emergency Management.

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19 **“(Finance)**

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21 **“SECTION 10. (1) The unexpended balances of amounts authorized**
22 **to be expended by the Oregon Military Department for purposes of the**
23 **Office of Emergency Management for the biennium beginning July 1,**
24 **2023, from revenues dedicated, continuously appropriated, appropriated**
25 **or otherwise made available to the department, are transferred to and**
26 **are available for expenditure by the Oregon Department of Emergency**
27 **Management for the biennium beginning July 1, 2023.**

28 **“(2) The expenditure classifications, if any, established by Acts au-**
29 **thorizing or limiting expenditures by the Office of Emergency Man-**
30 **agement remain applicable to expenditures by the Oregon Department**

1 of Emergency Management under this section.

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3 “(Action, Proceeding, Prosecution)

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5 **“SECTION 11. The amendments to ORS 401.052, 401.054, 401.062,**
6 **401.072, 401.076, 401.082, 401.088 and 401.092 by sections 2 to 9 of this 2021**
7 **Act do not affect any action, proceeding or prosecution involving or**
8 **with respect to any duties, functions and powers of the Office of**
9 **Emergency Management begun before and pending as of the operative**
10 **date specified in section 155 of this 2021 Act, except that the Oregon**
11 **Department of Emergency Management is substituted for the Office**
12 **of Emergency Management in any such action, proceeding or prose-**
13 **cution.**

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15 “(Liability, Duty, Obligation)

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17 **“SECTION 12. (1) Nothing in the amendments to ORS 401.052,**
18 **401.054, 401.062, 401.072, 401.076, 401.082, 401.088 and 401.092 by sections**
19 **2 to 9 of this 2021 Act relieves a person of a liability, duty or obligation**
20 **accruing under or with respect to the duties, functions and powers**
21 **conferred by those statutes prior to the operative date specified in**
22 **section 155 of this 2021 Act. The Oregon Department of Emergency**
23 **Management may undertake the collection or enforcement of any such**
24 **liability, duty or obligation.**

25 **“(2) The rights and obligations of the Office of Emergency Man-**
26 **agement legally incurred under contracts, leases and business trans-**
27 **actions executed, entered into or begun before the operative date**
28 **specified in section 155 of this 2021 Act are transferred to the Oregon**
29 **Department of Emergency Management. For the purpose of succession**
30 **to these rights and obligations, the Oregon Department of Emergency**

1 Management is a continuation of the Office of Emergency Manage-
2 ment and not a new authority.

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“(Rules, References)”

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7 **“SECTION 13.** The rules of the Office of Emergency Management
8 in effect on the operative date specified in section 155 of this 2021 Act
9 continue in effect until superseded or repealed by rules of the Oregon
10 Department of Emergency Management. References in rules of the
11 Office of Emergency Management to the Office of Emergency Man-
12 agement or an officer or employee of the Office of Emergency Man-
13 agement are considered to be references to the Oregon Department of
14 Emergency Management or an officer or employee of the Oregon De-
partment of Emergency Management.

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“(Initial Director)”

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

1 “(Transfer of Emergency Powers to
2 the Oregon Department of Emergency Management)
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4 “**SECTION 16.** ORS 401.094 is amended to read:

5 “401.094. (1)[(a)] The **Oregon** Department of [*State Police*] **Emergency**
6 **Management** shall maintain a system for the notification and interagency
7 coordination of state resources in response to emergencies involving multi-
8 jurisdictional cooperation between the various levels of government and
9 private business entities.

10 “[(b) *The department shall provide the Office of Emergency Management*
11 *with a service level agreement that describes the continued daily operations*
12 *and maintenance of the system, the services and supplies needed to maintain*
13 *the system 24 hours a day, every day of the year, and the policies and proce-*
14 *dures that support the overall notification system.*]

15 “(2) The [*notification*] system shall be managed by the [*Office of Emergency*
16 *Management*] **department** as a continuously available communications net-
17 work and a component of the [*state’s*] **State** Emergency Operations Center.

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

21 “(4) Each department of state government, and those agencies of state
22 government identified in the statewide emergency management plan prepared
23 under ORS 401.052 as having emergency service or administrative responsi-
24 bilities, shall appoint an emergency management coordinator as their repre-
25 sentative to work with the [*Office of Emergency Management*] **department**
26 on the development and implementation of emergency plans and procedures.

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

30 “**SECTION 17.** ORS 433.441 is amended to read:

1 “433.441. (1) Upon the occurrence of a public health emergency, the Gov-
2 ernor may declare a state of public health emergency as authorized by ORS
3 433.441 to 433.452 to protect the public health.

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

6 “(a) The nature of the public health emergency;

7 “(b) The political subdivision or geographic area subject to the [*procla-*
8 *mation*] **declaration**;

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

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

13 “(3) During a **declared** public health emergency, the Governor **or the**
14 **Director of the Oregon Department of Emergency Management** may:

15 “(a) Close, order the evacuation of or **order** the decontamination of any
16 facility the Governor **or the director** has reasonable cause to believe may
17 endanger the public health.

18 “(b) Regulate or restrict by any means necessary the use, sale or distrib-
19 ution of food, fuel, medical supplies, medicines or other goods and services.

20 “(c) Prescribe modes of transportation, routes and destinations required
21 for the evacuation of individuals or the provision of emergency services.

22 “(d) Control or limit entry into, exit from, movement within and the oc-
23 cupancy of premises in any public area subject to or threatened by a public
24 health emergency if such actions are reasonable and necessary to respond to
25 the public health emergency.

26 “(e) Authorize pharmacists licensed under ORS chapter 689 to administer
27 vaccines to persons who are three years of age or older.

28 “(f) Take any other action that may be necessary for the management of
29 resources, or to protect the public during a public health emergency, in-
30 cluding any actions [*authorized*] **the Governor may take** under ORS

1 401.168, 401.185, 401.188 and 401.192.

2 “(4) Nothing in ORS 433.441 to 433.452 limits the authority of the Gover-
3 nor to declare a state of emergency under ORS 401.165. If a state of emer-
4 gency is declared as authorized under ORS 401.165, the Governor **or the**
5 **director** may implement any action authorized by ORS 433.441 to 433.452.

6 “(5) A [*proclamation*] **declaration** of a state of public health emergency
7 expires when terminated by a declaration of the Governor or no more than
8 14 days after the date the public health emergency is [*proclaimed*] **declared**
9 unless the Governor expressly extends the [*proclamation*] **declaration** for an
10 additional 14-day period.

11 “(6) When real or personal property is taken under power granted by this
12 section, the owner of the property shall be entitled to reasonable compen-
13 sation from the state.

14 **“SECTION 18.** ORS 433.443 is amended to read:

15 “433.443. (1) As used in this section:

16 “(a) ‘Covered entity’ means:

17 “(A) The Children’s Health Insurance Program;

18 “(B) A health insurer that is an insurer as defined in ORS 731.106 and
19 that issues health insurance as defined in ORS 731.162;

20 “(C) The state medical assistance program; and

21 “(D) A health care provider.

22 “(b) ‘Health care provider’ includes but is not limited to:

23 “(A) A psychologist, occupational therapist, regulated social worker, pro-
24 fessional counselor or marriage and family therapist licensed or otherwise
25 authorized to practice under ORS chapter 675 or an employee of the psy-
26 chologist, occupational therapist, regulated social worker, professional
27 counselor or marriage and family therapist;

28 “(B) A physician or physician assistant licensed under ORS chapter 677,
29 an acupuncturist licensed under ORS 677.759 or an employee of the physi-
30 cian, physician assistant or acupuncturist;

1 “(C) A nurse or nursing home administrator licensed under ORS chapter
2 678 or an employee of the nurse or nursing home administrator;

3 “(D) A dentist licensed under ORS chapter 679 or an employee of the
4 dentist;

5 “(E) A dental hygienist or denturist licensed under ORS chapter 680 or
6 an employee of the dental hygienist or denturist;

7 “(F) A speech-language pathologist or audiologist licensed under ORS
8 chapter 681 or an employee of the speech-language pathologist or audiologist;

9 “(G) An emergency medical services provider licensed under ORS chapter
10 682;

11 “(H) An optometrist licensed under ORS chapter 683 or an employee of
12 the optometrist;

13 “(I) A chiropractic physician licensed under ORS chapter 684 or an em-
14 ployee of the chiropractic physician;

15 “(J) A naturopathic physician licensed under ORS chapter 685 or an em-
16 ployee of the naturopathic physician;

17 “(K) A massage therapist licensed under ORS 687.011 to 687.250 or an
18 employee of the massage therapist;

19 “(L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an
20 employee of the direct entry midwife;

21 “(M) A physical therapist licensed under ORS 688.010 to 688.201 or an
22 employee of the physical therapist;

23 “(N) A medical imaging licensee under ORS 688.405 to 688.605 or an em-
24 ployee of the medical imaging licensee;

25 “(O) A respiratory care practitioner licensed under ORS 688.815 or an
26 employee of the respiratory care practitioner;

27 “(P) A polysomnographic technologist licensed under ORS 688.819 or an
28 employee of the polysomnographic technologist;

29 “(Q) A pharmacist licensed under ORS chapter 689 or an employee of the
30 pharmacist;

1 “(R) A dietitian licensed under ORS 691.405 to 691.485 or an employee of
2 the dietitian;

3 “(S) A funeral service practitioner licensed under ORS chapter 692 or an
4 employee of the funeral service practitioner;

5 “(T) A health care facility as defined in ORS 442.015;

6 “(U) A home health agency as defined in ORS 443.014;

7 “(V) A hospice program as defined in ORS 443.850;

8 “(W) A clinical laboratory as defined in ORS 438.010;

9 “(X) A pharmacy as defined in ORS 689.005; and

10 “(Y) Any other person or entity that furnishes, bills for or is paid for
11 health care in the normal course of business.

12 “(c) ‘Individual’ means a natural person.

13 “(d) ‘Individually identifiable health information’ means any oral or
14 written health information in any form or medium that is:

15 “(A) Created or received by a covered entity, an employer or a health care
16 provider that is not a covered entity; and

17 “(B) Identifiable to an individual, including demographic information that
18 identifies the individual, or for which there is a reasonable basis to believe
19 the information can be used to identify an individual, and that relates to:

20 “(i) The past, present or future physical or mental health or condition of
21 an individual;

22 “(ii) The provision of health care to an individual; or

23 “(iii) The past, present or future payment for the provision of health care
24 to an individual.

25 “(e) ‘Legal representative’ means attorney at law, person holding a gen-
26 eral power of attorney, guardian, conservator or any person appointed by a
27 court to manage the personal or financial affairs of a person, or agency le-
28 gally responsible for the welfare or support of a person.

29 “(2)(a) During a **state of** public health emergency declared under ORS
30 433.441, the Public Health Director, **after consultation with the Director**

1 **of the Oregon Department of Emergency Management**, may, as neces-
2 sary to appropriately respond to the public health emergency:

3 “(A) Adopt reporting requirements for and provide notice of those re-
4 quirements to health care providers, institutions and facilities for the pur-
5 pose of obtaining information directly related to the public health
6 emergency;

7 “(B) After consultation with appropriate medical experts, create and re-
8 quire the use of diagnostic and treatment protocols to respond to the public
9 health emergency and provide notice of those protocols to health care pro-
10 viders, institutions and facilities;

11 “(C) Order, or authorize local public health administrators to order, pub-
12 lic health measures appropriate to the public health threat presented;

13 “(D) Authorize pharmacists licensed under ORS chapter 689 to administer
14 vaccines to persons who are three years of age or older;

15 “(E) Upon approval of the [*Governor*] **Director of the Oregon Depart-**
16 **ment of Emergency Management**, take other actions necessary to address
17 the public health emergency and provide notice of those actions to health
18 care providers, institutions and facilities, including public health actions
19 authorized by ORS 431A.015;

20 “(F) Take any enforcement action authorized by ORS 431A.010, including
21 the imposition of civil penalties of up to \$500 per day against individuals,
22 institutions or facilities that knowingly fail to comply with requirements
23 resulting from actions taken in accordance with the powers granted to the
24 Public Health Director under subparagraphs (A), (B) and (E) of this para-
25 graph; and

26 “(G) The authority granted to the Public Health Director under this sec-
27 tion:

28 “(i) Supersedes any authority granted to a local public health authority
29 if the local public health authority acts in a manner inconsistent with
30 guidelines established or rules adopted by the **Public Health** Director under

1 this section; and

2 “(ii) Does not supersede the general authority granted to a local public
3 health authority or a local public health administrator except as authorized
4 by law or necessary to respond to a public health emergency.

5 “(b) The authority of the Public Health Director to take administrative
6 action, and the effectiveness of any action taken, under paragraph (a)(A), (B)
7 and (D) to (G) of this subsection terminates upon the expiration of the [*de-*
8 *clared*] **declaration of the** state of public health emergency, unless the
9 actions are continued under other applicable law.

10 “(3) Civil penalties under subsection (2) of this section shall be imposed
11 in the manner provided in ORS 183.745. The Public Health Director must
12 establish that the individual, institution or facility subject to the civil pen-
13 alty had actual notice of the action taken that is the basis for the penalty.
14 The maximum aggregate total for penalties that may be imposed against an
15 individual, institution or facility under subsection (2) of this section is \$500
16 for each day of violation, regardless of the number of violations of subsection
17 (2) of this section that occurred on each day of violation.

18 “(4)(a) During a declared state of public health emergency, **the Director**
19 **of the Oregon Department of Emergency Management**, the Public
20 Health Director and local public health administrators shall be given imme-
21 diate access to individually identifiable health information necessary to:

22 “(A) Determine the causes of an illness related to the public health
23 emergency;

24 “(B) Identify persons at risk;

25 “(C) Identify patterns of transmission;

26 “(D) Provide treatment; and

27 “(E) Take steps to control the disease.

28 “(b) Individually identifiable health information accessed as provided by
29 paragraph (a) of this subsection may not be used for conducting non-
30 emergency epidemiologic research or to identify persons at risk for post-

1 traumatic mental health problems, or for any other purpose except the
2 purposes listed in paragraph (a) of this subsection.

3 “(c) Individually identifiable health information obtained by **the Director**
4 **of the Oregon Department of Emergency Management**, the Public
5 Health Director or local public health administrators under this subsection
6 may not be disclosed without written authorization of the identified indi-
7 vidual except:

8 “(A) Directly to the individual who is the subject of the information or
9 to the legal representative of that individual;

10 “(B) To state, local or federal agencies authorized to receive such infor-
11 mation by state or federal law;

12 “(C) To identify or to determine the cause or manner of death of a de-
13 ceased individual; or

14 “(D) Directly to a health care provider for the evaluation or treatment
15 of a condition that is the subject [*of a declaration*] of a state of public health
16 emergency [*issued*] **declared** under ORS 433.441.

17 “(d) Upon expiration of the **declaration of a** state of public health
18 emergency, **the Director of the Oregon Department of Emergency**
19 **Management**, the Public Health Director or local public health adminis-
20 trators may not use or disclose any individually identifiable health informa-
21 tion that has been obtained under this section. If a state of emergency that
22 is related to the state of public health emergency [*has been*] **is** declared un-
23 der ORS 401.165, **the Director of the Oregon Department of Emergency**
24 **Management**, the Public Health Director and local public health adminis-
25 trators may continue to use any individually identifiable information ob-
26 tained as provided under this section until termination of the state of
27 emergency.

28 “(5) All civil penalties recovered under this section shall be paid into the
29 State Treasury and credited to the General Fund and are available for gen-
30 eral governmental expenses.

1 “(6) The Public Health Director may request assistance in enforcing or-
2 ders issued pursuant to this section from state or local law enforcement au-
3 thorities. If so requested by the Public Health Director, state and local law
4 enforcement authorities, to the extent resources are available, shall assist in
5 enforcing orders issued pursuant to this section.

6 “(7) If the Oregon Health Authority adopts temporary rules to implement
7 the provisions of this section, the rules adopted are not subject to the pro-
8 visions of ORS 183.335 (6)(a). The authority may amend temporary rules
9 adopted pursuant to this subsection as often as necessary to respond to the
10 public health emergency.

11 “**NOTE:** Sections 19 through 22 were deleted by amendment. Subsequent
12 sections were not renumbered.

13 “**SECTION 23.** ORS 476.515 is amended to read:

14 “476.515. If the Governor is unavailable to make timely exercise of the
15 authority under ORS 476.510 to 476.610, the [*Superintendent of State Police*]
16 **Director of the Oregon Department of Emergency Management** may
17 exercise such authority, and if that individual is unavailable the State Fire
18 Marshal may exercise such authority. **If so ordered by the Governor, the**
19 **director may exercise the authority of the Governor under ORS 476.510**
20 **to 476.610.** Any orders, rules or regulations issued by the [*Superintendent of*
21 *State Police*] **Director of the Oregon Department of Emergency Man-**
22 **agement** or the State Fire Marshal pursuant to this section have the same
23 force and effect as if issued by the Governor.

24 “**SECTION 24.** ORS 476.590 is amended to read:

25 “476.590. The State Fire Marshal, **in consultation with the Director**
26 **of the Oregon Department of Emergency Management,** shall prepare
27 plans for the effective carrying out of the provisions of ORS 476.520 to
28 476.610 and provide advice and counsel to the Governor for the most practi-
29 cal utilization under ORS 476.520 to 476.610 of the fire-fighting resources of
30 this state.

1 **“SECTION 25.** ORS 561.560 is amended to read:

2 “561.560. (1) The [*Director of Agriculture*] **Director of the Oregon De-**
3 **partment of Emergency Management, in consultation with the Direc-**
4 **tor of Agriculture,** shall issue a written order declaring a quarantine if the
5 **Director of the Oregon Department of Emergency Management** deter-
6 mines that:

7 “(a) A disease or an infestation has a significantly adverse effect on
8 plants, animals, fowls or bees;

9 “(b) The disease or infestation is not widely prevalent or distributed
10 within this state;

11 “(c) The disease or infestation exists in another state, territory or country
12 or in any locality within this state; and

13 “(d) Following the procedure for declaring a quarantine by rule under
14 ORS 561.510 would create a serious danger of the disease or infestation
15 spreading within the state during the time required by the procedure.

16 “(2) The written order declaring the quarantine shall prohibit the move-
17 ment into or within the state of any plants, animals, fowls, bees or articles
18 that are likely to spread the disease or infestation. The **Director of the**
19 **Oregon Department of Emergency Management** may amend the order
20 as the director considers necessary. The director shall sign the written order
21 and any amendments to the order.

22 “(3) The director shall file all quarantine orders and amendments to the
23 orders with the Secretary of State. The director shall give notice of the
24 quarantine orders and amendments to the orders by publication in a news-
25 paper of general circulation in the quarantine area and by one or more ad-
26 ditional methods that reasonably ensure that affected persons and other
27 members of the public have knowledge of the quarantine order or amend-
28 ment. A quarantine order or amendment to an order is effective upon filing
29 with the Secretary of State. A person may not carry, move or transport any
30 plants, animals, fowls, bees or articles specified in a quarantine order or

1 amendment from the quarantined area into or through any part of the state,
2 except as provided in the order or amendment. The [*State Department of*
3 *Agriculture*] **Oregon Department of Emergency Management** shall keep
4 a record of the methods used to provide notice under this subsection for each
5 quarantine order or amendment to an order.

6 “(4) A quarantine created by a written order issued under this section
7 may not remain in effect more than 180 days after the first publication of
8 notice under subsection (3) of this section. However, a quarantine for a
9 longer period may be declared under ORS 561.510, to take effect at or before
10 the expiration of the 180-day period.

11 “(5) The Governor by filing an order with the Secretary of State may
12 terminate a quarantine ordered by the director under this section. If the
13 Governor terminates a quarantine under this subsection, the director must
14 obtain the approval of the Governor before issuing any additional quarantine
15 order or amendments under this section for the same disease or infestation.

16

17 **“(Emergency Preparedness Functions)**

18

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

21 **“(1) Coordinate emergency management functions on a regional**
22 **basis within this state;**

23 **“(2) Coordinate training related to emergency response on a re-**
24 **gional basis within this state; and**

25 **“(3) Develop and carry out emergency preparedness exercises on a**
26 **statewide basis.**

27

28 **“(Conforming Amendments)**

29

30 **“SECTION 26. ORS 195.260 is amended to read:**

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

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

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

10 “(c) Except those structures exempt from building codes under ORS
11 455.310 and 455.315, shall amend its land use regulations, or adopt new land
12 use regulations, to regulate the siting of dwellings and other structures de-
13 signed for human occupancy, including those being restored under ORS
14 215.130 (6), in further review areas where there is evidence of substantial risk
15 for rapidly moving landslides. All final decisions under this paragraph and
16 paragraph (b) of this subsection are the responsibility of the local govern-
17 ment with jurisdiction over the site. A local government may not delegate
18 such final decisions to any state agency.

19 “(d) May deny a request to issue a building permit if a geotechnical re-
20 port discloses that the entire parcel is subject to a rapidly moving landslide
21 or that the subject lot or parcel does not contain sufficient buildable area
22 that is not subject to a rapidly moving landslide.

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

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

28 “(a) Be recorded with the county clerk of the county in which the prop-
29 erty is located, in which the landowner acknowledges that the landowner
30 may not in the future bring any action against an adjacent landowner about

1 the effects of rapidly moving landslides on or adjacent to the landowner's
2 property; and

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

9 “(3) Restrictions on forest practices adopted under ORS 527.710 (10) do
10 not apply to risk situations arising solely from the construction of a building
11 designed for human occupancy in a further review area on or after October
12 23, 1999.

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

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

17 “(A) Identify and map further review areas selected in cooperation with
18 local governments and in coordination with the State Forestry Department,
19 and provide technical assistance to local governments to facilitate the use
20 and application of this information pursuant to subsection (1)(b) of this sec-
21 tion; and

22 “(B) Provide public education regarding landslide hazards.

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

28 “(c) The Land Conservation and Development Commission may take steps
29 under its existing authority to assist local governments to appropriately ap-
30 ply the requirements of subsection (1)(c) of this section.

1 “(d) The Department of Transportation shall provide warnings to motor-
2 ists during periods determined to be of highest risk of rapidly moving land-
3 slides along areas on state highways with a history of being most vulnerable
4 to rapidly moving landslides.

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

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

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

18 “(7) Except as provided in ORS 527.710 or in Oregon’s ocean and coastal
19 land use planning goals, no state agency may adopt criteria regulating ac-
20 tivities for the purpose of reducing risk of serious bodily injury or death
21 from rapidly moving landslides on lands subject to the provisions of ORS
22 195.250 to 195.260 that are more restrictive than the criteria adopted by a
23 local government pursuant to subsection (1)(c) of this section.

24 “**SECTION 27.** ORS 244.050 is amended to read:

25 “244.050. (1) On or before April 15 of each year the following persons shall
26 file with the Oregon Government Ethics Commission a verified statement of
27 economic interest as required under this chapter:

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

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

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

6 “(d) The Deputy Attorney General.

7 “(e) The Deputy Secretary of State.

8 “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-
9 tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-
10 tary of the Senate, the Chief Clerk of the House of Representatives and the
11 Legislative Equity Officer.

12 “(g) The president and vice presidents, or their administrative equiv-
13 alents, in each public university listed in ORS 352.002.

14 “(h) The following state officers:

15 “(A) Adjutant General.

16 “(B) Director of Agriculture.

17 “(C) Manager of State Accident Insurance Fund Corporation.

18 “(D) Water Resources Director.

19 “(E) Director of Department of Environmental Quality.

20 “(F) Director of Oregon Department of Administrative Services.

21 “(G) State Fish and Wildlife Director.

22 “(H) State Forester.

23 “(I) State Geologist.

24 “(J) Director of Human Services.

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

26 “(L) Director of the Department of State Lands.

27 “(M) State Librarian.

28 “(N) Administrator of Oregon Liquor Control Commission.

29 “(O) Superintendent of State Police.

30 “(P) Director of the Public Employees Retirement System.

1 “(Q) Director of Department of Revenue.
2 “(R) Director of Transportation.
3 “(S) Public Utility Commissioner.
4 “(T) Director of Veterans’ Affairs.
5 “(U) Executive director of Oregon Government Ethics Commission.
6 “(V) Director of the State Department of Energy.
7 “(W) Director and each assistant director of the Oregon State Lottery.
8 “(X) Director of the Department of Corrections.
9 “(Y) Director of the Oregon Department of Aviation.
10 “(Z) Executive director of the Oregon Criminal Justice Commission.
11 “(AA) Director of the Oregon Business Development Department.
12 “(BB) Director of the [*Office*] **Oregon Department** of Emergency Man-
13 agement.
14 “(CC) Director of the Employment Department.
15 “**(DD) State Fire Marshal.**
16 “[*DD*] **(EE)** Chief of staff for the Governor.
17 “[*EE*] **(FF)** Director of the Housing and Community Services Depart-
18 ment.
19 “[*FF*] **(GG)** State Court Administrator.
20 “[*GG*] **(HH)** Director of the Department of Land Conservation and De-
21 velopment.
22 “[*HH*] **(II)** Board chairperson of the Land Use Board of Appeals.
23 “[*II*] **(JJ)** State Marine Director.
24 “[*JJ*] **(KK)** Executive director of the Oregon Racing Commission.
25 “[*KK*] **(LL)** State Parks and Recreation Director.
26 “[*LL*] **(MM)** Public defense services executive director.
27 “[*MM*] **(NN)** Chairperson of the Public Employees’ Benefit Board.
28 “[*NN*] **(OO)** Director of the Department of Public Safety Standards and
29 Training.
30 “[*OO*] **(PP)** Executive director of the Higher Education Coordinating

1 Commission.

2 “[*PP*] (**QQ**) Executive director of the Oregon Watershed Enhancement
3 Board.

4 “[*QQ*] (**RR**) Director of the Oregon Youth Authority.

5 “[*RR*] (**SS**) Director of the Oregon Health Authority.

6 “[*SS*] (**TT**) Deputy Superintendent of Public Instruction.

7 “(i) The First Partner, the legal counsel, the deputy legal counsel and all
8 policy advisors within the Governor’s office.

9 “(j) Every elected city or county official.

10 “(k) Every member of a city or county planning, zoning or development
11 commission.

12 “(L) The chief executive officer of a city or county who performs the du-
13 ties of manager or principal administrator of the city or county.

14 “(m) Members of local government boundary commissions formed under
15 ORS 199.410 to 199.519.

16 “(n) Every member of a governing body of a metropolitan service district
17 and the auditor and executive officer thereof.

18 “(o) Each member of the board of directors of the State Accident Insur-
19 ance Fund Corporation.

20 “(p) The chief administrative officer and the financial officer of each
21 common and union high school district, education service district and com-
22 munity college district.

23 “(q) Every member of the following state boards and commissions:

24 “(A) Governing board of the State Department of Geology and Mineral
25 Industries.

26 “(B) Oregon Business Development Commission.

27 “(C) State Board of Education.

28 “(D) Environmental Quality Commission.

29 “(E) Fish and Wildlife Commission of the State of Oregon.

30 “(F) State Board of Forestry.

- 1 “(G) Oregon Government Ethics Commission.
- 2 “(H) Oregon Health Policy Board.
- 3 “(I) Oregon Investment Council.
- 4 “(J) Land Conservation and Development Commission.
- 5 “(K) Oregon Liquor Control Commission.
- 6 “(L) Oregon Short Term Fund Board.
- 7 “(M) State Marine Board.
- 8 “(N) Mass transit district boards.
- 9 “(O) Energy Facility Siting Council.
- 10 “(P) Board of Commissioners of the Port of Portland.
- 11 “(Q) Employment Relations Board.
- 12 “(R) Public Employees Retirement Board.
- 13 “(S) Oregon Racing Commission.
- 14 “(T) Oregon Transportation Commission.
- 15 “(U) Water Resources Commission.
- 16 “(V) Workers’ Compensation Board.
- 17 “(W) Oregon Facilities Authority.
- 18 “(X) Oregon State Lottery Commission.
- 19 “(Y) Pacific Northwest Electric Power and Conservation Planning Coun-
20 cil.
- 21 “(Z) Columbia River Gorge Commission.
- 22 “(AA) Oregon Health and Science University Board of Directors.
- 23 “(BB) Capitol Planning Commission.
- 24 “(CC) Higher Education Coordinating Commission.
- 25 “(DD) Oregon Growth Board.
- 26 “(EE) Early Learning Council.
- 27 “(r) The following officers of the State Treasurer:
- 28 “(A) Deputy State Treasurer.
- 29 “(B) Chief of staff for the office of the State Treasurer.
- 30 “(C) Director of the Investment Division.

1 “(s) Every member of the board of commissioners of a port governed by
2 ORS 777.005 to 777.725 or 777.915 to 777.953.

3 “(t) Every member of the board of directors of an authority created under
4 ORS 441.525 to 441.595.

5 “(u) Every member of a governing board of a public university listed in
6 ORS 352.002.

7 “(v) Every member of the board of directors of an authority created under
8 ORS 465.600 to 465.621.

9 “(2) By April 15 next after the date an appointment takes effect, every
10 appointed public official on a board or commission listed in subsection (1)
11 of this section shall file with the Oregon Government Ethics Commission a
12 statement of economic interest as required under ORS 244.060, 244.070 and
13 244.090.

14 “(3) By April 15 next after the filing deadline for the primary election,
15 each candidate described in subsection (1) of this section shall file with the
16 commission a statement of economic interest as required under ORS 244.060,
17 244.070 and 244.090.

18 “(4) Not later than the 40th day before the date of the statewide general
19 election, each candidate described in subsection (1) of this section who will
20 appear on the statewide general election ballot and who was not required to
21 file a statement of economic interest under subsections (1) to (3) of this
22 section shall file with the commission a statement of economic interest as
23 required under ORS 244.060, 244.070 and 244.090.

24 “(5) Subsections (1) to (3) of this section apply only to persons who are
25 incumbent, elected or appointed public officials as of April 15 and to persons
26 who are candidates on April 15.

27 “(6) If a statement required to be filed under this section has not been
28 received by the commission within five days after the date the statement is
29 due, the commission shall notify the public official or candidate and give the
30 public official or candidate not less than 15 days to comply with the re-

1 quirements of this section. If the public official or candidate fails to comply
2 by the date set by the commission, the commission may impose a civil pen-
3 alty as provided in ORS 244.350.

4 **“SECTION 28.** ORS 276A.300 is amended to read:

5 “276A.300. (1) As used in this section:

6 “(a) ‘Executive department’ has the meaning given that term in ORS
7 174.112.

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

13 “(2) The State Chief Information Officer has responsibility for and au-
14 thority over information systems security in the executive department, in-
15 cluding responsibility for taking all measures that are reasonably necessary
16 to protect the availability, integrity or confidentiality of information systems
17 or the information stored in information systems. The State Chief Informa-
18 tion Officer shall, after consultation and collaborative development with
19 agencies, establish a state information systems security plan and associated
20 standards, policies and procedures. The plan must align with and support
21 the Enterprise Information Resources Management Strategy described in
22 ORS 276A.203.

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

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

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

29 “(c) Conduct vulnerability assessments of state agency information sys-
30 tems for the purpose of evaluating and responding to the susceptibility of

1 information systems to attack, disruption or any other event that threatens
2 the availability, integrity or confidentiality of information systems or the
3 information stored in information systems.

4 “(4) The State Chief Information Officer shall contract with qualified,
5 independent consultants for the purpose of conducting vulnerability assess-
6 ments under subsection (3) of this section.

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

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

17 “(b) Promptly alert other persons of the event and of the actions reason-
18 ably necessary to prevent or mitigate the damage caused or threatened by
19 the event;

20 “(c) Implement forensic techniques and controls developed under sub-
21 section (6) of this section;

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

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

26 “(6) After consultation and collaborative development with appropriate
27 agencies and the Oregon Department of Administrative Services, the State
28 Chief Information Officer shall implement forensic techniques and controls
29 for the security of information systems, whether those systems are within,
30 interoperable with or outside the state’s shared computing and network

1 infrastructure. The techniques and controls must include using specialized
2 expertise, tools and methodologies to investigate events that damage or
3 threaten the availability, integrity or confidentiality of information systems
4 or the information stored in information systems. The State Chief Informa-
5 tion Officer shall consult with the Oregon State Police, the [*Office*] **Oregon**
6 **Department** of Emergency Management, the Governor and others as neces-
7 sary in developing forensic techniques and controls under this section.

8 “(7) The State Chief Information Officer shall ensure that reasonably ap-
9 propriate remedial actions are undertaken when the State Chief Information
10 Officer finds that such actions are reasonably necessary by reason of vul-
11 nerability assessments of information systems under subsection (3) of this
12 section, evaluation of events under subsection (5) of this section and other
13 evaluations and audits.

14 “(8)(a) State agencies are responsible for securing computers, hardware,
15 software, storage media, networks, operational procedures and processes used
16 in collecting, processing, storing, sharing or distributing information outside
17 the state’s shared computing and network infrastructure, following informa-
18 tion security standards, policies and procedures established by the State
19 Chief Information Officer and developed collaboratively with the agencies.
20 Agencies may establish plans, standards and measures that are more strin-
21 gent than the standards established by the State Chief Information Officer
22 to address specific agency needs if the plans, standards and measures do not
23 contradict or contravene the state information systems security plan. Inde-
24 pendent agency security plans must be developed within the framework of
25 the state information systems security plan.

26 “(b) A state agency shall report the results of any vulnerability assess-
27 ment, evaluation or audit conducted by the agency to the State Chief Infor-
28 mation Officer for the purposes of consolidating statewide security reporting
29 and, when appropriate, to prompt a state incident response.

30 “(9) This section does not apply to:

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

3 “(b)(A) Gaming systems and networks operated by the Oregon State Lot-
4 tery or contractors of the State Lottery; or

5 “(B) The results of Oregon State Lottery reviews, evaluations and vul-
6 nerability assessments of computer systems outside the state’s shared com-
7 puting and network infrastructure.

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

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

11 “276A.326. (1) The Oregon Cybersecurity Advisory Council is established
12 within the office of the State Chief Information Officer. The council consists
13 of nine voting members appointed by the State Chief Information Officer in
14 consultation with the Governor. A majority of the council’s voting members
15 must be representatives of cyber-related industries in Oregon. The voting
16 members of the council must include at least one representative of post-
17 secondary institutions of education and one representative of public law
18 enforcement agencies in Oregon.

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

21 “(a) The Department of Justice;

22 “(b) The office of the Secretary of State;

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

24 “(d) The Department of Consumer and Business Services;

25 “(e) The Higher Education Coordinating Commission;

26 “(f) The State Workforce and Talent Development Board;

27 “(g) The Employment Department;

28 “(h) The Oregon Business Development Department; or

29 “(i) Any local, county, state, regional, tribal or federal government part-
30 ner.

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

4 “(4) The purposes of the council are to:

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

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

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

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

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

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

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

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

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

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

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

5 “(c) A nonvoting member’s term of office is two years. A nonvoting
6 member is eligible for reappointment.

7 “(d) If there is a vacancy for any cause, the State Chief Information Of-
8 ficer, in consultation with the Governor, shall make an appointment to be-
9 come immediately effective for the unexpired term.

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

12 “(10) Members of the council who are not members of the Legislative
13 Assembly are not entitled to compensation, but the State Chief Information
14 Officer may reimburse a member of the council for actual and necessary
15 travel and other expenses incurred in performing the member’s official du-
16 ties, in the manner and amounts provided for in ORS 292.495, from funds
17 appropriated to the State Chief Information Officer for purposes of the
18 council.

19 “(11) All agencies of state government, as defined in ORS 174.111, are di-
20 rected to assist the council in the performance of the council’s duties and,
21 to the extent permitted by laws relating to confidentiality, shall furnish in-
22 formation and advice the council considers necessary to perform the
23 council’s duties.

24 “**SECTION 30.** ORS 377.833 is amended to read:

25 “377.833. (1) The Department of Transportation shall work together with
26 the Travel Information Council, the [*Office*] **Oregon Department** of Emer-
27 gency Management, the Department of State Police, the Secretary of State
28 and owners of digital billboards to develop a public notification plan for the
29 purpose of using digital billboards to display notifications to the traveling
30 public related to civic activities and public safety. Public notifications in-

1 clude but are not limited to information about the Government Waste
2 Hotline established under ORS 177.170, elections, voter registration, Amber
3 Alerts and natural disasters and other emergencies.

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

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

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

13 **“SECTION 31.** ORS 399.035 is amended to read:

14 “399.035. (1) In addition to the federally recognized Oregon National
15 Guard subject to call or order to federal service under laws of the United
16 States, there shall be organized within the state a National Guard Reserve
17 force. Such force shall be known as the Oregon Civil Defense Force, and
18 shall be composed principally of officers, warrant officers and enlisted per-
19 sons not eligible for general service under federal selective service laws.

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

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

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

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

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

7 “(b) The sheriff of a county in this state may form a volunteer County
8 Civil Defense Force for the purpose of providing emergency response and
9 communications, medical assistance, logistical support and other aid au-
10 thORIZED by the sheriff.

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

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

18 “(A) Members of the Oregon Civil Defense Force;

19 “(B) Employees or volunteers of the state;

20 “(C) In ‘state service,’ as that term is defined in ORS 240.015; or

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

24 “(b) Unless entitled to compensation, reimbursement, benefits or coverage
25 under any other provision of law, volunteers in the Oregon State Police Civil
26 Defense Force or a County Civil Defense Force are not entitled to compen-
27 sation, reimbursement for expenses, workers’ compensation or other insur-
28 ance coverage, public employment benefits or entitlements from the Oregon
29 Military Department, the [Office] **Oregon Department** of Emergency Man-
30 agement or any other state or local agency or government.

1 **“SECTION 32.** ORS 401.096 is amended to read:

2 “401.096. (1) The [*Office*] **Oregon Department** of Emergency Management
3 is designated as the sole agency of the State of Oregon for the purpose of
4 negotiating agreements with the United States Department of Homeland Se-
5 curity or other appropriate federal agency, on behalf of the state, for the
6 acquisition of federal funds for the purpose of providing emergency program
7 management and emergency services.

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

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

13 “(b) An emergency service agency.

14 “(c) A state agency.

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

19 “(4) The [*office*] **department** is authorized to accept and receive federal
20 funds for the purposes of emergency program management and emergency
21 services on behalf of the state, counties, cities and participating tribal gov-
22 ernments.

23 **“SECTION 33.** ORS 401.165 is amended to read:

24 “401.165. (1) The Governor **by proclamation** may declare a state of
25 emergency [*by proclamation*] at the request of a county governing body or
26 after determining that an emergency has occurred or is imminent.

27 “(2) All requests by a county governing body that the Governor declare
28 an emergency shall be sent to the [*Office*] **Oregon Department** of Emer-
29 gency Management. Cities must submit requests through the governing body
30 of the county in which the majority of the city’s property is located. Re-

1 requests from counties shall be in writing and include the following:

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

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

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

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

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

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

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

29 “(6) The governing body of each county shall establish a procedure for
30 receiving, processing and transmitting to the [*Office*] **Oregon Department**

1 of Emergency Management, in a timely manner, a request submitted by a city
2 that the Governor declare [*an*] **a state of** emergency.

3 **“SECTION 34.** ORS 401.239 is amended to read:

4 “401.239. (1) As used in this section:

5 “(a) ‘Broadcaster’ means a person that holds a license issued by the Fed-
6 eral Communications Commission under 47 C.F.R. parts 73, 74, 76 or 78.

7 “(b) ‘First informer’ means an individual:

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

11 “(B) Who is:

12 “(i) Maintaining, including repairing or resupplying, transmitters, gener-
13 ators or other essential equipment at a broadcast station or facility; or

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

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

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

21 “(b) Access the geographic area for the purposes of maintaining trans-
22 mitters, generators or other essential equipment at a broadcast station or
23 facility used to acquire, produce or transmit news or public safety informa-
24 tion related to the **declared state of** emergency; and

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

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

30 “(4) The [*Office*] **Oregon Department** of Emergency Management shall

1 authorize a private entity organized under the laws of this state that re-
2 presents a majority of the broadcasters in this state to establish a program
3 for the issuance of credentials for first informers pursuant to a plan devel-
4 oped by the private entity. The plan to provide credentials to first informers
5 must provide for training first informers regarding:

6 “(a) Risks associated with entering a geographic area subject to a decla-
7 ration of [*an*] **a state of** emergency under ORS 401.165;

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

9 “(c) Best practices for working in a geographic area without hindering
10 or interfering with the conduct of emergency services by an emergency ser-
11 vice agency.

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

16 “**SECTION 35.** ORS 401.305 is amended to read:

17 “401.305. (1) As used in this section, ‘tribal government’ means a federally
18 recognized sovereign tribal government operating within the borders of this
19 state or an intertribal organization formed by two or more federally recog-
20 nized sovereign tribal governments operating within this state.

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

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

29 “(4) When a city or tribal government has an emergency management
30 agency, the city or tribal government, as applicable, and the counties within

1 which the city or tribal government operates shall jointly establish policies
2 that:

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

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

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

9 “(5) Each emergency management agency shall perform emergency pro-
10 gram management functions within the territorial limits of the county, city
11 or tribal government and may perform the functions outside the territorial
12 limits as required under any mutual aid or cooperative assistance agreement
13 or as requested and authorized by the county or city in whose territorial
14 limits the emergency functions are performed.

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

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

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

22 “(c) Coordination with the [*Office*] **Oregon Department** of Emergency
23 Management to integrate effective practices in emergency preparedness and
24 response as provided in the National Incident Management System estab-
25 lished by the Homeland Security Presidential Directive 5 of February 28,
26 2003.

27 “**SECTION 36.** ORS 401.358 is amended to read:

28 “401.358. As used in ORS 401.358 to 401.368:

29 “(1) ‘Emergency service activities’ means:

30 “(a) The provision of emergency services; and

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

5 “(2) ‘Qualified emergency service volunteer’ means a person who is:

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

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

12 “(c) A member of the Oregon Civil Defense Force; or

13 “(d) A building evaluator certified under the Oregon Safety Assessment
14 Program established under ORS 401.256.

15 **“SECTION 37.** ORS 401.368 is amended to read:

16 “401.368. (1) The [*Office*] **Oregon Department** of Emergency Management
17 shall provide workers’ compensation coverage for qualified emergency service
18 volunteers who are injured in the course and scope of performing emergency
19 service activities under the direction of a public body if the injury occurs:

20 “(a) While the volunteer is performing emergency service activities under
21 the direction of the public body during a state of emergency declared under
22 this chapter, or during a state of public health emergency [*proclaimed*] **de-**
23 **clared** under ORS 433.441; or

24 “(b) While the volunteer is engaged in training being conducted or ap-
25 proved by a public body for the purpose of preparing the volunteer to per-
26 form emergency services.

27 “(2) Workers’ compensation coverage shall be provided under this section
28 in the manner provided by ORS 656.039.

29 **“SECTION 38.** ORS 401.551 is amended to read:

30 “401.551. (1) As used in this section:

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

2 “(b) ‘Maintain’ means to repair, perform upkeep on and otherwise keep
3 in good working condition.

4 “(c) ‘Preparedness equipment’ means equipment, vehicles or other per-
5 sonal property that:

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

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

10 “(d) ‘Qualified applicant’ means an entity that has responsibility for or
11 expertise in emergency preparedness and that is a local government, a spe-
12 cial government body, a federally recognized Indian tribe in Oregon or a
13 private organization qualified for federal tax-exempt status under section
14 501(c)(3) of the Internal Revenue Code.

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

18 “(f) ‘Tax-exempt bond’ means a bond, as defined in ORS 286A.001, the re-
19 ceipt of interest on which is excluded from gross income under the Internal
20 Revenue Code or that is eligible for a federal interest subsidy payment or
21 other tax-advantaged status.

22 “(2)(a) [*Before December 31, 2017,*] The Oregon Homeland Security [*Coun-*
23 *cil*] **Commission** shall develop, **and shall periodically revise and update,**
24 a list of preparedness equipment that is needed throughout this state to ad-
25 dress deficiencies in the ability of the state to respond to local and regional
26 emergencies.

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

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

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

11 “(a) Qualified applicants may request preparedness equipment that is
12 identified on the list described in subsection (2) of this section. Applicants
13 must demonstrate a need for the specific preparedness equipment requested,
14 the ability to maintain the preparedness equipment and the ability to use the
15 preparedness equipment to address deficiencies in local or regional emer-
16 gency preparedness.

17 “(b) The [*office*] **department** shall identify which requests from appli-
18 cants, if fulfilled, will maximize the state’s ability to respond to an emer-
19 gency, taking into account considerations that include but are not limited
20 to:

21 “(A) The level of priority assigned to the requested preparedness equip-
22 ment pursuant to subsection (2) of this section;

23 “(B) The level of need for the requested preparedness equipment as dem-
24 onstrated by the applicant;

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

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

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

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

7 “(d) The Public Contracting Code does not apply to the acquisition of
8 preparedness equipment by the [office] **department** or by a recipient pursu-
9 ant to this section. When acquiring preparedness equipment pursuant to this
10 section, the [office] **department** and recipients shall use procurement meth-
11 ods that are impartial and transparent to the greatest extent feasible and are
12 designed to maximize value to the State of Oregon.

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

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

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

21 “(C) Shall specify that the [office] **department** may conduct periodic in-
22 spections of the preparedness equipment as described in paragraph (f) of this
23 subsection.

24 “(D) Shall specify that preparedness equipment distributed to the recipi-
25 ent remains the property of the [office] **department** until it is fully depre-
26 ciated under governmental accounting principles, after which the [office]
27 **department** may offer the preparedness equipment for sale to the recipient
28 at its fair market value at the time of sale.

29 “(E) May permit the recipient to use the preparedness equipment for any
30 purpose, governmental or otherwise, that is permissible for assets financed

1 with tax-exempt bonds, including nonemergency purposes.

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

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

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

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

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

1 “(5) The [*office*] **department** shall adopt rules to administer and imple-
2 ment the provisions of this section.

3 **“SECTION 39.** ORS 401.534 is amended to read:

4 “401.534. (1) The Oregon Disaster Response Fund is established in the
5 State Treasury, separate and distinct from the General Fund. Moneys re-
6 ceived from federal grants for disaster response efforts shall be deposited
7 into the Oregon Disaster Response Fund. Moneys in the fund are contin-
8 uously appropriated to the [*Oregon Military Department*] **Oregon Depart-**
9 **ment of Emergency Management** to be used to:

10 “(a) Help state agencies and local government units with immediate dis-
11 aster response and recovery efforts related to federally declared disasters in
12 this state; and

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

16 “(2) The Oregon Disaster Response Fund may receive gifts, grants, be-
17 quests, endowments and donations from public and private sources for pur-
18 poses related to the fund.

19 “(3) The [*Office of Emergency Management of the Oregon Military Depart-*
20 *ment*] **department** shall adopt rules for the disbursement of moneys from the
21 Oregon Disaster Response Fund.

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

26 “(a) The nature and severity of the disaster;

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

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

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

30 “(e) The rationale for expenditures and allocation of payments to state

1 agencies and local government units.

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

7 **“SECTION 40.** ORS 401.536 is amended to read:

8 “401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Ac-
9 count is established as an account in the Oregon Disaster Response Fund.
10 The account consists of moneys appropriated by the Legislative Assembly
11 and any other moneys deposited into the account pursuant to law.

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

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

18 “(b) Providing loans and grants to local governments, as defined in ORS
19 174.116, and school districts, for the purpose of paying costs incurred by local
20 governments and school districts in response to federally declared disasters;

21 “(c) Providing loans and grants to local governments, as defined in ORS
22 174.116, and school districts for the purposes of paying costs incurred by lo-
23 cal governments and school districts in response to disasters that are not
24 federally declared disasters, as determined by the Legislative Assembly, if
25 all loans and grants provided under paragraphs (a) and (b) of this subsection
26 have been repaid, fulfilled or otherwise satisfied and moneys remain in the
27 account; and

28 “(d) Subject to subsection (5) of this section, paying the department’s ex-
29 penses for administering loans made from the account under paragraph (a)
30 of this subsection.

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

8 “(4) The [*Oregon Military Department*] **Oregon Department of Emer-**
9 **gency Management** shall deposit into the account any amounts repaid on
10 loans made under subsection (2)(a) of this section.

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

15 “(6) An applicant may apply to the [*Oregon Military Department*] **de-**
16 **partment** for a loan under subsection (2)(a) of this section. The department
17 shall consider the application, make a recommendation and submit the ap-
18 plication and recommendation to the Local Disaster Assistance Review
19 Board established under subsection (7) of this section.

20 “(7) The [*Oregon Military Department*] **department** shall establish a Lo-
21 cal Disaster Assistance Review Board to:

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

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

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

28 “(8) The review board shall include:

29 “(a) Three members of county governing bodies, with at least one member
30 representing a county from east of the crest of the Cascade Mountains, with

1 membership determined by the Association of Oregon Counties;

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

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

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

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

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

11 “(g) A representative of the Oregon Department of Administrative Ser-
12 vices; and

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

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

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

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

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

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

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

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

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

1 **“SECTION 41.** ORS 401.552 is amended to read:

2 “401.552. The Resiliency Grant Fund is established in the State Treasury,
3 separate and distinct from the General Fund. Interest earned by the
4 Resiliency Grant Fund must be credited to the fund. The Resiliency Grant
5 Fund consists of moneys deposited in the fund under ORS 401.551 and may
6 include moneys appropriated, allocated, deposited or transferred to the fund
7 by the Legislative Assembly or otherwise and interest earned on moneys in
8 the fund. The moneys in the fund are continuously appropriated to the [*Of-*
9 *fice*] **Oregon Department** of Emergency Management for the purposes
10 specified in ORS 401.551.

11 **“SECTION 42.** ORS 540.482 is amended to read:

12 “540.482. (1) The Water Resources Department shall require the owner of
13 a dam that has a high hazard rating to develop an emergency action plan for
14 the dam.

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

17 “(a) Means for emergency condition detection;

18 “(b) Means for emergency level determination;

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

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

23 “(e) A map of dam failure inundation zones for varying conditions, in-
24 cluding, but not limited to, dry weather conditions and high flood conditions;
25 and

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

27 “(3) A dam owner that develops an emergency action plan required under
28 this section shall file copies of the plan with the **Water Resources** Depart-
29 ment, the [*Office*] **Oregon Department** of Emergency Management and the
30 local emergency services agency for the county where the dam is located.

1 The **Water Resources** Department, in consultation with the *[office]* **Oregon**
2 **Department of Emergency Management** and local emergency services
3 agency, shall periodically review the emergency action plan and may require
4 updates to the plan.

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

9 **“SECTION 43.** ORS 689.645 is amended to read:

10 “689.645. (1) In accordance with rules adopted by the State Board of
11 Pharmacy under ORS 689.205, a pharmacist may:

12 “(a) Administer vaccines:

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

14 “(B) If authorized by the Governor **or the Director of the Oregon De-**
15 **partment of Emergency Management** under ORS 433.441 or the Public
16 Health Director under ORS 433.443 or 433.444, to a person three years of age
17 or older.

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

23 “(c) Using a form prescribed by the board, submit a concept for the de-
24 velopment of a protocol, other than the protocols pharmacists may establish
25 under subsection (5) of this section, to the committee for consideration by
26 the committee and recommendation to the board for adoption by rule of the
27 board.

28 “(d) Prescribe and dispense a drug or device included on the formulary
29 established under subsection (6) of this section if the prescription and dis-
30 pensation is pursuant to a diagnosis by a health care practitioner who has

1 prescriptive authority and is qualified to make the diagnosis.

2 “(2) The board may adopt rules allowing a pharmacist to prescribe vac-
3 cines, provide patient care services and submit protocol concepts under sub-
4 section (1) of this section. The rules related to the prescription of vaccines
5 may be only as broad as necessary to enable pharmacists to enroll and par-
6 ticipate in the Vaccines for Children Program administered by the Centers
7 for Disease Control and Prevention.

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

13 “(4) The board shall adopt rules relating to the reporting of the pre-
14 scription and administration of vaccines to a patient’s primary health care
15 provider and to the Oregon Health Authority.

16 “(5) The board shall adopt rules requiring pharmacists to establish pro-
17 tocols for the prescription and administration of vaccines and the provision
18 of patient care services under subsection (1) of this section.

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

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

27 **“SECTION 44.** ORS 401.654 is amended to read:

28 “401.654. (1) The Oregon Health Authority may establish an emergency
29 health care provider registry that includes emergency health care providers
30 who are available to provide health care services during an emergency or

1 crisis. As a condition of inclusion in the registry, the authority may require:

2 “(a) Training related to the provision of health care services in an emer-
3 gency or crisis as a condition of registration; and

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

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

9 “(a) Identify the health care provider;

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

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

16 “(d) Identify the health care provider’s usual area of practice, and the
17 types of health care that the health care provider is authorized to provide,
18 if that information is available and the authority determines that it is ap-
19 propriate to provide that information.

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

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

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

28 “**SECTION 45.** ORS 401.900 is amended to read:

29 “401.900. (1) Each state or local agency shall drill agency employees
30 working in office buildings on emergency procedures so that the employees

1 may respond to an earthquake emergency without confusion or panic.

2 “(2) The state or local agency shall conduct the drills annually in ac-
3 cordance with [*Office*] **Oregon Department** of Emergency Management
4 rules.

5 “(3) The drills must include familiarization with routes and methods of
6 exiting the building and the earthquake emergency response procedure re-
7 commended by the Federal Emergency Management Agency known as ‘drop,
8 cover and hold on.’

9 “(4) Consistent with rules of the [*Office of Emergency Management*] **de-**
10 **partment**, the state or local agency may drill earthquake emergency re-
11 sponse procedures in addition to ‘drop, cover and hold on’ when the state or
12 local agency determines, based on evaluation of specific engineering and
13 structural issues related to an office building, that ‘drop, cover and hold
14 on’ may not be the most effective earthquake emergency response procedure
15 to prevent or limit injury or loss of life.

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

18 “(6) As used in this section, ‘state or local agency’ means a state or local
19 office, department, division, bureau, board or commission that is assigned,
20 renting, leasing, owning or controlling office space for carrying out its du-
21 ties. ‘State or local agency’ includes the Legislative Assembly when in reg-
22 ular session.

23 **“SECTION 46.** ORS 401.902 is amended to read:

24 “401.902. (1) A person employing 250 or more full-time employees within
25 this state shall drill employees working in office buildings on emergency
26 procedures so that the employees may respond to an earthquake emergency
27 without confusion or panic.

28 “(2) The person shall conduct the drills annually in accordance with [*Of-*
29 *fice*] **Oregon Department** of Emergency Management rules.

30 “(3) The drills must include familiarization with routes and methods of

1 exiting the building and the earthquake emergency response procedure re-
2 commended by the Federal Emergency Management Agency known as ‘drop,
3 cover and hold on.’

4 “(4) Consistent with rules of the [*Office of Emergency Management*] **de-**
5 **partment**, the person may drill earthquake emergency response procedures
6 in addition to ‘drop, cover and hold on’ when the person determines, based
7 on evaluation of specific engineering and structural issues related to an of-
8 fice building, that ‘drop, cover and hold on’ may not be the most effective
9 earthquake emergency response procedure to prevent or limit injury or loss
10 of life.

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

13 **“SECTION 47.** ORS 401.904 is amended to read:

14 “401.904. The [*Office*] **Oregon Department** of Emergency Management,
15 in consultation with the State Department of Geology and Mineral Indus-
16 tries, shall adopt rules governing the conduct of earthquake emergency drills
17 required by ORS 401.900 and 401.902. In addition to the [*office*] **Oregon**
18 **Department of Emergency Management** submitting the rules for publi-
19 cation pursuant to ORS 183.360, the [*office and the department*] **departments**
20 shall each post the rules on an electronic bulletin board, home page or sim-
21 ilar site.

22 **“SECTION 48.** ORS 401.910 is amended to read:

23 “401.910. (1) The Oregon Business Development Department shall develop
24 a grant program for the disbursement of funds for the seismic rehabilitation
25 of critical public buildings, including hospital buildings with acute inpatient
26 care facilities, fire stations, police stations, sheriffs’ offices, other facilities
27 used by state, county, district or municipal law enforcement agencies and
28 buildings with a capacity of 250 or more persons that are routinely used for
29 student activities by kindergarten through grade 12 public schools, commu-
30 nity colleges, education service districts and institutions of higher education,

1 including but not limited to public universities listed in ORS 352.002. The
2 Oregon Infrastructure Finance Authority established in the department by
3 ORS 285A.096 shall administer the grant program developed under this sec-
4 tion. The funds for the seismic rehabilitation of critical public buildings
5 under the grant program are to be provided from the issuance of bonds pur-
6 suant to the authority provided in Articles XI-M and XI-N of the Oregon
7 Constitution.

8 “(2) The grant program shall include the appointment of a grant commit-
9 tee. The grant committee may be composed of any number of persons with
10 qualifications that the authority determines necessary. However, the au-
11 thority shall include persons with experience in administering state grant
12 programs and representatives of entities with responsibility over critical
13 public buildings. The authority shall also include as permanent members
14 representatives of:

15 “(a) The [*Office*] **Oregon Department** of Emergency Management;

16 “(b) The State Department of Geology and Mineral Industries;

17 “(c) The Seismic Safety Policy Advisory Commission;

18 “(d) The Oregon Department of Administrative Services;

19 “(e) The Department of Education;

20 “(f) The Oregon Health Authority;

21 “(g) The Oregon Fire Chiefs Association;

22 “(h) The Oregon Association Chiefs of Police;

23 “(i) The Oregon Association of Hospitals and Health Systems; and

24 “(j) The Confederation of Oregon School Administrators.

25 “(3) The authority shall determine the form and method of applying for
26 grants from the grant program, the eligibility requirements for grant appli-
27 cants, and general terms and conditions of the grants. The authority shall
28 also provide that the grant committee review grant applications and make
29 a determination of funding based on a scoring system that is directly related
30 to the statewide needs assessment performed by the State Department of

1 Geology and Mineral Industries. Additionally, the grant process may:

2 “(a) Require that the grant applicant provide matching funds for com-
3 pletion of any seismic rehabilitation project.

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

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

10 “(d) Provide that applicants release the state, the authority and the grant
11 committee from any claims of liability for providing funding for seismic re-
12 habilitation.

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

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

19 **“SECTION 49.** ORS 401.915 is amended to read:

20 “401.915. (1) There is established a Seismic Safety Policy Advisory Com-
21 mission consisting of the following members:

22 “(a) The chief officer or the chief officer’s designee of the following:

23 “(A) Department of Consumer and Business Services;

24 “(B) State Department of Geology and Mineral Industries;

25 “(C) Department of Land Conservation and Development;

26 “(D) Department of Transportation; and

27 “(E) [*Office*] **Oregon Department** of Emergency Management; and

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

29 “(A) One representative of local government;

30 “(B) Six members representing the public interest, including:

1 “(i) One representative of a school district, community college or univer-
2 sity;

3 “(ii) Two members of the Legislative Assembly; and

4 “(iii) Three members of the general public; and

5 “(C) Six members representing affected industries or stakeholders.

6 “(2) The term of office of each member, except a member of the Legislative
7 Assembly, appointed under subsection (1)(b) of this section is four years, but
8 a member serves at the pleasure of the Governor. The term of office of a
9 member of the Legislative Assembly expires at the end of the term for which
10 the member is elected. Before the expiration of the term of a member, the
11 Governor shall appoint a successor whose term begins on July 1 next fol-
12 lowing. A member is eligible for reappointment. If there is a vacancy for any
13 cause, the Governor shall make an appointment to become immediately ef-
14 fective for the unexpired term.

15 “**SECTION 50.** ORS 401.922 is amended to read:

16 “401.922. The [*Office*] **Oregon Department** of Emergency Management
17 shall provide technical, clerical and other necessary support services to the
18 Seismic Safety Policy Advisory Commission. The Department of Consumer
19 and Business Services, the State Department of Geology and Mineral Indus-
20 tries, the Department of Land Conservation and Development, the Depart-
21 ment of Transportation, the Oregon Health Authority, the Water Resources
22 Department and the public universities listed in ORS 352.002 shall provide
23 assistance, as required, to the commission to enable it to meet its objectives.

24 “**SECTION 51.** ORS 401.950 is amended to read:

25 “401.950. (1) As used in this section:

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

30 “(b) ‘Tsunami inundation zone’ means an area of expected tsunami

1 inundation, based on scientific evidence that may include geologic field data
2 and tsunami modeling, determined by the governing board of the State De-
3 partment of Geology and Mineral Industries, by rule, as required by ORS
4 455.446 (1) and (2).

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

8 “(a) Develop and adopt by rule tsunami warning information and evacu-
9 ation plans for distribution to transient lodging facilities located in a
10 tsunami inundation zone; and

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

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

17 **“SECTION 52.** ORS 401.952 is amended to read:

18 “401.952. (1) The [*Office*] **Oregon Department** of Emergency Manage-
19 ment, in consultation with the State Department of Geology and Mineral
20 Industries, shall establish by rule a uniform tsunami warning signal, in-
21 cluding rules specifying the type, duration and volume of the warning signal
22 and the location of warning signal delivery devices, for use on the Oregon
23 coast.

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

27 **“SECTION 53.** ORS 401.955 is amended to read:

28 “401.955. The [*Office*] **Oregon Department** of Emergency Management
29 or the State Department of Geology and Mineral Industries may seek and
30 accept gifts, grants and donations from any source to finance all or part of

1 the duties assigned under ORS 401.950 and 401.952.

2 **“SECTION 54.** ORS 401.975 is amended to read:

3 “401.975. The Legislative Assembly finds that:

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

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

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

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

18 **“SECTION 55.** ORS 401.977 is amended to read:

19 “401.977. (1) As used in this section:

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

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

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

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

1 consider:

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

4 “(b) Establishing a sufficient number of evacuation shelters equipped to
5 temporarily shelter companion animals and service animals in close proxim-
6 ity to a human sheltering facility;

7 “(c) Allowing owners and their companion animals to be evacuated to-
8 gether whenever possible;

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

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

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

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

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

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

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

29 **“SECTION 56.** ORS 401.978 is amended to read:

30 “401.978. (1) As used in this section, ‘livestock’ means cattle, horses, sheep

1 and any other animals designated by the State Department of Agriculture.

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

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

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

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

13 “(c) Creating and promoting an educational campaign for owners of live-
14 stock that will:

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

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

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

21 **“SECTION 57.** ORS 402.015 is amended to read:

22 “402.015. In carrying out the provisions of ORS chapter 401, the Governor
23 and the executive officers or governing bodies of the counties and cities may
24 request and utilize the services, equipment, supplies and facilities of existing
25 departments, offices and agencies of the state and of local governments. The
26 officers and personnel of all local government departments, offices and
27 agencies may cooperate with, and extend such services and facilities to the
28 Governor, to the [Office] **Oregon Department** of Emergency Management
29 and to emergency management agencies and emergency service agencies upon
30 request.

1 **“SECTION 58.** ORS 402.020 is amended to read:

2 “402.020. The state shall reimburse a local government for the compen-
3 sation paid and the actual and necessary travel, subsistence and maintenance
4 expenses of employees of the local government while actually serving at the
5 direction of the Governor or the Director of the [*Office*] **Oregon Depart-**
6 **ment** of Emergency Management in a state function or capacity.

7 **“SECTION 59.** ORS 402.210 is amended to read:

8 “402.210. (1) There is created an intrastate mutual assistance agreement
9 called the Oregon Resource Coordination Assistance Agreement.

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

12 “(b) A local government may opt out of participation in the agreement
13 by adopting a resolution or ordinance so declaring and transmitting a copy
14 of the resolution or ordinance to the Director of the [*Office*] **Oregon De-**
15 **partment** of Emergency Management.

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

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

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

23 “(c) An opt-in by a tribal government is effective upon receipt by the di-
24 rector of a copy of the resolution.

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

26 “(a) Requests assistance from another participant whenever an event oc-
27 curs; and

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

30 “(5) The agreement does not:

1 “(a) Require a participant to provide resources to a requesting partic-
2 ipant.

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

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

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

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

11 “(b) Requirements for recordkeeping by participants; and

12 “(c) Other procedures and guidelines that the [*office*] **department** con-
13 siders necessary to implement the agreement in an effective and efficient
14 manner.

15 “**SECTION 60.** ORS 402.230 is amended to read:

16 “402.230. (1) The intent of the intrastate mutual assistance agreement
17 created under ORS 402.210 is to provide for nonreimbursable assistance to a
18 requesting participant.

19 “(2) Notwithstanding subsection (1) of this section, a responding partic-
20 ipant may request reimbursement and a requesting participant may reim-
21 burse the responding participant.

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

24 “(4) Request and provision of reimbursement are the sole responsibility
25 of the requesting and responding participants. The [*Office*] **Oregon Depart-**
26 **ment** of Emergency Management is not responsible for requesting or pro-
27 viding reimbursement unless the [*office*] **department** is a requesting or
28 responding participant.

29 “(5) If a dispute regarding reimbursement arises between a requesting
30 participant and a responding participant, the involved participants shall

1 make every effort to resolve the dispute within 30 days of written notice of
2 the dispute given by the participant asserting noncompliance to the other
3 participant.

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

8 “**SECTION 61.** ORS 403.120 is amended to read:

9 “403.120. (1) The [*Office*] **Oregon Department** of Emergency Management
10 shall:

11 “(a) Except as otherwise provided by law, adopt rules relating to the
12 emergency communications system, as deemed necessary by the [*office*] **de-**
13 **partment.**

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

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

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

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

25 “(B) Account and subaccount balances.

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

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

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

1 and

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

4 **“SECTION 62.** ORS 403.130 is amended to read:

5 “403.130. (1) A 9-1-1 jurisdiction shall create and maintain a 9-1-1 juris-
6 diction plan for emergency communications services provided within a 9-1-1
7 service area pursuant to ORS 403.105 to 403.250 and rules adopted by the
8 [Office] **Oregon Department** of Emergency Management. The 9-1-1 jurisdic-
9 tion shall submit the 9-1-1 jurisdiction plan to:

10 “(a) The [office] **department**;

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

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

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

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

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

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

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

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

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

29 “(5) Each 9-1-1 jurisdiction shall submit to the [Office of Emergency
30 Management] **department** in writing within 30 days any change to a public

1 safety answering point that alters the approved 9-1-1 jurisdiction plan on file
2 with the [office] **department**. The changes may include, but are not limited
3 to:

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

5 “(b) Telephone numbers used to satisfy requirements set forth in ORS
6 403.115;

7 “(c) Director changes;

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

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

11 “(6) If an established 9-1-1 jurisdiction proposes to move a public safety
12 answering point to another location or a governing body proposes to estab-
13 lish a new 9-1-1 jurisdiction with a new primary public safety answering
14 point, and if either of these proposals will result in control of the 9-1-1 ser-
15 vice area by an agency or agencies other than the agency or agencies iden-
16 tified in the approved 9-1-1 jurisdiction plan filed with the [office]
17 **department**, the 9-1-1 jurisdiction or governing body shall submit a revised
18 9-1-1 jurisdiction plan setting forth the changes to:

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

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

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

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

28 “(8) The [office] **department** shall review the revised 9-1-1 jurisdiction
29 plan for compliance with the requirements imposed under ORS 403.105 to
30 403.250 and rules adopted pursuant to ORS 403.120 and, if the [office] **de-**

1 **partment** determines that the plan is in compliance, approve the plan.

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

7 **“SECTION 63.** ORS 403.132 is amended to read:

8 “403.132. (1) At the request of a law enforcement agency, a provider of
9 communications service for cellular devices shall provide the call location
10 information, or the best available location information, of a cellular device
11 that is:

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

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

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

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

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

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

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

30 “(3) Emergency contact information submitted by a provider of communi-

1 cations service for cellular devices under this section must be submitted by
2 June 15 of each year or immediately after a change in contact information.

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

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

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

11 “**SECTION 64.** ORS 403.160 is amended to read:

12 “403.160. (1) All disputes between a governing body, 9-1-1 jurisdiction and
13 public or private safety agency regarding the emergency communications
14 system must be mediated if the dispute cannot be resolved in accordance with
15 a written agreement. When a governing body or 9-1-1 jurisdiction obtains
16 knowledge that a dispute exists and cannot be resolved by the agencies, the
17 governing body or the 9-1-1 jurisdiction shall notify the [Office] **Oregon**
18 **Department** of Emergency Management of the dispute in writing. Within
19 30 days after this notification, the disputing agencies shall mutually select
20 a mediator and notify the [office] **department** in writing of this selection.
21 If a mediator is not mutually selected by the agencies within this period, the
22 Director of the [Office] **Oregon Department** of Emergency Management
23 shall select a mediator from the list of mediators established under sub-
24 section (3) of this section. Once selected, the mediator shall establish a
25 schedule for the mediation process. The disputing agencies shall resolve the
26 dispute within 60 days after the date the mediator is agreed upon or selected
27 unless the agencies mutually agree in writing to an extension of this dead-
28 line. A copy of all extensions must be submitted to the [office] **department**.

29 “(2) When the mediation process in subsection (1) of this section ends, the
30 mediator shall notify the [office] **department** in writing of the outcome of

1 the mediation. If the agencies are not able to resolve their dispute through
2 mediation, the 9-1-1 jurisdiction or governing body and public or private
3 safety agency or agencies shall submit the dispute to arbitration. The agen-
4 cies shall select an arbitrator within 30 days after the end of the mediation.
5 If the disputing agencies are unable to mutually select an arbitrator within
6 this period, the director shall request the presiding judge for the judicial
7 district in which the 9-1-1 service area is located to select an arbitrator. The
8 arbitrator shall hear and decide the dispute within 30 days after selection
9 unless the agencies mutually agree in writing to an extension of this dead-
10 line. A party to an arbitration under this subsection may seek confirmation,
11 vacation, modification or correction of the arbitrator’s decision as provided
12 in ORS 36.700, 36.705 and 36.710. A court may vacate a decision only if there
13 is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d). The
14 court may modify or correct a decision only for the grounds given in ORS
15 36.710.

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

19 “(4) Unless otherwise agreed upon, the costs of the mediation or arbi-
20 tration, including the mediator’s or arbitrator’s fees, must be divided equally
21 among the disputing agencies.

22 “**SECTION 65.** ORS 403.165 is amended to read:

23 “403.165. (1) The [*Office*] **Oregon Department** of Emergency Management
24 may institute proceedings against a public or private safety agency, a 9-1-1
25 jurisdiction or other person to compel compliance with or to restrain further
26 violation of ORS 305.823 and 403.105 to 403.250 or rules adopted pursuant to
27 ORS 403.120.

28 “(2) Proceedings authorized by subsection (1) of this section may be in-
29 stituted without official notice, hearing or order provided in ORS chapter
30 183. However, proceedings brought against a telecommunications utility must

1 be brought before the Public Utility Commission as provided by ORS chapter
2 756.

3 **“SECTION 66.** ORS 403.170 is amended to read:

4 “403.170. (1) The [*Office*] **Oregon Department** of Emergency Management
5 may enter into an agreement with the Confederated Tribes of the Warm
6 Springs Reservation of Oregon for the purpose of forming an entity to par-
7 ticipate in the emergency communications system.

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

9 “(a) Is a 9-1-1 jurisdiction for purposes of ORS 305.823 and 403.105 to
10 403.250.

11 “(b) Shall comply with all state and federal law applicable to 9-1-1 juris-
12 dictions.

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

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

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

20 **“SECTION 67.** ORS 403.235 is amended to read:

21 “403.235. (1) The Emergency Communications Account is established **in**
22 **the State Treasury**, separate and distinct from the General Fund [*in the*
23 *State Treasury*]. All moneys received by the Department of Revenue pursuant
24 to ORS 403.200 to 403.230 and interest thereon must be paid to the State
25 Treasurer to be held in a suspense account established under ORS 293.445.
26 After payment of refunds, the balance of the moneys received must be paid
27 into the State Treasury and credited to the Emergency Communications Ac-
28 count. Interest earned by the account must be credited to the 9-1-1 Subac-
29 count established under subsection (2) of this section. All moneys in the
30 Emergency Communications Account are continuously appropriated to the

1 [Office] **Oregon Department** of Emergency Management and must be used
2 for the purposes described in ORS 403.240.

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

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

12 “403.240. (1) The [Office] **Oregon Department** of Emergency Management
13 shall distribute quarterly the entire amount of the moneys in the Emergency
14 Communications Account. The [office] **department** shall pay the following
15 amounts from the account:

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

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

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

30 “(a) Provide funding for the Oregon Emergency Response System in an

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

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

6 “(3) The [office] **department** shall use funds in the 9-1-1 Subaccount to
7 pay for costs incurred during the preceding calendar quarter for emergency
8 communications services provided by a 9-1-1 jurisdiction under ORS 403.105
9 to 403.250. The [office] **department** may not disburse funds in the 9-1-1 Sub-
10 account to a 9-1-1 jurisdiction that does not have an approved 9-1-1 jurisdic-
11 tion plan under ORS 403.130. The [office] **department** shall make payments
12 for costs of the emergency communications system on behalf of a 9-1-1 ju-
13 risdiction, or make reimbursement to the 9-1-1 jurisdiction for such costs,
14 only after a reimbursement or payment request has been submitted to the
15 [office] **department** in the manner prescribed by the [office] **department**.
16 Reimbursement or payment requests for recurring and nonrecurring charges
17 necessary to enable the 9-1-1 jurisdiction to comply with ORS 403.105 to
18 403.250 must be submitted directly to the [office] **department**. The costs
19 reimbursable or payable under this subsection are only those costs incurred
20 for:

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

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

24 “(c) Database development, operation and maintenance;

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

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

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

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

30 “(h) An employee of a 9-1-1 jurisdiction obtaining certification as a tele-

1 communicator or emergency medical dispatcher from the Department of
2 Public Safety Standards and Training under ORS 181A.560.

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

13 “(5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from
14 an account or subaccount established in ORS 403.235 to repay loans from the
15 Special Public Works Fund if the loans were used for purposes that are al-
16 lowable under ORS 403.105 to 403.250.

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

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

25 “(8) After all amounts under subsections (1) and (2) of this section and
26 ORS 403.235 (2) have been paid, the [*office*] **department** shall allocate the
27 balance of the Emergency Communications Account to cities on a per capita
28 basis and to counties on a per capita basis of each county’s unincorporated
29 area for distribution directly to 9-1-1 jurisdictions as directed by the city or
30 county. However, each county must be credited a minimum of one percent

1 of the balance of the account after the amounts under subsections (1) and (2)
2 of this section and ORS 403.235 (2) have been paid.

3 “(9) 9-1-1 jurisdictions shall submit an accounting report to the [office]
4 **department** annually. The report must be provided in the manner prescribed
5 by the [office] **department** and must include but not be limited to:

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

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

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

12 **“SECTION 69.** ORS 403.250 is amended to read:

13 “403.250. (1) The Director of the [Office] **Oregon Department** of Emer-
14 gency Management shall establish by administrative rule the minimum
15 standards for a primary public safety answering point.

16 “(2) If a primary public safety answering point does not meet the mini-
17 mum standards established under subsection (1) of this section within 45 days
18 after receipt of written notice from the [Office] **Oregon Department** of
19 Emergency Management, the [office] **department** shall designate an alter-
20 nate primary public safety answering point that meets the minimum stan-
21 dards and cause calls to be rerouted to the designated primary public safety
22 answering point.

23 **“SECTION 70.** ORS 403.415 is amended to read:

24 “403.415. (1) Subject to subsection (3) of this section, the [Office] **Oregon**
25 **Department** of Emergency Management shall enter into a contract with a
26 2-1-1 system facilitator to design, implement and support a statewide 2-1-1
27 system.

28 “(2) The contract shall ensure that the 2-1-1 system facilitator develops
29 and maintains a statewide resources database that contains information re-
30 garding services after an emergency and health and human services input

1 by designated regional information centers.

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

6 “**SECTION 71.** ORS 403.425 is amended to read:

7 “403.425. Before a state agency that provides health and human services
8 establishes a new public information hotline, the state agency shall consult
9 with the [Office] **Oregon Department** of Emergency Management about us-
10 ing the 2-1-1 system to provide public access to the information.

11 “**SECTION 72.** ORS 403.430 is amended to read:

12 “403.430. (1) The [Office] **Oregon Department** of Emergency Management
13 may accept contributions of moneys and assistance from the federal govern-
14 ment or its agencies or from any other source, public or private, and agree
15 to conditions placed on the moneys not inconsistent with the purpose of es-
16 tablishing a statewide 2-1-1 system.

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

21 “**SECTION 73.** ORS 403.435 is amended to read:

22 “403.435. The 2-1-1 Account is established in the State Treasury, separate
23 and distinct from the General Fund. All moneys received by the [Office]
24 **Oregon Department** of Emergency Management for the 2-1-1 system under
25 ORS 403.430 shall be deposited into the account and are continuously ap-
26 propriated to the [Office] **Oregon Department** of Emergency Management
27 to be used only for the implementation and support of the 2-1-1 system.

28 “**SECTION 74.** ORS 403.450 is amended to read:

29 “403.450. (1) The State Interoperability Executive Council is created under
30 the State Chief Information Officer to be the statewide interoperability gov-

1 erving body serving as the primary steering group for the Oregon Statewide
2 Communication Interoperability Plan. The membership of the council con-
3 sists of:

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

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

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

10 “(b) The following members appointed by the Governor:

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

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

14 “(C) One member from the State Forestry Department;

15 “(D) One member from the Department of Corrections;

16 “(E) One member from the Department of Transportation;

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

18 “(G) One member from the Oregon Health Authority;

19 “(H) One member from the Oregon Military Department;

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

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

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

25 “(L) One member of the public.

26 “(c) The following members appointed by the Governor with the concur-
27 rence of the President of the Senate and the Speaker of the House of Rep-
28 resentatives:

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

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

1 “(C) One member from the Oregon State Sheriffs’ Association;
2 “(D) One member from the Association of Oregon Counties;
3 “(E) One member from the League of Oregon Cities;
4 “(F) One member from the Special Districts Association of Oregon;
5 “(G) One member who is an information technology officer of an Oregon
6 city;

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

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

11 “(J) One member of the public who works or resides in Federal Commu-
12 nications Commission Region 35.

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

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

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

23 **“SECTION 75.** ORS 465.505 is amended to read:

24 “465.505. (1) In addition to any other applicable federal or state law and
25 regulation, the following waste minimization requirements shall apply to dry
26 cleaning facilities:

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

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

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

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

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

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

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

18 “(g) Every dry cleaning facility shall install secondary containment sys-
19 tems capable of containing dry cleaning solvent under and around each ma-
20 chine or item of equipment in which any dry cleaning solvent is used, treated
21 or stored; and

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

24 “(2) The Department of Environmental Quality may authorize the use of
25 alternative measures at a dry cleaning facility in lieu of one or more of the
26 measures described under subsection (1) of this section upon proof satisfac-
27 tory to the department that the alternative measures can provide equivalent
28 protection for public health and the environment, can achieve equivalent
29 waste minimization and are consistent with other applicable laws and regu-
30 lations.

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

7 “(4) Notwithstanding any law to the contrary, a dry cleaning operator for
8 a facility having a release of dry cleaning solvents shall immediately report
9 any release exceeding one pound to the notification system managed by the
10 [Office] **Oregon Department** of Emergency Management pursuant to ORS
11 401.094.

12 “(5) The Environmental Quality Commission shall adopt rules necessary
13 to implement ORS 465.200 and 465.500 to 465.545, including but not limited
14 to rules implementing the recommendations of the advisory group established
15 under ORS 465.507 or requiring the implementation of new waste minimiza-
16 tion technologies.

17 **“SECTION 76.** ORS 466.635 is amended to read:

18 “466.635. Any person owning or having control over any oil or hazardous
19 material who has knowledge of a spill or release shall immediately notify the
20 [Office] **Oregon Department** of Emergency Management as soon as that
21 person knows the spill or release is a reportable quantity.

22 **“SECTION 77.** ORS 824.088 is amended to read:

23 “824.088. (1) Each railroad that gives notice to the United States Depart-
24 ment of Transportation of an incident that occurs during the course of
25 transporting hazardous materials as defined by federal regulations shall also
26 give notice of the incident to the Director of the [Office] **Oregon Depart-**
27 **ment** of Emergency Management.

28 “(2) As soon as reasonably practicable, each railroad shall notify the di-
29 rector by telephone or similar means of communication of any derailment
30 or fire involving or affecting hazardous material.

1 “(3) To facilitate expedited and accurate notice to the director under this
2 section, each train transporting hazardous materials in this state shall be
3 equipped with at least two radio transmitter-receivers in good working order.
4 In addition, 18 months after October 4, 1977, trains over 2,000 feet in length
5 that are transporting hazardous materials shall be equipped with a radio
6 handset in good working order capable of communicating with the radio
7 transmitter-receivers. If the equipment required under this section does not
8 function while the train is en route, the train may proceed to the next point
9 of crew change where the equipment shall be replaced or repaired.

10 **“SECTION 78.** ORS 30.269 is amended to read:

11 “30.269. (1) Punitive damages may not be awarded on any claim subject
12 to ORS 30.260 to 30.300.

13 “(2) Claims subject to ORS 30.260 to 30.300 are not subject to the limita-
14 tion imposed by ORS 31.710.

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

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

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

30 “(6) Liability of any public body and one or more of its officers, employees

1 or agents, or two or more officers, employees or agents of a public body, on
2 claims arising out of a single accident or occurrence, may not exceed in the
3 aggregate the amounts allowed by ORS 30.271, 30.272 and 30.273.

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

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

12 “**SECTION 79.** ORS 401.364 is amended to read:

13 “401.364. (1) A qualified emergency service volunteer is an agent of a
14 public body under ORS 30.260 to 30.300 for the purpose of acts and omissions
15 of the volunteer that are within the course and scope of the volunteer’s du-
16 ties if the acts or omissions occur:

17 “(a) While the volunteer is performing emergency service activities under
18 the direction of the public body during a state of emergency declared under
19 this chapter, or during a state of public health emergency [*proclaimed*] **de-**
20 **clared** under ORS 433.441; or

21 “(b) While the volunteer is engaged in training being conducted or ap-
22 proved by a public body for the purpose of preparing the volunteer to per-
23 form emergency services.

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

27 “**SECTION 80.** ORS 401.655 is amended to read:

28 “401.655. During a state of emergency declared under ORS 401.165 or a
29 state of public health emergency [*proclaimed*] **declared** under ORS 433.441,
30 a health care provider who is licensed, certified or otherwise authorized or

1 permitted by the laws of another state to administer health care services and
2 who is registered under ORS 401.654 may administer health care services in
3 this state as if the health care provider were licensed in this state.

4 **SECTION 81.** ORS 401.657 is amended to read:

5 “401.657. (1) The Oregon Health Authority may designate all or part of a
6 health care facility or other location as an emergency health care center. If
7 the Governor declares a state of emergency under ORS 401.165, or
8 [*proclaims*] **declares** a state of public health emergency under ORS 433.441,
9 emergency health care centers may be used for:

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

11 “(b) Provision of health care services; and

12 “(c) Preparation of patients for transportation.

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

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

24 **SECTION 82.** ORS 401.658 is amended to read:

25 “401.658. (1) The Oregon Health Authority may include in the emergency
26 health care provider registry established under ORS 401.654 a person who
27 was previously licensed, certified or otherwise authorized to provide health
28 care services in Oregon by a health professional regulatory board if:

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

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

3 “(2) Notwithstanding any other law prohibiting a person from providing
4 health care services without a license, certificate or other authorization from
5 a health professional regulatory board, a person entered in the emergency
6 health care provider registry under subsection (1) of this section may provide
7 health care services during a state of emergency declared under ORS 401.165
8 or a state of public health emergency [*proclaimed*] **declared** under ORS
9 433.441 without a license, certification or other authorization if:

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

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

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

18 “(a) Educational requirements;

19 “(b) Training requirements;

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

22 “(d) Verification that the previous licenses, certifications or other au-
23 thorization of the person was not revoked by reason of unprofessional con-
24 duct or any other reason that would affect the person’s ability to safely
25 provide health care services; and

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

29 **“SECTION 83.** ORS 401.661 is amended to read:

30 “401.661. If the Governor declares a state of emergency under ORS 401.165

1 or [*proclaims*] **declares** a state of public health emergency under ORS
2 433.441:

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

8 “(2) Pursuant to the Emergency Management Assistance Compact and the
9 Pacific Northwest Emergency Management Arrangement, the Oregon Health
10 Authority may direct emergency health care providers registered under ORS
11 401.654 who are willing to provide health care services in another state to
12 proceed to another state where emergency health care services are required
13 by reason of an emergency in that state; and

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

18 “**SECTION 84.** ORS 401.667 is amended to read:

19 “401.667. (1) If the Governor declares a state of emergency under ORS
20 401.165, or [*proclaims*] **declares** a state of public health emergency under
21 ORS 433.441, emergency health care providers registered under ORS 401.654
22 and other health care providers who volunteer to perform health care ser-
23 vices under ORS 401.651 to 401.670 are agents of the state under ORS 30.260
24 to 30.300 for the purposes of any claims arising out of services that are
25 provided under ORS 401.651 to 401.670 pursuant to directions from a public
26 body and that are within the course and scope of the health care provider’s
27 duties, without regard to whether the health care provider is compensated
28 for the services.

29 “(2) If the Governor declares a state of emergency under ORS 401.165, or
30 [*proclaims*] **declares** a state of public health emergency under ORS 433.441,

1 health care facilities designated under ORS 401.657 and other persons oper-
2 ating emergency health care centers designated under ORS 401.657 are agents
3 of the state under ORS 30.260 to 30.300 for the purposes of any claims arising
4 out of services that are provided through those centers or facilities under
5 ORS 401.651 to 401.670 pursuant to directions from a public body and that
6 are within the course and scope of the duties of the health care facility or
7 other person, without regard to whether the health care facility or other
8 person is compensated for the services.

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

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

20 “**SECTION 85.** ORS 433.448 is amended to read:

21 “433.448. (1)(a) During a state of public health emergency [*proclaimed*]
22 **declared** under ORS 433.441 or during a state of emergency declared under
23 ORS 401.165 that is related to a state of public health emergency that has
24 not expired, the immunization registry and tracking and recall system es-
25 tablished under ORS 433.094 may be used as a vaccination management and
26 tracking system for the purpose of preventing the spread of diseases that can
27 be prevented by vaccination or for tracking the mass administration of an-
28 tibiotic prophylaxis.

29 “(b) When being used as authorized by this section, an immunization
30 registry may include persons of any age, and vaccination records may be

1 shared with authorized users of the registry for purposes related to the
2 [*proclaimed*] **declared** state of public health emergency without obtaining the
3 prior authorization of the clients of the registry.

4 “(2) As used in this section, ‘client’ and ‘immunization registry’ have the
5 meaning given those terms in ORS 433.090.

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

8 “**Sec. 1.** The Fuel Storage Facility Compatibility Fund is established in
9 the State Treasury, separate and distinct from the General Fund. Interest
10 earned by the Fuel Storage Facility Compatibility Fund shall be credited to
11 the fund. The Fuel Storage Facility Compatibility Fund consists of any
12 moneys deposited in the fund from whatever source and may include moneys
13 appropriated, allocated, deposited or transferred to the fund by the Legisla-
14 tive Assembly or otherwise and interest earned on moneys in the fund. The
15 moneys in the fund are continuously appropriated to the [*Office*] **Oregon**
16 **Department** of Emergency Management for the purposes specified in section
17 **3, chapter 85, Oregon Laws 2016** [*of this 2016 Act*].

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

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

23 “(2) Pursuant to the grant program:

24 “(a) The [*office*] **department** may solicit and receive applications for
25 grants from owners or operators of cardlock facilities in this state. The [*of-*
26 *fice*] **department** shall establish standards for the qualification of appli-
27 cants.

28 “(b) The [*office*] **department** shall establish criteria by which to deter-
29 mine which applicants will receive grants, with the goal of maximizing the
30 availability of fuel to emergency response personnel in the case of emer-

1 gency.

2 “(c) The [office] **department** shall enter into agreements with grant re-
3 cipients that require grant recipients to install generator connectors on
4 cardlock facilities.

5 “(d) The [office] **department** shall specify one or more types of generator
6 connectors that a grant recipient must install. In specifying types of gener-
7 ator connectors, the [office] **department** shall consult with the Department
8 of Transportation and the State Fire Marshal and shall have the goal of
9 maximizing the compatibility of cardlock facilities in this state with gener-
10 ators possessed or controlled by the [office] **Oregon Department of Emer-**
11 **gency Management**, the [department] **Department of Transportation** and
12 the Oregon National Guard.

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

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

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

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

28 “**SECTION 88a.** ORS 469.533 is amended to read:

29 “469.533. Notwithstanding ORS chapter 401, the State Department of En-
30 ergy in cooperation with the Oregon Health Authority and the [Office]

1 **Oregon Department** of Emergency Management shall establish rules for the
2 protection of health and procedures for the evacuation of people and com-
3 munities who would be affected by radiation in the event of an accident or
4 a catastrophe in the operation of a nuclear power plant or nuclear installa-
5 tion.

6 **SECTION 88b.** ORS 404.100 is amended to read:

7 “404.100. The Director of the [*Office*] **Oregon Department** of Emergency
8 Management shall appoint a Search and Rescue Coordinator to:

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

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

13 “(3) Establish liaison with the Oregon State Sheriffs’ Association and
14 other public and private organizations and agencies involved in search and
15 rescue;

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

18 “(5) Coordinate and process requests for the use of volunteers and equip-
19 ment;

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

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

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

24 **SECTION 88c.** ORS 404.105 is amended to read:

25 “404.105. The [*Office*] **Oregon Department** of Emergency Management
26 shall establish and maintain a program for the air search and rescue of lost
27 aircraft and persons and for the air support of other emergency situations.
28 The program established under this section may include, but is not limited
29 to, the following:

30 “(1) The formation of a volunteer air search and rescue organization and

1 provision of appropriate training to this organization.

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

4 “(3) Entering into agreements with private persons, volunteer organiza-
5 tions, and federal, state and local agencies for air search and rescue and
6 other emergency activities.

7 “(4) Such other related activities as may be deemed necessary and appro-
8 priate by the Director of the [*Office*] **Oregon Department** of Emergency
9 Management.

10 “**SECTION 88d.** ORS 404.110 is amended to read:

11 “404.110. (1) The sheriff of each county has the responsibility for search
12 and rescue activities within the county. The duty of a sheriff under this
13 subsection may be delegated to a deputy or other qualified person.

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

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

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

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

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

1 **“SECTION 88e.** ORS 404.120 is amended to read:

2 “404.120. (1) The sheriff of each county shall adopt a search and rescue
3 plan for the county. The search and rescue plan shall set forth search and
4 rescue policies, including policies for implementation of multicounty search
5 and rescue activities, for the county that comply with the relevant provisions
6 of the National Incident Management System Incident Command System es-
7 tablished by Homeland Security Presidential Directive 5 of February 28, 2003,
8 and shall describe procedures for implementing those policies. A county
9 search and rescue plan shall list and describe materials, mutual aid agree-
10 ments, equipment and personnel available within the county for search and
11 rescue incidents. The plan shall also include:

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

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

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

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

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

22 “(2) A county search and rescue plan adopted under this section shall
23 require a person in charge of a search and rescue to complete a fact sheet
24 for the incident. The fact sheet shall contain the incident number assigned
25 under ORS 404.130 for search and rescue and such other information required
26 under the search and rescue plan of the county.

27 “(3) The sheriff of each county shall review and, if necessary or desirable,
28 revise the search and rescue plan annually. After the initial adoption of a
29 search and rescue plan under this section and after each annual review or
30 revision of the plan, the sheriff shall submit the plan to the Search and

1 Rescue Coordinator appointed under ORS 404.100.

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

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

10 **“SECTION 88f.** ORS 404.125 is amended to read:

11 “404.125. (1) After a search and rescue, the sheriff of the county in which
12 the search and rescue took place shall conduct a critique of the incident:

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

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

15 “(2) As part of the critique, the sheriff shall examine the search and res-
16 cue report and may receive testimony and information from persons involved
17 in the incident.

18 “(3) When a critique of a search and rescue is conducted under this sec-
19 tion, the sheriff shall prepare findings of fact concerning the search and
20 rescue, including the investigatory component, and may prepare recommen-
21 dations for the conduct of future incidents or propose amendments to the
22 search and rescue plan under which the search and rescue was conducted.

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

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

29 **“SECTION 88g.** ORS 404.200 is amended to read:

30 “404.200. As used in ORS 404.200 to 404.215:

1 “(1) ‘Qualified search and rescue volunteer’ means [*a person who is*]:

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

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

6 “(c) A member of a designated search and rescue organization that is
7 registered with a sheriff or the [*Office of Emergency Management*] **depart-**
8 **ment**; or

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

12 “(2) ‘Search and rescue activities’ means:

13 “(a) Searching for, rescuing or recovering any person who is missing, in-
14 jured or deceased; and

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

17

18 **“RENAMING AND REORGANIZATION OF**
19 **THE OFFICE OF THE STATE FIRE MARSHAL**

20

21 **“SECTION 89. (1) The amendments to ORS 476.020 by section 90 of**
22 **this 2021 Act are intended to change the name of the office of the State**
23 **Fire Marshal to the Department of the State Fire Marshal and estab-**
24 **lish that entity as a state agency independent from the Department**
25 **of State Police.**

26 **“(2) For the purpose of harmonizing and clarifying statutory law,**
27 **the Legislative Counsel may substitute for words designating the ‘of-**
28 **fice of the State Fire Marshal,’ wherever they occur in statutory law,**
29 **other words designating the ‘Department of the State Fire Marshal.’**

30 **“SECTION 90. ORS 476.020 is amended to read:**

1 “476.020. (1) The *[office of]* **Department of the State Fire Marshal** is es-
2 tablished. *[in the Department of State Police. The State Fire Marshal shall*
3 *be appointed by and be administratively responsible to the Superintendent of*
4 *State Police, and shall serve at the pleasure of the superintendent. The State*
5 *Fire Marshal shall retain all current authority of the office and shall be re-*
6 *sponsible for the implementation of its mission and programs.]* **The depart-**
7 **ment is under the supervision and control of the State Fire Marshal.**

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

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

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

19 “(4) **Subject to the approval of the Governor, the State Fire Marshal**
20 **may organize and reorganize the administrative structure of the de-**
21 **partment as the State Fire Marshal considers appropriate to properly**
22 **conduct the work of the department.**

23 “(5) **The State Fire Marshal may divide the functions of the de-**
24 **partment into administrative divisions. Subject to the approval of the**
25 **Governor, the State Fire Marshal may appoint an individual to ad-**
26 **minister each division. The administrator of each division serves at**
27 **the pleasure of the State Fire Marshal and is not subject to the pro-**
28 **visions of ORS chapter 240. Each individual appointed under this sub-**
29 **section must be well qualified by technical training and experience in**
30 **the functions to be performed by the individual.**

1 “(Finance)

2
3 **“SECTION 91. (1) The unexpended balances of amounts authorized**
4 **to be expended by the Department of State Police for purposes of the**
5 **office of the State Fire Marshal for the biennium beginning July 1,**
6 **2023, from revenues dedicated, continuously appropriated, appropriated**
7 **or otherwise made available for the purpose of administering and en-**
8 **forcing the duties, functions and powers transferred by the amend-**
9 **ments to ORS 476.020 by section 90 of this 2021 Act are transferred to**
10 **and are available for expenditure by the Department of the State Fire**
11 **Marshal for the biennium beginning July 1, 2023.**

12 **“(2) The expenditure classifications, if any, established by Acts au-**
13 **thorizing or limiting expenditures by the office of the State Fire Mar-**
14 **shal remain applicable to expenditures by the Department of the State**
15 **Fire Marshal under this section.**

16
17 **“(Action, Proceeding, Prosecution)**

18
19 **“SECTION 92. The transfer of duties, functions and powers to the**
20 **Department of the State Fire Marshal by the amendments to ORS**
21 **476.020 by section 90 of this 2021 Act does not affect any action, pro-**
22 **ceeding or prosecution involving or with respect to such duties, func-**
23 **tions and powers begun before and pending at the time of the transfer,**
24 **except that the Department of the State Fire Marshal is substituted**
25 **for the office of the State Fire Marshal in the action, proceeding or**
26 **prosecution.**

27
28 **“(Liability, Duty, Obligation)**

29
30 **“SECTION 93. (1) Nothing in the amendments to ORS 476.020 by**

1 section 90 of this 2021 Act relieves a person of a liability, duty or ob-
2 ligation accruing under or with respect to the duties, functions and
3 powers transferred by the amendments to ORS 476.020 by section 90
4 of this 2021 Act. The Department of the State Fire Marshal may
5 undertake the collection or enforcement of any such liability, duty or
6 obligation.

7 “(2) The rights and obligations of the office of the State Fire Mar-
8 shal legally incurred under contracts, leases and business transactions
9 executed, entered into or begun before the operative date specified in
10 section 155 of this 2021 Act are transferred to the Department of the
11 State Fire Marshal. For the purpose of succession to these rights and
12 obligations, the Department of the State Fire Marshal is a continua-
13 tion of the office of the State Fire Marshal and not a new authority.

14

15

“(Rules)”

16

17 “SECTION 94. Notwithstanding the transfer of duties, functions and
18 powers by the amendments to ORS 476.020 by section 90 of this 2021
19 Act, the rules of the office of the State Fire Marshal in effect on the
20 operative date specified in section 155 of this 2021 Act continue in ef-
21 fect until superseded or repealed by rules of the Department of the
22 State Fire Marshal. References in rules of the office of the State Fire
23 Marshal to the office of the State Fire Marshal or an officer or em-
24 ployee of the office of the State Fire Marshal are considered to be
25 references to the Department of the State Fire Marshal or an officer
26 or employee of the Department of the State Fire Marshal.

27 “SECTION 95. Whenever, in any statutory law or resolution of the
28 Legislative Assembly or in any rule, document, record or proceeding
29 authorized by the Legislative Assembly, reference is made to the office
30 of the State Fire Marshal or an officer or employee of the office of the

1 **State Fire Marshal, the reference is considered to be a reference to the**
2 **Department of the State Fire Marshal or an officer or employee of the**
3 **Department of the State Fire Marshal. Whenever, in any statutory law**
4 **or resolution of the Legislative Assembly or in any rule, document,**
5 **record or proceeding authorized by the Legislative Assembly, reference**
6 **is made to the State Fire Marshal, the reference is considered to be a**
7 **reference to the Department of the State Fire Marshal, the State Fire**
8 **Marshal or both, as the context requires.**

9

10 **“(Interim State Fire Marshal)**

11

12 **“SECTION 96. The State Fire Marshal on the operative date speci-**
13 **fied in section 155 of this 2021 Act shall serve as the initial State Fire**
14 **Marshal at the pleasure of the Governor and without the need for**
15 **confirmation by the Senate.**

16 **“NOTE: Sections 97 through 107 were deleted by amendment. Subsequent**
17 **sections were not renumbered.**

18

19 **“(Wildfire Buffer Zones)**

20

21 **“SECTION 107a. The State Fire Marshal shall establish guidelines**
22 **for wildfire buffer zones that provide defensible space on lands in**
23 **forestland-urban interface. The guidelines shall, at a minimum, pro-**
24 **vide for the removal of all trees within 300 feet of any residential**
25 **structure. The State Fire Marshal may establish additional vegetation**
26 **removal or limitation provisions under the guidelines.**

27

28 **“(Conforming Amendments)**

29

30 **“SECTION 108. ORS 182.535 is amended to read:**

1 “182.535. For purposes of ORS 182.535 to 182.550, ‘natural resource
2 agency’ means the Department of Environmental Quality, the State Depart-
3 ment of Agriculture, the Water Resources Department, the State Department
4 of Fish and Wildlife, the State Forestry Department, the Department of State
5 Lands, the Department of Education, the State Department of Geology and
6 Mineral Industries, the Department of Land Conservation and Development,
7 the State Marine Board, the Public Utility Commission, the Department of
8 Transportation, the **Department of the** State Fire Marshal and the Oregon
9 Health Authority.

10 **“SECTION 109.** ORS 183.457 is amended to read:

11 “183.457. (1) Notwithstanding ORS 8.690, 9.160 and 9.320, and unless oth-
12 erwise authorized by another law, a person participating in a contested case
13 hearing conducted by an agency described in this subsection may be repres-
14 ented by an attorney or by an authorized representative subject to the pro-
15 visions of subsection (2) of this section. The Attorney General shall prepare
16 model rules for proceedings with lay representation that do not have the ef-
17 fect of precluding lay representation. No rule adopted by a state agency shall
18 have the effect of precluding lay representation. The agencies before which
19 an authorized representative may appear are:

20 “(a) The State Landscape Contractors Board in the administration of the
21 Landscape Contractors Law.

22 “(b) The State Department of Energy and the Energy Facility Siting
23 Council.

24 “(c) The Environmental Quality Commission and the Department of En-
25 vironmental Quality.

26 “(d) The Department of Consumer and Business Services for proceedings
27 in which an insured appears pursuant to ORS 737.505.

28 “(e) The Department of Consumer and Business Services and any other
29 agency for the purpose of proceedings to enforce the state building code, as
30 defined by ORS 455.010.

1 “(f) The **Department of the State Fire Marshal** [*in the Department of*
2 *State Police*].

3 “(g) The Department of State Lands for proceedings regarding the issu-
4 ance or denial of fill or removal permits under ORS 196.800 to 196.825.

5 “(h) The Public Utility Commission.

6 “(i) The Water Resources Commission and the Water Resources Depart-
7 ment.

8 “(j) The Land Conservation and Development Commission and the De-
9 partment of Land Conservation and Development.

10 “(k) The State Department of Agriculture, for purposes of hearings under
11 ORS 215.705.

12 “(L) The Bureau of Labor and Industries.

13 “(2) A person participating in a contested case hearing as provided in
14 subsection (1) of this section may appear by an authorized representative if:

15 “(a) The agency conducting the contested case hearing has determined
16 that appearance of such a person by an authorized representative will not
17 hinder the orderly and timely development of the record in the type of con-
18 tested case hearing being conducted;

19 “(b) The agency conducting the contested case hearing allows, by rule,
20 authorized representatives to appear on behalf of such participants in the
21 type of contested case hearing being conducted; and

22 “(c) The officer presiding at the contested case hearing may exercise dis-
23 cretion to limit an authorized representative’s presentation of evidence, ex-
24 amination and cross-examination of witnesses, or presentation of factual
25 arguments to ensure the orderly and timely development of the hearing re-
26 cord, and shall not allow an authorized representative to present legal ar-
27 guments except to the extent authorized under subsection (3) of this section.

28 “(3) The officer presiding at a contested case hearing in which an au-
29 thorized representative appears under the provisions of this section may al-
30 low the authorized representative to present evidence, examine and

1 cross-examine witnesses, and make arguments relating to the:

2 “(a) Application of statutes and rules to the facts in the contested case;

3 “(b) Actions taken by the agency in the past in similar situations;

4 “(c) Literal meaning of the statutes or rules at issue in the contested case;

5 “(d) Admissibility of evidence; and

6 “(e) Proper procedures to be used in the contested case hearing.

7 “(4) Upon judicial review, no limitation imposed by an agency presiding
8 officer on the participation of an authorized representative shall be the basis
9 for reversal or remand of agency action unless the limitation resulted in
10 substantial prejudice to a person entitled to judicial review of the agency
11 action.

12 “(5) For the purposes of this section, ‘authorized representative’ means a
13 member of a participating partnership, an authorized officer or regular em-
14 ployee of a participating corporation, association or organized group, or an
15 authorized officer or employee of a participating governmental authority
16 other than a state agency.

17 **“SECTION 110.** ORS 264.348 is amended to read:

18 “264.348. Copies of the fire prevention code referred to in ORS 264.342
19 shall be filed with the [*State Fire Marshal’s office*] **Department of the**
20 **State Fire Marshal** and a copy shall be posted at each fire station within
21 the domestic water supply district.

22 **“SECTION 111.** ORS 443.760 is amended to read:

23 “443.760. (1) Adult foster homes that are certified as residential homes as
24 defined in ORS 197.660 must meet all state and local building, sanitation,
25 utility and fire code requirements applicable to single family dwellings.
26 However, by rule, the licensing agency may adopt more stringent standards
27 upon a finding that there is a significant health or safety threat to residents
28 that necessitates a standard not imposed on other single family dwellings.

29 “(2) In adopting more stringent standards, the licensing agency shall
30 consult with the Department of Consumer and Business Services and the

1 [office] **Department** of the State Fire Marshal to ensure that the provider
2 has the ability to evacuate all residents from an adult foster home within:

3 “(a) Three minutes; or

4 “(b) A period that meets applicable fire, life and safety requirements if
5 the adult foster home has an interior sprinkler system approved by the ap-
6 propriate regulatory authorities.

7 “(3) If a licensed provider rents or leases the premises where the adult
8 foster home is located, the lessor shall charge a flat rate for the lease or
9 rental.

10 “**SECTION 112.** ORS 453.327 is amended to read:

11 “453.327. (1) Notwithstanding any other provision of ORS 453.307 to
12 453.414 and 476.030, the public is permitted access to records retained under
13 ORS 453.322 relating to hazardous substances not otherwise protected as a
14 trade secret or by a confidentiality agreement described in ORS 453.332 and
15 453.337. A person requesting information under this section may be required
16 to complete the form provided by the **Department of the State Fire Marshal**
17 pursuant to subsection (2) of this section.

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

24 “**SECTION 113.** ORS 453.342 is amended to read:

25 “453.342. Any fire department, emergency service personnel or law
26 enforcement agency responding to an incident of injury to a human, wildlife,
27 domestic animal or property resulting from a hazardous substance emergency
28 shall make a report of the incident, in writing, to the [office] **Department**
29 of the State Fire Marshal. The State Fire Marshal annually shall summarize
30 all incidents reported to the [*State Fire Marshal*] **department** and the in-

1 formation received as a result of the survey conducted under ORS 453.317.

2 The State Fire Marshal shall submit a copy of the summary to:

3 “(1) The Governor;

4 “(2) The Legislative Assembly;

5 “(3) The Department of Environmental Quality;

6 “(4) The Department of Consumer and Business Services;

7 “(5) The Department of Transportation;

8 “(6) The Environmental Health Sciences Center at Oregon State Univer-
9 sity;

10 “(7) The [*Office*] **Oregon Department** of Emergency Management;

11 “(8) The Oregon Health Authority; and

12 “(9) Every public library as defined in ORS 357.400.

13 **“SECTION 114.** ORS 453.362 is amended to read:

14 “453.362. In order to conduct the hazardous substance survey under ORS
15 453.317, the State Fire Marshal may obtain employers’ names and addresses
16 from the Department of Consumer and Business Services. The **Department**
17 **of the** State Fire Marshal shall pay for the expenses incurred by the De-
18 partment of Consumer and Business Services in providing such information.

19 **“SECTION 115.** ORS 453.392 is amended to read:

20 “453.392. (1) As part of the plan for the effective implementation of a
21 statewide hazardous material emergency response system established by rule
22 under ORS 453.374, the State Fire Marshal shall adopt by rule a plan for the
23 coordinated response to oil or hazardous material spills or releases that oc-
24 cur during rail transport. The plan adopted under this subsection:

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

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

30 “(c) Shall provide a system for identifying where hazardous material re-

1 sponse resources owned by railroads are located throughout this state and
2 how access to those resources is to be coordinated;

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

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

10 “(B) Includes, in the second year of the training cycle, a triennial state-
11 wide functional exercise to test and evaluate response capabilities, functional
12 groups, plans, incident command staff and emergency operations centers in
13 their abilities to respond to an oil or a hazardous material spill or release
14 that occurs during rail transport; and

15 “(C) Includes provisions for the planning, preparation and implementa-
16 tion, in the third year of the training cycle, of a triennial full-scale, multia-
17 gency, multijurisdictional and multidisciplinary oil or hazardous material
18 spill or release training exercise that:

19 “(i) Involves training for all manner of personnel necessary for a coordi-
20 nated response to an oil or a hazardous material spill or release;

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

25 “(iii) Involves training that covers the entire sequence of events that take
26 place during an oil or hazardous material spill or release incident that oc-
27 curs during rail transport; and

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

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

6 “(a) Make the report available as an appendix to the [*Office*] **Oregon**
7 **Department** of Emergency Management’s oil and hazardous material re-
8 sponse emergency operations plan developed pursuant to ORS 401.092; and

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

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

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

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

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

18 “(C) Additional resources that are needed to provide for adequate re-
19 sponse;

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

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

24 “(d) Strategies for ensuring adequate funding at the state and local gov-
25 ernment levels to cover the training, equipment and administrative costs
26 associated with providing comprehensive response and equipment.

27 “**SECTION 116.** ORS 453.394 is amended to read:

28 “453.394. (1) The Oil and Hazardous Material Transportation by Rail
29 Action Fund is established in the State Treasury, separate and distinct from
30 the General Fund. The Oil and Hazardous Material Transportation by Rail

1 Action Fund shall consist of all moneys placed in the fund as provided by
2 law and any gifts, grants, donations, endowments or bequests from any public
3 or private source. Interest earned by the fund shall be credited to the fund.

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

10 **“SECTION 117.** ORS 453.520 is amended to read:

11 “453.520. (1) The Governor shall designate the [*office*] **Department** of the
12 State Fire Marshal as the state emergency response commission as required
13 by the Emergency Planning and Community Right-to-Know Act of 1986 (42
14 U.S.C. 11001 et seq.).

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

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

19 “(b) Undertake all duties of a state emergency response commission re-
20 quired by the Emergency Planning and Community Right-to-Know Act of
21 1986 (42 U.S.C. 11001 et seq.) including but not limited to:

22 “(A) Designating emergency planning districts;

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

26 “(C) Providing comments on local emergency plans.

27 **“SECTION 118.** ORS 453.825 is amended to read:

28 “453.825. (1) The Department of Transportation shall coordinate develop-
29 ment of a single plan and procedure for the regulation of the transportation
30 of hazardous material and waste and radioactive material and waste in

1 Oregon.

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

5 “(3) As used in this section, ‘hazardous waste’ has the meaning given that
6 term in ORS 466.005.

7 **“SECTION 119.** ORS 466.620 is amended to read:

8 “466.620. In accordance with the applicable provisions of ORS chapter 183,
9 the Environmental Quality Commission shall adopt an oil and hazardous
10 material emergency response master plan consistent with the plan adopted
11 by the Department of Transportation under ORS 453.825 and 453.835, and
12 after consultation with the [office] **Department** of the State Fire Marshal,
13 the Oregon State Police, the Oregon Fire Chiefs Association and any other
14 appropriate agency or organization.

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

16 “468B.365. (1) The Department of Environmental Quality shall approve a
17 contingency plan required under ORS 468B.345 only if it determines that the
18 plan meets the requirements of ORS 468B.345 to 468B.360 and:

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

21 “(b) If implemented, the plan is capable, to the maximum extent practi-
22 cable in terms of personnel, materials and equipment, of removing oil
23 promptly and properly and minimizing any damage to the environment.

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

30 “(3) A holder of an approved contingency plan does not violate the terms

1 of the contingency plan by furnishing to another plan holder, after notifying
2 the department, equipment, materials or personnel to assist the other plan
3 holder in a response to an oil discharge. The plan holder shall replace or
4 return the transferred equipment, materials and personnel as soon as feasi-
5 ble.

6 “(4) The department may attach any reasonable term or condition to its
7 approval or modification of a contingency plan that the department deter-
8 mines is necessary to insure that the applicant:

9 “(a) Has access to sufficient resources to protect environmentally sensi-
10 tive areas and to prevent, contain, clean up and mitigate potential oil dis-
11 charges from the facility or tank vessel;

12 “(b) Maintains personnel levels sufficient to carry out emergency oper-
13 ations; and

14 “(c) Complies with the contingency plan.

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

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

21 “(a) Periodic training;

22 “(b) Response team exercises; and

23 “(c) Verification of access to inventories of equipment, supplies and per-
24 sonnel identified as available in the approved contingency plan.

25 “(7) The department may consider evidence that oil discharge prevention
26 measures such as double hulls or double bottoms on vessels or barges, sec-
27 ondary containment systems, hydrostatic testing, enhanced vessel traffic
28 systems or enhanced crew or staffing levels have been implemented and in
29 its discretion, may make exceptions to the requirements of this section to
30 reflect the reduced risk of oil discharges from the facility or tank vessel for

1 which the plan is submitted or being modified.

2 “(8) Before the department approves or modifies a contingency plan re-
3 quired under ORS 468B.345, the department shall provide a copy of the con-
4 tingency plan to the State Department of Fish and Wildlife, the [office]
5 **Department** of the State Fire Marshal and the Department of Land Con-
6 servation and Development for review. The agencies shall review the plan
7 according to procedures and time limits established by rule of the Environ-
8 mental Quality Commission.

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

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

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

19 “468B.431. (1) The Department of Environmental Quality shall review a
20 contingency plan for a high hazard train route submitted under ORS
21 468B.427 and shall approve the contingency plan if the plan:

22 “(a) Meets the requirements of ORS 468B.429; and

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

26 “(2) A railroad that owns or operates a high hazard train route shall no-
27 tify the department in writing promptly of any significant change affecting
28 the contingency plan, including changes in any factor set forth in this sec-
29 tion. The department may require the railroad to update a contingency plan
30 as a result of these changes.

1 “(3) The contingency plan must provide for the use by the applicant of the
2 best technology available at the time the contingency plan was submitted
3 or renewed. For purposes of this subsection, the technology that provides the
4 greatest degree of protection, taking into consideration processes that are
5 currently in use anywhere in the world, shall be considered the best tech-
6 nology available. In determining what is the best technology available, the
7 department shall consider the effectiveness, engineering feasibility, techno-
8 logical achievability and cost of the technology.

9 “(4)(a) Before the department approves a contingency plan required under
10 ORS 468B.427, the department shall provide a copy of the contingency plan
11 to the State Department of Fish and Wildlife, the [*office*] **Department** of the
12 State Fire Marshal and the Department of Land Conservation and Develop-
13 ment for review.

14 “(b) In addition to providing copies to the agencies listed in paragraph
15 (a) of this subsection, before approving or modifying a contingency plan for
16 a high hazard train route, the Department of Environmental Quality shall
17 provide a copy of the contingency plan to each federally recognized Indian
18 tribe that owns land or enjoys treaty-reserved hunting, fishing or gathering
19 rights that could be impacted by an oil discharge along any portion of the
20 high hazard train route.

21 “(c) The agencies and tribes that receive copies of a contingency plan
22 under this subsection shall review the contingency plan according to proce-
23 dures and time limits established by rule of the Environmental Quality
24 Commission.

25 “(5) Upon approval of a contingency plan, the department shall issue to
26 the plan holder a certificate stating that the contingency plan has been ap-
27 proved. The certificate shall include the name of the high hazard train route
28 for which the certificate is issued, the effective date of the contingency plan
29 and the date by which the contingency plan must be submitted for renewal.

30 “(6) The approval of a contingency plan by the department does not con-

1 stitute an express assurance regarding the adequacy of the contingency plan
2 or constitute a defense to liability imposed under ORS chapters 468, 468A
3 and 468B or any other state law.

4 **SECTION 122.** ORS 476.030 is amended to read:

5 “476.030. (1) The State Fire Marshal shall enforce all statutes, and make
6 rules relating to:

7 “(a) The prevention of fires.

8 “(b) The storage and use of combustibles and explosives.

9 “(c) The maintenance and regulation of structural fire safety features in
10 occupied structures and overseeing the safety of and directing the means and
11 adequacy of exit in case of fire from factories, asylums, hospitals, churches,
12 schools, halls, theaters, amphitheaters, all buildings, except private resi-
13 dences, which are occupied for sleeping purposes, and all other places where
14 large numbers of persons work, live or congregate from time to time for any
15 purpose except that structural changes shall not be required in buildings
16 built, occupied and maintained in conformity with state building code regu-
17 lations applicable at the time of construction.

18 “(d) Standards for equipment used for fire protection purposes within this
19 state including standard thread for fire hose couplings and hydrant fittings.

20 “(2) The State Fire Marshal and deputies shall have such powers and
21 perform such other duties as are prescribed by law.

22 “(3) If, in the opinion of the State Fire Marshal, a governmental subdivi-
23 sion of the state has enacted adequate regulations generally conforming to
24 state and national standards concerning fire prevention, fire safety measures
25 and building construction requirements for safety, and if the governmental
26 subdivision provides reasonable enforcement of its regulations, the State Fire
27 Marshal may exempt the area subject to such regulation either partially or
28 fully from the statutes, rules and regulations administered by the State Fire
29 Marshal. Prior to adoption of any such exemption, the State Fire Marshal
30 may request from the Department of Public Safety Standards and Training

1 consideration of and recommendations regarding the exemption. The ex-
2 emption may extend for a two-year period, and may be renewed from time to
3 time, but may be canceled by the State Fire Marshal following 30 days'
4 written notice if the State Fire Marshal finds that the governmental
5 subdivision's regulations or enforcement thereof are not reasonably suffi-
6 cient. The governmental subdivision shall furnish a copy of such regulations
7 to the State Fire Marshal and shall file with the State Fire Marshal any
8 amendment thereto within 30 days before the effective date of such amend-
9 ment. The State Fire Marshal shall designate a person or division within
10 such governmental subdivision as an approved authority for exercising
11 functions relating to fire prevention, fire safety measures and building con-
12 struction. Upon request of a local official having enforcement responsibility
13 and a showing of unusual fire hazard or other special circumstances, the
14 State Fire Marshal shall make investigation and appropriate recommen-
15 dations.

16 “(4) The State Fire Marshal may investigate or cause an investigation to
17 be made to determine the probable cause, origin and circumstances of any
18 fire and shall classify such findings as the State Fire Marshal may find ap-
19 propriate to promote fire protection and prevention.

20 “(5) The State Fire Marshal shall provide training in fire safety in-
21 spection to the Department of Human Services, area agencies, the Oregon
22 Health Authority, community mental health programs, developmental disa-
23 bilities programs and designees of the Long Term Care Ombudsman and the
24 Residential Facilities Ombudsman. If an adult foster home has been in-
25 spected by the Department of Human Services, the Oregon Health Authority,
26 an area agency, a community mental health program or a developmental
27 disabilities program and the agency conducting the inspection reasonably
28 believes that the adult foster home is not in compliance with applicable fire
29 safety rules, the agency conducting the inspection may request the State Fire
30 Marshal to inspect or cause an inspection to be made. If a designee of the

1 Long Term Care Ombudsman or the Residential Facilities Ombudsman, in
2 the course of visiting an adult foster home, believes that the adult foster
3 home is not in compliance with applicable fire safety rules, the designee
4 shall report the problem to the appropriate agency to request a fire safety
5 inspection by [*the office of*] the State Fire Marshal or by a designated rep-
6 resentative of the [*office of the*] State Fire Marshal.

7 “(6) Upon the request of the Department of Human Services, the Oregon
8 Health Authority, an area agency, a community mental health program or
9 a developmental disabilities program, the State Fire Marshal shall inspect
10 or cause an inspection to be made to determine if the adult foster home is
11 in compliance with rules jointly adopted by the Department of Human Ser-
12 vices and the State Fire Marshal establishing fire safety standards for adult
13 foster homes.

14 “(7) As used in subsections (5) and (6) of this section:

15 “(a) ‘Adult foster home’ has the meaning given that term in ORS 443.705.

16 “(b) ‘Area agency’ has the meaning given that term in ORS 410.040.

17 “(c) ‘Community mental health program’ means a program established
18 under ORS 430.620 (1)(b).

19 “(d) ‘Developmental disabilities program’ means a program established
20 under ORS 430.620 (1)(a).

21 “**SECTION 123.** ORS 476.050 is amended to read:

22 “476.050. The salary of the chief deputy state fire marshal, deputy state
23 fire marshals, compensation of clerks and other assistants and other expenses
24 of the [*office of*] **Department of the** State Fire Marshal necessary in the
25 performance of the duties imposed upon the State Fire Marshal shall be paid
26 in the same manner as are other state officers and the expenses of other state
27 departments, and shall not exceed the amount paid to the State Treasurer for
28 the maintenance of the [*office of*] **Department of the** State Fire Marshal.

29 “**SECTION 124.** ORS 476.055 is amended to read:

30 “476.055. (1) All moneys received by the **Department of the** State Fire

1 Marshal shall be paid into the State Treasury, and shall be placed by the
2 State Treasurer to the credit of the State Fire Marshal Fund, except those
3 moneys received and accounted for under the provisions of ORS 279A.290.

4 “(2) Except as otherwise provided by this section, moneys in the State
5 Fire Marshal Fund shall be available and constitute a continuing appropri-
6 ation for the payment of any expense of the [*State Fire Marshal*] **depart-**
7 **ment** and for the payment of expenses of the Department of Public Safety
8 Standards and Training and the Board on Public Safety Standards and
9 Training relating to training programs concerning fire services and accredi-
10 tation of fire service professionals. The **Department of the** State Fire
11 Marshal shall keep on file an itemized statement of all expenses incurred by
12 the [*State Fire Marshal*] **department** and shall approve all disbursements
13 as submitted for payment. Administrative expenditures made from the State
14 Fire Marshal Fund shall not exceed a reasonable amount for the services
15 performed.

16 **“SECTION 125.** ORS 476.090 is amended to read:

17 “476.090. (1) The **Department of the** State Fire Marshal shall keep a
18 record of all fires occurring in this state and of all facts concerning the
19 same, including statistics as to the extent of such fires and the damage
20 caused, whether such losses were covered by insurance, and if so, in what
21 amount. All such records shall be public, except any testimony, information
22 or other evidence taken in an investigation under ORS 476.010 to 476.090,
23 476.155 to 476.170, 476.210 to 476.270 and 479.180, which shall be considered
24 investigatory information as described in ORS 192.345.

25 “(2) This section shall not apply to forestlands under the jurisdiction of
26 the State Forester.

27 **“SECTION 126.** ORS 476.130 is amended to read:

28 “476.130. (1) The State Fire Marshal may from time to time cause to be
29 prepared statistical reports on the history and condition of state fire de-
30 fenses, and an analysis of contributing factors of fire causes for the period

1 of the report. Such reports may be printed at the expense of the [*office*] **De-**
2 **partment** of the State Fire Marshal and sold at a price not to exceed cost
3 of printing and distribution. Receipts from the sale of such material shall
4 be deposited with the State Treasurer and shall be placed in the State Fire
5 Marshal Fund.

6 “(2) The State Fire Marshal may fix a sale price for each copy of any
7 publication of the [*office of the State Fire Marshal*] **department** supplied to
8 private persons interested therein, when such publication has been approved
9 as provided by law.

10 **“SECTION 127.** ORS 476.210 is amended to read:

11 “476.210. (1) The municipal fire marshals, fire department chiefs,
12 constables and other officers referred to in ORS 476.060 shall investigate the
13 cause, origin and circumstances of each fire occurring in their respective
14 cities, villages or townships, by which property has been destroyed or dam-
15 aged, and shall make an investigation to determine whether the fire was the
16 result of carelessness or design. The investigation shall be commenced im-
17 mediately after the occurrence of the fire. The State Fire Marshal may
18 superintend and direct the investigation if the State Fire Marshal deems it
19 necessary.

20 “(2) The fire chief of every city, or rural fire protection district shall
21 provide the State Fire Marshal with a full report of every fire occurring
22 within the jurisdiction of the fire chief on a form provided **by the Depart-**
23 **ment of the State Fire Marshal** or approved by the State Fire Marshal.
24 Whenever the fire chief of every city under 200,000 population finds any fire
25 is of undetermined or suspicious origin or involves a death or serious injury,
26 the fire chief shall immediately notify the State Fire Marshal or a deputy
27 state fire marshal and shall assemble all known facts and circumstances
28 concerning the fire in an approved report form and shall submit such report
29 to the State Fire Marshal, or the deputy state fire marshal assigned to the
30 territory in which the fire originated. When evidence clearly indicates the

1 cause of fire to be of incendiary origin, the fire chief shall also immediately
2 notify the state, county or municipal police agency.

3 “(3) This section shall not apply to forestlands under the jurisdiction of
4 the State Forester.

5 **“SECTION 128.** ORS 476.220 is amended to read:

6 “476.220. (1) The officer making an investigation of a fire occurring in a
7 city, village or township shall forthwith notify the State Fire Marshal and,
8 within one week of the occurrence of the fire, shall furnish the State Fire
9 Marshal a written statement of all facts relating to its cause and origin, and
10 such other information as is required by forms provided by **the Department**
11 **of** the State Fire Marshal.

12 “(2) This section shall not apply to forestland under the jurisdiction of
13 the State Forester.

14 **“SECTION 129.** ORS 476.270 is amended to read:

15 “476.270. (1) If an insurance company has reason to believe that a fire loss
16 to its assured’s real or personal property was caused by incendiary means,
17 the company shall immediately make a report to the [*office*] **Department**
18 the State Fire Marshal. The report shall indicate the name of the assured,
19 the date of the fire, location, occupancy, and facts and circumstances coming
20 to the company’s knowledge, tending to establish the cause or origin of the
21 fire.

22 “(2) Any federal, state or local public official or authorized agent thereof
23 having legal authority to investigate a fire loss of real or personal property
24 may request any insurance company to provide relevant information in its
25 possession pertaining to that loss. Upon request, the company shall release
26 such information to the official who requests it. For purposes of this sub-
27 section, ‘relevant information’ means information having any tendency to
28 make the existence of any fact that is of consequence to the investigation
29 more probable or less probable.

30 “(3) In the absence of fraud or malice, no insurance company or its au-

1 thORIZED representative shall be liable for damages in a civil action or sub-
2 ject to criminal prosecution for the release of information required by
3 subsections (1) and (2) of this section.

4 **“SECTION 130.** ORS 476.290 is amended to read:

5 “476.290. Whenever a fire is extinguished pursuant to ORS 476.280, the
6 governing body of the city or the district board of the rural fire protection
7 district that provided the fire suppression service may, on forms furnished
8 by the **Department of the State Fire Marshal** for such purposes, bill the
9 owner of the property involved in the fire for the cost of providing the fire
10 suppression service. The governing body of the city or the district board of
11 the rural fire protection district that provided the fire suppression service
12 may determine the cost of providing the fire suppression service by use of a
13 state standardized-costs schedule as approved by the State Fire Marshal. The
14 cost charged for providing the fire suppression service may not be greater
15 than the pro rata cost that would have been charged by the city or district
16 for the performance by the city or district of a similar fire suppression ser-
17 vice within its jurisdiction. If the cost is not paid within 30 days after the
18 second billing, the governing body of the city or the district board of the
19 rural fire protection district that provided the fire suppression service may
20 bring an action for the recovery of the unpaid cost from the owner of the
21 real property upon which the fire suppression service was rendered.

22 **“SECTION 131.** ORS 476.680 is amended to read:

23 “476.680. (1) There is created the Governor’s Fire Service Policy Council.
24 The council shall include the following nonvoting ex officio members:

25 “(a) The Superintendent of State Police[, *or a designee thereof experienced*
26 *in the oversight of Department of State Police activities relating to the office*
27 *of the State Fire Marshal*]; and

28 “(b) The Director of the Department of Public Safety Standards and
29 Training, or a designee thereof.

30 “(2) The State Fire Marshal shall serve as executive director of the

1 council, but is not a member. The council shall meet at least quarterly. The
2 council shall select a chairperson and vice chairperson at the first council
3 meeting of each odd-numbered year. The council may elect additional officers
4 as the council determines to be reasonable and necessary.

5 “(3) In addition to the ex officio members identified in subsection (1) of
6 this section, the Governor may designate a representative of the Governor
7 to serve as a nonvoting member. The Governor may also appoint not more
8 than nine members to serve on the council for three-year terms. Initial terms
9 of the appointed members may be adjusted to promote council stability. An
10 appointed member may not serve more than two consecutive terms. A mem-
11 ber appointed by the Governor must be a representative of one of the fol-
12 lowing:

13 “(a) The Oregon Fire Chiefs Association or a successor or other organ-
14 ization representing fire chiefs.

15 “(b) The Oregon Fire District Directors Association or a successor or
16 other organization representing fire district directors.

17 “(c) The Oregon Fire Marshals Association or a successor or other or-
18 ganization representing fire marshals.

19 “(d) Property and casualty insurance providers.

20 “(e) Employees of the [*office*] **Department** of the State Fire Marshal.

21 “(f) The Oregon State Fire Fighters Council or a successor or other or-
22 ganization representing professional firefighters.

23 “(g) The Oregon Volunteer Firefighters Association or a successor or
24 other organization representing volunteer firefighters.

25 “(h) The League of Oregon Cities or a successor or other organization
26 representing municipalities.

27 “(i) The general public.

28 “(4) Notwithstanding the term of office specified in subsection (3) of this
29 section, the initial term of a member appointed by the Governor may be ad-
30 justed to limit the number of member terms expiring in the same year.

1 “(5) To the extent funding is available from moneys appropriated to the
2 [office] **Department** of the State Fire Marshal, a member of the council is
3 entitled to compensation and expenses as provided in ORS 292.495.

4 “(6) The council shall advise the Governor and the Superintendent of
5 State Police on fire policy issues and serve in an advisory capacity to the
6 State Fire Marshal on strategies for the implementation of fire and life
7 safety issues. The council may initiate advice to the State Fire Marshal, the
8 Superintendent of State Police and the Governor on any matter related to
9 the mission of the council. The council may not participate in the discussion
10 of traditional labor relations issues.

11 “(7) The [office] **Department** of the State Fire Marshal shall provide staff
12 services to the council. All agencies, departments and officers of this state
13 are directed to assist the council in the performance of its functions and to
14 furnish information and advice as the council considers necessary.

15 “**SECTION 132.** ORS 476.685 is amended to read:

16 “476.685. The Governor’s Fire Service Policy Council shall provide a
17 biennial report to the Governor [*and the Superintendent of State Police*] on
18 the overall performance of the [office] **Department** of the State Fire Mar-
19 shal. The report shall identify significant successes and improvement oppor-
20 tunities.

21 “**SECTION 133.** ORS 476.735 is amended to read:

22 “476.735. (1) As used in this section, ‘sky lantern’ means an unmanned
23 self-contained luminary device that uses heated air produced by an open
24 flame or produced by another source to become or remain airborne.

25 “(2) A person may not release a sky lantern into the airspace of this state.

26 “(3) Violation of this section is a Class A violation.

27 “(4) In addition to any enforcement officer specifically identified in ORS
28 153.005, a citation for a violation of this section may be issued by:

29 “(a) The State Fire Marshal, employees of the [office] **Department** of the
30 State Fire Marshal or assistants to the State Fire Marshal as described in

1 ORS 476.040 or 476.060;

2 “(b) The Director of the Oregon Department of Aviation or employees
3 specifically designated by the director under ORS 837.100 to enforce vio-
4 lations;

5 “(c) The State Forester or the State Forestry Department, or any em-
6 ployee specifically designated by the State Forester or the department under
7 ORS 477.985 to enforce violations; or

8 “(d) The State Parks and Recreation Director or any State Parks and
9 Recreation Department employee specifically designated by the director un-
10 der ORS 390.050 to enforce violations.

11 **“SECTION 134.** ORS 476.765 is amended to read:

12 “476.765. (1) The State Fire Marshal shall impose civil penalties under
13 ORS 476.995 in the manner provided by ORS 183.745.

14 “(2) The Attorney General may bring an action at the request of the [*of-*
15 *fice*] **Department** of the State Fire Marshal, in the name of the state, seek-
16 ing:

17 “(a) Injunctive relief to prevent or end a violation of ORS 476.760;

18 “(b) To recover civil penalties imposed under ORS 476.995; or

19 “(c) To recover attorney fees and other enforcement costs and disburse-
20 ments.

21 **“SECTION 135.** ORS 476.806 is amended to read:

22 “476.806. (1) The Cigarette Fire Safety Fund is established in the State
23 Treasury, separate and distinct from the General Fund. The Cigarette Fire
24 Safety Fund shall consist of all moneys recovered from the imposition of civil
25 penalties under ORS 476.995. Interest earned by the Cigarette Fire Safety
26 Fund shall be credited to the fund.

27 “(2) All moneys in the fund are continuously appropriated to [*the De-*
28 *partment of State Police for use by the office*] **the Department** of the State
29 Fire Marshal for fire safety, enforcement and fire prevention programs.

30 **“SECTION 136.** ORS 476.925 is amended to read:

1 “476.925. The Fire Protection Equipment Loan Fund is established in the
2 State Treasury, separate and distinct from the General Fund. All moneys in
3 the **Fire Protection Equipment Loan** Fund are **continuously** appropriated
4 [*continuously*] to the **Department of the** State Fire Marshal to carry out
5 the provisions of ORS 476.900 to 476.925. Interest earned by moneys in the
6 fund shall be credited to the fund.

7 **“SECTION 137.** ORS 478.270 is amended to read:

8 “478.270. (1) The district board shall report monthly to the State Fire
9 Marshal, upon forms prescribed by the State Fire Marshal, information the
10 State Fire Marshal may require, and shall, at any time, upon request furnish
11 further report or information required by the State Fire Marshal.

12 “(2) The State Fire Marshal shall cooperate in the formation, operation
13 and administration of districts. The **Department of the** State Fire Marshal
14 shall prepare and make available uniform forms for reports required by this
15 section and other uniform forms and blanks the State Fire Marshal considers
16 advisable.

17 **“SECTION 138.** ORS 478.940 is amended to read:

18 “478.940. Copies of the fire prevention code shall be filed with the [*State*
19 *Fire Marshal’s office*] **Department of the State Fire Marshal** and a copy
20 shall be posted at each fire station within the district.

21 **“SECTION 139.** ORS 479.180 is amended to read:

22 “479.180. (1) If the owner, lessee, agent or occupant is aggrieved by the
23 order of an officer under the provisions of ORS 476.030, 479.170, 479.210 to
24 479.220, 480.123 to 480.160, 480.330, 480.340, 480.420 to 480.434 or 480.450 and
25 desires a hearing, the person may complain or appeal in writing to the State
26 Fire Marshal within 10 days from the service of the order. The complaint
27 or appeal shall set forth the specific grounds of the complaint or appeal and
28 no other ground shall be considered thereafter. The complaint or appeal shall
29 be accompanied by a fee of \$40 payable to the State Fire Marshal, and the
30 State Fire Marshal may refer the complaint or appeal to the regional appeal

1 advisory board established for that region by notifying the chairperson of
2 that board and sending a copy of the notice to the complainant or appellant.
3 The board shall fix a time for hearing and notify the complainant or
4 appellant of the time and place thereof, which shall be within 10 days after
5 such referral by the State Fire Marshal. If the State Fire Marshal does not
6 refer the matter to a regional appeal advisory board, the State Fire Marshal
7 shall fix a time and place, not less than five and not more than 10 days
8 thereafter, when and where the complaint or appeal will be heard by the
9 State Fire Marshal. Within 10 days after receiving a recommendation from
10 the regional appeal advisory board, or if no referral was made to such board,
11 within 10 days after the hearing before the State Fire Marshal, the State
12 Fire Marshal may affirm, modify, revoke or vacate the order complained of
13 or appealed from. Unless the order is modified, revoked or vacated by the
14 State Fire Marshal, it shall remain in force and be complied with by the
15 owner, lessee, agent or occupant, and within the time fixed in the order or
16 fixed by the State Fire Marshal. If the State Fire Marshal vacates or revokes
17 the order complained of or appealed from, or modified it in any particular
18 other than extending time for compliance, the fee paid with the complaint
19 or appeal shall be refunded. Otherwise, it shall be credited to appropriate
20 state funds, and the State Fire Marshal shall so notify the State Treasurer.

21 “(2) If the complainant or appellant under subsection (1) of this section
22 is aggrieved by the final order of the State Fire Marshal, and if such order
23 necessitates the expenditure of money or involves statutory interpretation,
24 the complainant or appellant may, within 10 days thereafter, appeal to the
25 circuit court of the county in which the property is situated, notifying the
26 State Fire Marshal of the appeal within 10 days thereafter, which notice
27 shall be in writing and delivered personally or by registered letter to the
28 marshal, or left at the principal office of the **Department of the State Fire**
29 **Marshal** at the state capital. The party so appealing shall, within two days
30 after filing the appeal, file with the circuit court in which appeal is made a

1 bond in an amount to be fixed by the court or judge, but in no case less than
2 \$100, with two sufficient sureties possessing the qualification of bail on ar-
3 rest, the bond to be approved by the court and conditioned to pay all the
4 costs on the appeal in case the appellant fails to sustain it or it is dismissed
5 for any cause. In the case of an appeal involving an order under ORS 479.170,
6 the circuit court shall hear and determine the appeal within 10 days after
7 the date of filing the same.

8 “(3) The State Fire Marshal shall make or have made a certified summary
9 of the proceedings at the hearing before the regional appeal advisory board
10 or before the State Fire Marshal, and together with all the evidentiary
11 matter filed [*in the office of the State Fire Marshal*] **with the department**
12 or presented to the regional appeal advisory board, transmit them to the
13 circuit court at least three days prior to the date fixed by the court for
14 hearing when it shall be tried de novo.

15 **“SECTION 140.** ORS 480.230 is amended to read:

16 “480.230. A person desiring a certificate of possession shall apply on ap-
17 plication forms provided by the [*office*] **Department** of the State Fire Mar-
18 shal. The forms shall be completed in full and shall include:

19 “(1) The applicant’s legal name, current address and current telephone
20 number;

21 “(2) The applicant’s date of birth;

22 “(3) A statement by the applicant that the applicant is eligible for a cer-
23 tificate of possession under ORS 480.225;

24 “(4) The number of the certificate of registration issued under ORS
25 480.244 for the explosives magazine where the applicant intends to store the
26 explosives;

27 “(5) Any other information that the issuing authority may require to
28 readily identify the applicant;

29 “(6) A certification, signed and dated by the applicant, that the informa-
30 tion contained in the application is true; and

1 “(7) A nonrefundable application fee of \$50 for a three-year certificate.

2 **“SECTION 141.** ORS 480.450 is amended to read:

3 “480.450. (1) The installer shall notify the State Fire Marshal, before the
4 last day of each month, of all new installations made during the preceding
5 month of containers or receptacles for liquefied petroleum gas, including in-
6 stallations for private homes and apartments. The installer shall certify on
7 a form provided by the State Fire Marshal that all of the new installations
8 are duly and properly reported. The State Fire Marshal may require that the
9 notification include the location and description of the installation and the
10 name of the user. All fees due and payable must accompany the notification.
11 The replacement of empty containers or receptacles with other containers
12 constructed in accordance with United States Department of Transportation
13 specifications is not a new installation or change in the original installation
14 that requires notification to the State Fire Marshal or necessitates further
15 inspection of the installation. The State Fire Marshal shall collect from the
16 installer an installation fee of \$50 for each tank installed or for all tanks
17 at the installation if the total combined capacity is 200 gallons or less. The
18 State Fire Marshal or deputies of the fire marshal or assistants shall inspect
19 a reasonable number of the installations and maintain a record of the in-
20 spections in the [*office*] **records** of the **Department of the** State Fire Mar-
21 shal.

22 “(2) In addition to any installation or inspection fee, the State Fire
23 Marshal may charge a plan review fee, not to exceed \$100, for any liquefied
24 petroleum gas container and receptacle plan review required under a uniform
25 fire code prescribed by the State Fire Marshal by rule.

26 “(3) After the initial installation, liquefied petroleum gas containers may
27 be inspected once every 10 years except when changes have been made in the
28 original installation. An installer making changes must notify the State Fire
29 Marshal of the changes in the same manner provided in this section for new
30 installations. The State Fire Marshal shall collect from the owner a fee of

1 \$50 for the inspection of each container. The manner of inspection, require-
2 ment of corrections, satisfaction of requirements and collection of fees due
3 and payable must conform with the provisions of ORS 480.410 to 480.460 for
4 new installations. Upon request of the State Fire Marshal, LP gas installa-
5 tion licensees shall furnish a list of the locations of 10-year old installations
6 that they service.

7 “(4) If, upon inspection of any tank, the new installation does not comply
8 with the requirements of the State Fire Marshal, the State Fire Marshal
9 shall instruct the installer as to what corrections are necessary for compli-
10 ance with the State Fire Marshal’s requirements. The installer of the new
11 installation shall, within the time set by the State Fire Marshal, not to ex-
12 ceed 60 days after notification, notify the State Fire Marshal that the new
13 installation complies with the requirements of the fire marshal. If the in-
14 staller fails to notify the State Fire Marshal, or the State Fire Marshal has
15 reason to believe that the corrections have not been made, the State Fire
16 Marshal shall reinspect the new installation and shall collect from the in-
17 staller an additional fee of \$125. The user, not the installer, shall pay the
18 additional fee resulting from actions of the user that require correction to
19 achieve compliance with the requirements of the State Fire Marshal.

20 “(5) A person who receives notice from the State Fire Marshal must cor-
21 rect any improper installation within the time set by the State Fire Marshal,
22 not to exceed 60 days after receipt of the notice.

23 “(6) If the fees provided for in this section are due and payable and are
24 not paid within 30 days after service of written notice by the State Fire
25 Marshal therefor, or if the installer fails to notify the State Fire Marshal
26 by the last day of the month succeeding the month a new installation is made
27 or a change is made requiring an inspection, the fees are delinquent and a
28 penalty equal to the greater of 10 percent of the fee amount or \$30, is im-
29 posed for the delinquency. The State Fire Marshal shall collect all fees and
30 penalties in the name of the State of Oregon in the same manner that other

1 debts are collected.

2 “(7) The provisions of this section do not apply to liquefied petroleum gas
3 installations if made entirely within the jurisdiction of a governmental sub-
4 division granted the exemption provided by ORS 476.030 (3) and written evi-
5 dence of the licensing of the installation by the approved authority is
6 submitted to the State Fire Marshal. The provisions of this section do not
7 apply to LP gas installations made in manufactured dwellings that are con-
8 structed or altered in accordance with applicable rules of the Department
9 of Consumer and Business Services. The provisions of this section do not
10 apply to LP gas installations in a recreational vehicle as defined in ORS
11 174.101.

12 **“SECTION 142.** ORS 480.460 is amended to read:

13 “480.460. All fees received by the State Fire Marshal under ORS 480.200
14 to 480.290 and 480.410 to 480.460 shall be paid by the **State** Fire Marshal to
15 the State Treasurer monthly and shall constitute and be an appropriation
16 **to the Department of the State Fire Marshal** available for the payment
17 of salaries and expenses of deputies and clerical and other assistants of the
18 State Fire Marshal.

19 **“SECTION 143.** ORS 657.665 is amended to read:

20 “657.665. (1) Except as provided in subsections (2) to (5) of this section,
21 all information in the records of the Employment Department pertaining to
22 the administration of the unemployment insurance, employment service and
23 workforce and labor market information programs:

24 “(a) Is confidential and for the exclusive use and information of the Di-
25 rector of the Employment Department in administering the unemployment
26 insurance, employment service and workforce and labor market information
27 programs in Oregon.

28 “(b) May not be used in any court action or in any proceeding pending
29 in the court unless the director or the state is a party to the action or pro-
30 ceeding or unless the proceeding concerns the establishment, enforcement or

1 modification of a support obligation and support services are being provided
2 by the Division of Child Support or the district attorney pursuant to ORS
3 25.080.

4 “(c) Is exempt from disclosure under ORS 192.311 to 192.478.

5 “(2) The Employment Department shall disclose information:

6 “(a) To any claimant or legal representative, at a hearing before an ad-
7 ministrative law judge, to the extent necessary for the proper presentation
8 of an unemployment insurance claim.

9 “(b) Upon request to the United States Secretary of Labor. The Employ-
10 ment Department shall disclose the information in a form and containing the
11 information that the United States Secretary of Labor may require. The in-
12 formation disclosed is confidential and may not be used for any other pur-
13 pose.

14 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request
15 to any agency of the United States charged with the administration of public
16 works or assistance through public employment. Under this paragraph, the
17 Employment Department shall disclose the name, address, ordinary occupa-
18 tion and employment status of each recipient of unemployment insurance
19 benefits and a statement of the recipient’s right to further benefits under this
20 chapter. The information disclosed is confidential and may not be used for
21 any other purpose.

22 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Rail-
23 road Retirement Board. Under this paragraph, the Employment Department
24 shall disclose unemployment insurance records. The information disclosed is
25 confidential and may not be used for any other purpose. The costs of dis-
26 closing information under this paragraph shall be paid by the board.

27 “(e) Pursuant to section 303(d) of the Social Security Act, upon request
28 to officers and employees of the United States Department of Agriculture and
29 to officers or employees of any state Supplemental Nutrition Assistance
30 Program agency for the purpose of determining an individual’s eligibility for

1 or the amount of supplemental nutrition assistance. The information dis-
2 closed is confidential and may not be used for any other purpose. The costs
3 of disclosing information under this paragraph shall be paid by the United
4 States Department of Agriculture.

5 “(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act,
6 to state or local child support enforcement agencies enforcing child support
7 obligations under Title IV-D of the Social Security Act for the purposes of
8 establishing child support obligations, locating individuals owing child sup-
9 port obligations and collecting child support obligations from those individ-
10 uals. The information disclosed is confidential and may not be used for any
11 other purpose. The costs of disclosing information under this paragraph shall
12 be paid by the child support enforcement agency.

13 “(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to
14 agencies participating in the income and eligibility verification system for
15 the purpose of verifying an individual’s eligibility for benefits, or the amount
16 of benefits, under unemployment insurance, temporary assistance for needy
17 families, Medicaid, the Supplemental Nutrition Assistance Program, Supple-
18 mental Security Income, child support enforcement or Social Security pro-
19 grams. The information disclosed is confidential and may not be used for any
20 other purpose. The costs of disclosing information under this paragraph shall
21 be paid by the requesting agency.

22 “(h) Pursuant to section 303(h) of the Social Security Act and section
23 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States
24 Department of Health and Human Services National Directory of New Hires.
25 The information disclosed is confidential and may not be used for any other
26 purpose. The costs of disclosing information under this paragraph shall be
27 paid by the United States Department of Health and Human Services.

28 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and
29 employees of the United States Department of Housing and Urban Develop-
30 ment and to representatives of a public housing agency for the purpose of

1 determining an individual's eligibility for benefits, or the amount of benefits,
2 under a housing assistance program of the United States Department of
3 Housing and Urban Development. The information disclosed is confidential
4 and may not be used for any other purpose. The costs of disclosing informa-
5 tion under this paragraph shall be paid by the United States Department of
6 Housing and Urban Development or the public housing agency.

7 “(j) Pursuant to regulations of the United States Secretary of Health and
8 Human Services issued under section 3304(a)(16)(A) of the Federal Unem-
9 ployment Tax Act, and except as required by section 303 of the Social Secu-
10 rity Act, to the state, a political subdivision or a federally recognized Indian
11 tribe that has signed an agreement with the Department of Human Services
12 to administer Part A of Title IV of the Social Security Act for the purpose
13 of determining an individual's eligibility for assistance, or the amount of
14 assistance, under a program funded under Part A of Title IV of the Social
15 Security Act. The information disclosed is confidential and may not be used
16 for any other purpose.

17 “(k) Upon request, to the United States Attorney's Office. Under this
18 paragraph, the Employment Department may disclose an individual's em-
19 ployment and wage information in response to a federal grand jury subpoena
20 or for the purpose of collecting civil and criminal judgments, including
21 restitution and special assessment fees. The information disclosed is confi-
22 dential and may not be used for any other purpose. The costs of disclosing
23 information under this paragraph shall be paid by the United States
24 Attorney's Office.

25 “(3) The Employment Department may disclose information secured from
26 employing units:

27 “(a) To state agencies, federal agencies, local government agencies, public
28 universities listed in ORS 352.002 and the Oregon Health and Science Uni-
29 versity established under ORS 353.020, to the extent necessary to properly
30 carry out governmental planning, performance measurement, program analy-

1 sis, socioeconomic analysis or policy analysis functions performed under ap-
2 plicable law. The information disclosed is confidential and may not be
3 disclosed by the agencies or universities in any manner that would identify
4 individuals, claimants, employees or employing units. If the information dis-
5 closed under this paragraph is not prepared for the use of the Employment
6 Department, the costs of disclosing the information shall be paid by the
7 agency or university requesting the information.

8 “(b) As part of a geographic information system. Points on a map may be
9 used to represent economic data, including the location, employment size
10 class and industrial classification of businesses in Oregon. Information pre-
11 sented as part of a geographic information system may not give specific de-
12 tails regarding a business’s address, actual employment or proprietary
13 information. If the information disclosed under this paragraph is not pre-
14 pared for the use of the Employment Department, the costs of disclosing the
15 information shall be paid by the party requesting the information.

16 “(c) In accordance with ORS 657.673.

17 “(4) The Employment Department may:

18 “(a) Disclose information to public employees in the performance of their
19 duties under state or federal laws relating to the payment of unemployment
20 insurance benefits, the provision of employment services and the provision
21 of workforce and labor market information.

22 “(b) At the discretion of the Director of the Employment Department and
23 subject to an interagency agreement, disclose information to public officials
24 in the performance of their official duties administering or enforcing laws
25 within their authority and to the agents or contractors of public officials.
26 The public official shall agree to assume responsibility for misuse of the in-
27 formation by the official’s agent or contractor.

28 “(c) Disclose information pursuant to an informed consent, received from
29 an employer or claimant, to disclose the information.

30 “(d) Disclose information to partners under the federal Workforce Inno-

1 vation and Opportunity Act for the purpose of administering state workforce
2 programs under the Act. The information disclosed is confidential and may
3 not be used for any other purpose. The costs of disclosing information under
4 this paragraph shall be paid by the requesting partner.

5 “(e) Disclose the names and addresses of employing units to the Bureau
6 of Labor and Industries for the purpose of disseminating information to em-
7 ploying units. The names and addresses disclosed are confidential and may
8 not be used for any other purpose. If the information disclosed under this
9 paragraph is not prepared for the use of the Employment Department, the
10 costs of disclosing the information shall be paid by the bureau.

11 “(f) Disclose information to the Commissioner of the Bureau of Labor and
12 Industries for the purpose of performing duties under ORS 279C.800 to
13 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or
14 659A. The information disclosed may include the names and addresses of
15 employers and employees and payroll data of employers and employees. The
16 information disclosed is confidential and may not be used for any other
17 purpose. If the information disclosed under this paragraph is not prepared
18 for the use of the Employment Department, the costs of disclosing the in-
19 formation shall be paid by the bureau.

20 “(g) Disclose information required under ORS 657.660 (3) and (4) to the
21 Public Employees Retirement System for the purpose of determining the el-
22 igibility of members of the retirement system for disability under ORS
23 chapters 238 and 238A. The information disclosed is confidential and may not
24 be used for any other purpose. The costs of disclosing information under this
25 paragraph shall be paid by the Public Employees Retirement System.

26 “(h) Disclose to the Oregon Business Development Commission and the
27 Oregon Business Development Department information required by the com-
28 mission and the department in performing their duties under ORS 285A.050
29 and 285B.630 to verify changes in employment levels following direct em-
30 ployer participation in department programs or indirect participation

1 through municipalities under ORS 285B.410 to 285B.482. The information
2 disclosed to the commission and the department may include an employer's
3 employment level, total subject wages payroll and whole hours worked. The
4 information disclosed is confidential and may not be used for any other
5 purpose. The commission and the department may not disclose the informa-
6 tion in any manner that would identify an employing unit or employee except
7 to the extent necessary to carry out the commission's and the department's
8 duties under ORS 285A.050 and 285B.630. If the information disclosed under
9 this paragraph is not prepared for the use of the Employment Department,
10 the costs of disclosing the information shall be paid by the commission or
11 the Oregon Business Development Department.

12 “(i) Disclose information to the Department of Revenue for the purpose
13 of performing its duties under ORS 293.250 or under the revenue and tax laws
14 of this state. The information disclosed may include the names and addresses
15 of employers and employees and payroll data of employers and employees.
16 The information disclosed is confidential and may not be disclosed by the
17 Department of Revenue in any manner that would identify an employing unit
18 or employee except to the extent necessary to carry out the department's
19 duties under ORS 293.250 or in auditing or reviewing any report or return
20 required or permitted to be filed under the revenue and tax laws adminis-
21 tered by the department. The Department of Revenue may not disclose any
22 information received to any private collection agency or for any other pur-
23 pose. If the information disclosed under this paragraph is not prepared for
24 the use of the Employment Department, the costs of disclosing the informa-
25 tion shall be paid by the Department of Revenue.

26 “(j) Disclose information to the Department of Consumer and Business
27 Services for the purpose of performing its duties under ORS chapters 654 and
28 656. The information disclosed may include the name, address, number of
29 employees and industrial classification code of an employer and payroll data
30 of employers and employees. The information disclosed is confidential and

1 may not be disclosed by the Department of Consumer and Business Services
2 in any manner that would identify an employing unit or employee except to
3 the extent necessary to carry out the department’s duties under ORS chap-
4 ters 654 and 656, including administrative hearings and court proceedings in
5 which the Department of Consumer and Business Services is a party. If the
6 information disclosed under this paragraph is not prepared for the use of the
7 Employment Department, the costs of disclosing the information shall be
8 paid by the Department of Consumer and Business Services.

9 “(k) Disclose information to the Construction Contractors Board for the
10 purpose of performing its duties under ORS chapter 701. The information
11 disclosed to the board may include the names and addresses of employers and
12 status of their compliance with this chapter. If the information disclosed
13 under this paragraph is not prepared for the use of the Employment De-
14 partment, the costs of disclosing the information shall be paid by the board.

15 “(L) Disclose information to the State Fire Marshal to assist the State
16 Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The in-
17 formation disclosed may include the name, address, telephone number and
18 industrial classification code of an employer. The information disclosed is
19 confidential and may not be disclosed by the State Fire Marshal in any
20 manner that would identify an employing unit except to the extent necessary
21 to carry out duties under ORS 453.307 to 453.414. If the information disclosed
22 under this paragraph is not prepared for the use of the Employment De-
23 partment, the costs of disclosing the information shall be paid by the
24 [*office*] **Department** of the State Fire Marshal.

25 “(m) Disclose information to the Higher Education Coordinating Com-
26 mission for the purpose of performing the commission’s duties under ORS
27 chapter 348 and Title IV of the Higher Education Act of 1965. The informa-
28 tion disclosed may include the names and addresses of employers and em-
29 ployees and payroll data of employers and employees. The information
30 disclosed is confidential and may not be disclosed by the commission in any

1 manner that would identify an employing unit or employee except to the
2 extent necessary to carry out the commission's duties under ORS chapter 348
3 or Title IV of the Higher Education Act of 1965. If the information disclosed
4 under this paragraph is not prepared for the use of the Employment De-
5 partment, the costs of disclosing the information shall be paid by the com-
6 mission.

7 “(n) Disclose information to the Department of Transportation to assist
8 the Department of Transportation in carrying out the duties of the Depart-
9 ment of Transportation relating to collection of delinquent and liquidated
10 debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and
11 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information
12 disclosed may include the names and addresses of employers and employees
13 and payroll data of employers and employees. The information disclosed is
14 confidential and may not be disclosed by the Department of Transportation
15 in any manner that would identify an employing unit or employee except to
16 the extent necessary to carry out the Department of Transportation's duties
17 relating to collection of delinquent and liquidated debts or in auditing or
18 reviewing any report or return required or permitted to be filed under the
19 revenue and tax laws administered by the Department of Transportation. The
20 Department of Transportation may not disclose any information received to
21 any private collection agency or for any other purpose. If the information
22 disclosed under this paragraph is not prepared for the use of the Employment
23 Department, the costs of disclosing the information shall be paid by the De-
24 partment of Transportation.

25 “(o) Disclose information to the Department of Human Services and the
26 Oregon Health Authority to assist the Department of Human Services and
27 the Oregon Health Authority in the collection of debts that the Department
28 of Human Services and the Oregon Health Authority are authorized by law
29 to collect. The information disclosed may include the names, addresses and
30 payroll data of employers and employees. The information disclosed is con-

1 confidential and may not be disclosed by the Department of Human Services or
2 the Oregon Health Authority in a manner that would identify an employing
3 unit or employee except to the extent necessary for the collection of debts
4 as described in this paragraph. The Department of Human Services and the
5 Oregon Health Authority may not disclose information received under this
6 paragraph to a private collection agency or use the information for a purpose
7 other than the collection of debts as described in this paragraph. If the in-
8 formation disclosed under this paragraph is not prepared for the use of the
9 Employment Department, the costs of disclosing the information shall be
10 paid by the Department of Human Services or the Oregon Health Authority.

11 “(p) Disclose to the Alcohol and Drug Policy Commission information
12 required by the commission in evaluating and measuring the performance of
13 alcohol and drug prevention and treatment programs under ORS 430.223 or
14 the impact of the programs on employment. The information disclosed to the
15 commission may include total subject wages payroll and whole hours worked.
16 The information disclosed under this paragraph is confidential and may not
17 be used for any other purpose. The commission may not disclose the infor-
18 mation in any manner that would identify an employing unit or employee
19 except to the extent necessary to carry out the commission’s duties under
20 ORS 430.223. If the information disclosed under this paragraph is not pre-
21 pared for the use of the Employment Department, the costs of disclosing the
22 information shall be paid by the commission.

23 “(q) Disclose to any person establishment level information secured pur-
24 suant to this chapter from federal, state and local government agencies,
25 public universities listed in ORS 352.002 or the Oregon Health and Science
26 University established under ORS 353.020. If the information disclosed under
27 this paragraph is not prepared for the use of the Employment Department,
28 the costs of disclosing the information shall be paid by the person requesting
29 the information.

30 “(r) Disclose to any person the industrial classification code assigned to

1 an employing unit. If the information disclosed under this paragraph is not
2 prepared for the use of the Employment Department, the costs of disclosing
3 the information shall be paid by the person requesting the information.

4 “(5) The Employment Department may make public all decisions of the
5 Employment Appeals Board.

6 “(6) Any officer appointed by or any employee of the Director of the
7 Employment Department who discloses confidential information, except with
8 the authority of the director, pursuant to rules or as otherwise required by
9 law, may be disqualified from holding any appointment or employment with
10 the Employment Department.

11 “(7) Any person or any officer or employee of an entity to whom infor-
12 mation is disclosed by the Employment Department under this section who
13 divulges or uses the information for any purpose other than that specified
14 in the provision of law or agreement authorizing the use or disclosure may
15 be disqualified from performing any service under contract or disqualified
16 from holding any appointment or employment with the state agency that
17 engaged or employed that person, officer or employee. The Employment De-
18 partment may immediately cancel or modify any information sharing agree-
19 ment with an entity when a person or an officer or employee of that entity
20 discloses confidential information, other than as specified in law or agree-
21 ment.

22 “**SECTION 143a.** ORS 657.665, as amended by section 68, chapter 678,
23 Oregon Laws 2019, is amended to read:

24 “657.665. (1) Except as provided in subsections (2) to (5) of this section,
25 all information in the records of the Employment Department pertaining to
26 the administration of the unemployment insurance, employment service and
27 workforce and labor market information programs:

28 “(a) Is confidential and for the exclusive use and information of the Di-
29 rector of the Employment Department in administering the unemployment
30 insurance, employment service and workforce and labor market information

1 programs in Oregon.

2 “(b) May not be used in any court action or in any proceeding pending
3 in the court unless the director or the state is a party to the action or pro-
4 ceeding or unless the proceeding concerns the establishment, enforcement or
5 modification of a support obligation and support services are being provided
6 by the Division of Child Support or the district attorney pursuant to ORS
7 25.080.

8 “(c) Is exempt from disclosure under ORS 192.311 to 192.478.

9 “(2) The Employment Department shall disclose information:

10 “(a) To any claimant or legal representative, at a hearing before an ad-
11 ministrative law judge, to the extent necessary for the proper presentation
12 of an unemployment insurance claim.

13 “(b) Upon request to the United States Secretary of Labor. The Employ-
14 ment Department shall disclose the information in a form and containing the
15 information that the United States Secretary of Labor may require. The in-
16 formation disclosed is confidential and may not be used for any other pur-
17 pose.

18 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request
19 to any agency of the United States charged with the administration of public
20 works or assistance through public employment. Under this paragraph, the
21 Employment Department shall disclose the name, address, ordinary occupa-
22 tion and employment status of each recipient of unemployment insurance
23 benefits and a statement of the recipient’s right to further benefits under this
24 chapter. The information disclosed is confidential and may not be used for
25 any other purpose.

26 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Rail-
27 road Retirement Board. Under this paragraph, the Employment Department
28 shall disclose unemployment insurance records. The information disclosed is
29 confidential and may not be used for any other purpose. The costs of dis-
30 closing information under this paragraph shall be paid by the board.

1 “(e) Pursuant to section 303(d) of the Social Security Act, upon request
2 to officers and employees of the United States Department of Agriculture and
3 to officers or employees of any state Supplemental Nutrition Assistance
4 Program agency for the purpose of determining an individual’s eligibility for
5 or the amount of supplemental nutrition assistance. The information dis-
6 closed is confidential and may not be used for any other purpose. The costs
7 of disclosing information under this paragraph shall be paid by the United
8 States Department of Agriculture.

9 “(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act,
10 to state or local child support enforcement agencies enforcing child support
11 obligations under Title IV-D of the Social Security Act for the purposes of
12 establishing child support obligations, locating individuals owing child sup-
13 port obligations and collecting child support obligations from those individ-
14 uals. The information disclosed is confidential and may not be used for any
15 other purpose. The costs of disclosing information under this paragraph shall
16 be paid by the child support enforcement agency.

17 “(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to
18 agencies participating in the income and eligibility verification system for
19 the purpose of verifying an individual’s eligibility for benefits, or the amount
20 of benefits, under unemployment insurance, temporary assistance for needy
21 families, Medicaid, the Supplemental Nutrition Assistance Program, Supple-
22 mental Security Income, child support enforcement or Social Security pro-
23 grams. The information disclosed is confidential and may not be used for any
24 other purpose. The costs of disclosing information under this paragraph shall
25 be paid by the requesting agency.

26 “(h) Pursuant to section 303(h) of the Social Security Act and section
27 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States
28 Department of Health and Human Services National Directory of New Hires.
29 The information disclosed is confidential and may not be used for any other
30 purpose. The costs of disclosing information under this paragraph shall be

1 paid by the United States Department of Health and Human Services.

2 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and
3 employees of the United States Department of Housing and Urban Develop-
4 ment and to representatives of a public housing agency for the purpose of
5 determining an individual’s eligibility for benefits, or the amount of benefits,
6 under a housing assistance program of the United States Department of
7 Housing and Urban Development. The information disclosed is confidential
8 and may not be used for any other purpose. The costs of disclosing informa-
9 tion under this paragraph shall be paid by the United States Department of
10 Housing and Urban Development or the public housing agency.

11 “(j) Pursuant to regulations of the United States Secretary of Health and
12 Human Services issued under section 3304(a)(16)(A) of the Federal Unem-
13 ployment Tax Act, and except as required by section 303 of the Social Secu-
14 rity Act, to the state, a political subdivision or a federally recognized Indian
15 tribe that has signed an agreement with the Department of Human Services
16 to administer Part A of Title IV of the Social Security Act for the purpose
17 of determining an individual’s eligibility for assistance, or the amount of
18 assistance, under a program funded under Part A of Title IV of the Social
19 Security Act. The information disclosed is confidential and may not be used
20 for any other purpose.

21 “(k) Upon request, to the United States Attorney’s Office. Under this
22 paragraph, the Employment Department may disclose an individual’s em-
23 ployment and wage information in response to a federal grand jury subpoena
24 or for the purpose of collecting civil and criminal judgments, including
25 restitution and special assessment fees. The information disclosed is confi-
26 dential and may not be used for any other purpose. The costs of disclosing
27 information under this paragraph shall be paid by the United States
28 Attorney’s Office.

29 “(3) The Employment Department may disclose information secured from
30 employing units:

1 “(a) To state agencies, federal agencies, local government agencies, public
2 universities listed in ORS 352.002 and the Oregon Health and Science Uni-
3 versity established under ORS 353.020, to the extent necessary to properly
4 carry out governmental planning, performance measurement, program analy-
5 sis, socioeconomic analysis or policy analysis functions performed under ap-
6 plicable law. The information disclosed is confidential and may not be
7 disclosed by the agencies or universities in any manner that would identify
8 individuals, claimants, employees or employing units. If the information dis-
9 closed under this paragraph is not prepared for the use of the Employment
10 Department, the costs of disclosing the information shall be paid by the
11 agency or university requesting the information.

12 “(b) As part of a geographic information system. Points on a map may be
13 used to represent economic data, including the location, employment size
14 class and industrial classification of businesses in Oregon. Information pre-
15 sented as part of a geographic information system may not give specific de-
16 tails regarding a business’s address, actual employment or proprietary
17 information. If the information disclosed under this paragraph is not pre-
18 pared for the use of the Employment Department, the costs of disclosing the
19 information shall be paid by the party requesting the information.

20 “(c) In accordance with ORS 657.673.

21 “(4) The Employment Department may:

22 “(a) Disclose information to public employees in the performance of their
23 duties under state or federal laws relating to the payment of unemployment
24 insurance benefits, the provision of employment services and the provision
25 of workforce and labor market information.

26 “(b) At the discretion of the Director of the Employment Department and
27 subject to an interagency agreement, disclose information to public officials
28 in the performance of their official duties administering or enforcing laws
29 within their authority and to the agents or contractors of public officials.
30 The public official shall agree to assume responsibility for misuse of the in-

1 formation by the official's agent or contractor.

2 “(c) Disclose information pursuant to an informed consent, received from
3 an employer or claimant, to disclose the information.

4 “(d) Disclose information to partners under the federal Workforce Inno-
5 vation and Opportunity Act for the purpose of administering state workforce
6 programs under the Act. The information disclosed is confidential and may
7 not be used for any other purpose. The costs of disclosing information under
8 this paragraph shall be paid by the requesting partner.

9 “(e) Disclose the names and addresses of employing units to the Bureau
10 of Labor and Industries for the purpose of disseminating information to em-
11 ploying units. The names and addresses disclosed are confidential and may
12 not be used for any other purpose. If the information disclosed under this
13 paragraph is not prepared for the use of the Employment Department, the
14 costs of disclosing the information shall be paid by the bureau.

15 “(f) Disclose information to the Commissioner of the Bureau of Labor and
16 Industries for the purpose of performing duties under ORS 279C.800 to
17 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or
18 659A. The information disclosed may include the names and addresses of
19 employers and employees and payroll data of employers and employees. The
20 information disclosed is confidential and may not be used for any other
21 purpose. If the information disclosed under this paragraph is not prepared
22 for the use of the Employment Department, the costs of disclosing the in-
23 formation shall be paid by the bureau.

24 “(g) Disclose information required under ORS 657.660 (3) and (4) to the
25 Public Employees Retirement System for the purpose of determining the el-
26 igibility of members of the retirement system for disability under ORS
27 chapters 238 and 238A. The information disclosed is confidential and may not
28 be used for any other purpose. The costs of disclosing information under this
29 paragraph shall be paid by the Public Employees Retirement System.

30 “(h) Disclose to the Oregon Business Development Commission and the

1 Oregon Business Development Department information required by the com-
2 mission and the department in performing their duties under ORS 285A.050
3 and 285B.630 to verify changes in employment levels following direct em-
4 ployer participation in department programs or indirect participation
5 through municipalities under ORS 285B.410 to 285B.482. The information
6 disclosed to the commission and the department may include an employer's
7 employment level, total subject wages payroll and whole hours worked. The
8 information disclosed is confidential and may not be used for any other
9 purpose. The commission and the department may not disclose the informa-
10 tion in any manner that would identify an employing unit or employee except
11 to the extent necessary to carry out the commission's and the department's
12 duties under ORS 285A.050 and 285B.630. If the information disclosed under
13 this paragraph is not prepared for the use of the Employment Department,
14 the costs of disclosing the information shall be paid by the commission or
15 the Oregon Business Development Department.

16 “(i) Disclose information to the Department of Revenue for the purpose
17 of performing its duties under ORS 293.250 or under the revenue and tax laws
18 of this state. The information disclosed may include the names and addresses
19 of employers and employees and payroll data of employers and employees.
20 The information disclosed is confidential and may not be disclosed by the
21 Department of Revenue in any manner that would identify an employing unit
22 or employee except to the extent necessary to carry out the department's
23 duties under ORS 293.250 or in auditing or reviewing any report or return
24 required or permitted to be filed under the revenue and tax laws adminis-
25 tered by the department. The Department of Revenue may not disclose any
26 information received to any private collection agency or for any other pur-
27 pose. If the information disclosed under this paragraph is not prepared for
28 the use of the Employment Department, the costs of disclosing the informa-
29 tion shall be paid by the Department of Revenue.

30 “(j) Disclose information to the Department of Consumer and Business

1 Services for the purpose of performing its duties under ORS chapters 654 and
2 656. The information disclosed may include the name, address, number of
3 employees and industrial classification code of an employer and payroll data
4 of employers and employees. The information disclosed is confidential and
5 may not be disclosed by the Department of Consumer and Business Services
6 in any manner that would identify an employing unit or employee except to
7 the extent necessary to carry out the department's duties under ORS chap-
8 ters 654 and 656, including administrative hearings and court proceedings in
9 which the Department of Consumer and Business Services is a party. If the
10 information disclosed under this paragraph is not prepared for the use of the
11 Employment Department, the costs of disclosing the information shall be
12 paid by the Department of Consumer and Business Services.

13 “(k) Disclose information to the Construction Contractors Board for the
14 purpose of performing its duties under ORS chapter 701. The information
15 disclosed to the board may include the names and addresses of employers and
16 status of their compliance with this chapter. If the information disclosed
17 under this paragraph is not prepared for the use of the Employment De-
18 partment, the costs of disclosing the information shall be paid by the board.

19 “(L) Disclose information to the State Fire Marshal to assist the State
20 Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The in-
21 formation disclosed may include the name, address, telephone number and
22 industrial classification code of an employer. The information disclosed is
23 confidential and may not be disclosed by the State Fire Marshal in any
24 manner that would identify an employing unit except to the extent necessary
25 to carry out duties under ORS 453.307 to 453.414. If the information disclosed
26 under this paragraph is not prepared for the use of the Employment De-
27 partment, the costs of disclosing the information shall be paid by the
28 [office] **Department** of the State Fire Marshal.

29 “(m) Disclose information to the Higher Education Coordinating Com-
30 mission for the purpose of performing the commission's duties under ORS

1 chapter 348 and Title IV of the Higher Education Act of 1965. The informa-
2 tion disclosed may include the names and addresses of employers and em-
3 ployees and payroll data of employers and employees. The information
4 disclosed is confidential and may not be disclosed by the commission in any
5 manner that would identify an employing unit or employee except to the
6 extent necessary to carry out the commission's duties under ORS chapter 348
7 or Title IV of the Higher Education Act of 1965. If the information disclosed
8 under this paragraph is not prepared for the use of the Employment De-
9 partment, the costs of disclosing the information shall be paid by the com-
10 mission.

11 “(n) Disclose information to the Department of Transportation to assist
12 the Department of Transportation in carrying out the duties of the Depart-
13 ment of Transportation relating to collection of delinquent and liquidated
14 debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and
15 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information
16 disclosed may include the names and addresses of employers and employees
17 and payroll data of employers and employees. The information disclosed is
18 confidential and may not be disclosed by the Department of Transportation
19 in any manner that would identify an employing unit or employee except to
20 the extent necessary to carry out the Department of Transportation's duties
21 relating to collection of delinquent and liquidated debts or in auditing or
22 reviewing any report or return required or permitted to be filed under the
23 revenue and tax laws administered by the Department of Transportation. The
24 Department of Transportation may not disclose any information received to
25 any private collection agency or for any other purpose. If the information
26 disclosed under this paragraph is not prepared for the use of the Employment
27 Department, the costs of disclosing the information shall be paid by the De-
28 partment of Transportation.

29 “(o) Disclose information to the Department of Human Services and the
30 Oregon Health Authority to assist the Department of Human Services and

1 the Oregon Health Authority in the collection of debts that the Department
2 of Human Services and the Oregon Health Authority are authorized by law
3 to collect. The information disclosed may include the names, addresses and
4 payroll data of employers and employees. The information disclosed is con-
5 fidential and may not be disclosed by the Department of Human Services or
6 the Oregon Health Authority in a manner that would identify an employing
7 unit or employee except to the extent necessary for the collection of debts
8 as described in this paragraph. The Department of Human Services and the
9 Oregon Health Authority may not disclose information received under this
10 paragraph to a private collection agency or use the information for a purpose
11 other than the collection of debts as described in this paragraph. If the in-
12 formation disclosed under this paragraph is not prepared for the use of the
13 Employment Department, the costs of disclosing the information shall be
14 paid by the Department of Human Services or the Oregon Health Authority.

15 “(p) Disclose to the Alcohol and Drug Policy Commission information
16 required by the commission in evaluating and measuring the performance of
17 alcohol and drug prevention and treatment programs under ORS 430.223 or
18 the impact of the programs on employment. The information disclosed to the
19 commission may include total subject wages payroll and whole hours worked.
20 The information disclosed under this paragraph is confidential and may not
21 be used for any other purpose. The commission may not disclose the infor-
22 mation in any manner that would identify an employing unit or employee
23 except to the extent necessary to carry out the commission’s duties under
24 ORS 430.223. If the information disclosed under this paragraph is not pre-
25 pared for the use of the Employment Department, the costs of disclosing the
26 information shall be paid by the commission.

27 “(q) Disclose to any person establishment level information secured pur-
28 suant to this chapter from federal, state and local government agencies,
29 public universities listed in ORS 352.002 or the Oregon Health and Science
30 University established under ORS 353.020. If the information disclosed under

1 this paragraph is not prepared for the use of the Employment Department,
2 the costs of disclosing the information shall be paid by the person requesting
3 the information.

4 “(r) Disclose to any person the industrial classification code assigned to
5 an employing unit. If the information disclosed under this paragraph is not
6 prepared for the use of the Employment Department, the costs of disclosing
7 the information shall be paid by the person requesting the information.

8 “(s) Disclose information to the State Treasurer useful for the purpose
9 of performing the State Treasurer’s duties under ORS 98.302 to 98.436, 98.992
10 and 116.253 and the role of an estate administrator under ORS 113.235. The
11 information disclosed is confidential and may not be used by the State
12 Treasurer for any other purpose. If the information disclosed is not prepared
13 for the use of the Employment Department, the costs of disclosing the in-
14 formation shall be paid by the State Treasurer.

15 “(5) The Employment Department may make public all decisions of the
16 Employment Appeals Board.

17 “(6) Any officer appointed by or any employee of the Director of the
18 Employment Department who discloses confidential information, except with
19 the authority of the director, pursuant to rules or as otherwise required by
20 law, may be disqualified from holding any appointment or employment with
21 the Employment Department.

22 “(7) Any person or any officer or employee of an entity to whom infor-
23 mation is disclosed by the Employment Department under this section who
24 divulges or uses the information for any purpose other than that specified
25 in the provision of law or agreement authorizing the use or disclosure may
26 be disqualified from performing any service under contract or disqualified
27 from holding any appointment or employment with the state agency that
28 engaged or employed that person, officer or employee. The Employment De-
29 partment may immediately cancel or modify any information sharing agree-
30 ment with an entity when a person or an officer or employee of that entity

1 discloses confidential information, other than as specified in law or agree-
2 ment.

3 **“SECTION 144.** ORS 731.820 is amended to read:

4 “731.820. (1)(a) For the purpose of maintaining the [*office*] **Department**
5 of **the** State Fire Marshal and paying the expenses incident thereto, every
6 insurer transacting insurance covering the peril of fire shall pay a tax to the
7 Director of the Department of Consumer and Business Services, on or before
8 April 1 of each year, equal to 1.15 percent of the gross amount of premiums
9 received by it or its insurance producers from such business, from and under
10 its policies covering direct domestic risks in the preceding calendar year af-
11 ter deducting the amount of return premiums paid and the amount of divi-
12 dend payments made to policyholders or, in the case of a reciprocal insurer,
13 the amount of savings paid or credited to the accounts of subscribers, with
14 respect to such policies.

15 “(b) For the purpose of paragraph (a) of this subsection the following
16 portions of the amounts required to be reported by line of business in the
17 annual financial statement required by ORS 731.574 shall be considered pre-
18 miums for insurance covering the peril of fire:

19 “(A) Fire, 100 percent.

20 “(B) Homeowners and farm owners multiple peril, 65 percent.

21 “(C) Commercial multiple peril, 50 percent.

22 “(D) Inland marine, 20 percent.

23 “(E) Automobile physical damage, eight percent.

24 “(F) Aircraft physical damage, eight percent.

25 “(2) If an insurer ceases to do business or collect premiums on direct do-
26 mestic risks, it thereupon shall make a report to the director of its premiums
27 subject to taxation as provided in subsection (1) of this section and collected
28 or due as of the date when it ceased to do business or collect premiums on
29 direct domestic risks, and not theretofore reported, and shall forthwith pay
30 to the director the tax thereon.

1 “(3) If the director, during the period in which the director under ORS
2 731.836 may collect taxes owing under this section, finds the amount of such
3 taxes paid by an insurer to have been incorrect, the director shall charge
4 or credit the insurer with the difference between the correct amount of tax
5 and the amount actually paid.

6 **“SECTION 145.** ORS 735.470 is amended to read:

7 “735.470. (1)(a) The surplus lines licensee shall pay the Director of the
8 Department of Consumer and Business Services a surplus lines premium tax
9 equal to two percent of the gross amount of premiums received on Oregon
10 home state risks as shown in the report required by ORS 735.465.

11 “(b) Notwithstanding ORS 731.820, the surplus lines licensee shall also
12 pay to the director a tax equal to 0.3 percent of the premium or fees charged
13 by the insurer or the insurer’s insurance producer and other intermediaries
14 for the insurance, for the purpose of maintaining the [office] **Department**
15 of the State Fire Marshal and paying the expenses incident thereto.

16 “(c) The taxes shall be collected by the surplus lines licensee as specified
17 by the director, in addition to the gross amount of premiums charged by the
18 insurer or the insurer’s insurance producer and other intermediaries for the
19 insurance. The taxes on any portion of the premium unearned at termination
20 of insurance having been credited by the state to the licensee shall be re-
21 turned to the policyholder directly by the surplus lines licensee or through
22 the producing insurance producer, if any. The surplus lines licensee is pro-
23 hibited from absorbing the taxes, and from rebating for any reason, any part
24 of the taxes.

25 “(2) The surplus lines taxes are due quarterly on the 45th day following
26 the calendar quarter in which the premium is collected. The taxes shall be
27 paid to and reported on forms prescribed by the director or upon the
28 director’s order paid to and reported on forms prescribed by the Surplus Line
29 Association of Oregon.

30 “(3) Notwithstanding subsection (2) of this section, if a surplus lines li-

1 cense is terminated or nonrenewed for any reason, the taxes described in this
2 section are due on the 30th day after the termination or nonrenewal.

3 “(4) For the purposes of carrying out the Nonadmitted and Reinsurance
4 Reform Act of 2010 (P.L. 111-203, Title V, Subtitle B), the director may col-
5 lect taxes on 100 percent of the gross amount of premiums on Oregon home
6 state risks. If the director enters into a compact or otherwise establishes
7 procedures with other states pursuant to ORS 735.418, the director by rule
8 shall establish procedures to facilitate the reporting, collection, payment,
9 allocation and disbursement of premium taxes on Oregon home state risks
10 that also include risks allocable to other states.

11 “(5) As used in this section, ‘gross amount of premiums’ has the meaning
12 given that term in ORS 731.808.

13 **“SECTION 146.** Section 13c, chapter 581, Oregon Laws 2019, is amended
14 to read:

15 **“Sec. 13c.** (1)(a) The owner of oil at the time the oil is transported by
16 loaded tank railroad car in this state shall pay to the Department of Revenue
17 a fee not to exceed \$20 for each tank railroad car loaded with oil.

18 “(b) If the loaded tank railroad car enters this state from outside of this
19 state, the fee shall be imposed on the owner of the oil at the time the loaded
20 tank railroad car enters this state.

21 “(c) If the tank railroad car is loaded with oil in this state, the fee shall
22 be imposed upon the loading of the oil into or onto the tank railroad car for
23 transport in or through this state.

24 “(2) The Department of Environmental Quality and the [*office*] **Depart-**
25 **ment** of the State Fire Marshal shall establish by rule the amount of the fee
26 required under this section as necessary to provide funding for programs
27 authorized to be funded by moneys in the High Hazard Train Route Oil Spill
28 Preparedness Fund established under [*section 14 of this 2019 Act*] **ORS**
29 **468B.435** and the Oil and Hazardous Material Transportation by Rail Action
30 Fund established under ORS 453.394.

1 “(3) Any oil that the Constitution or laws of the United States prohibit
2 the state from taxing is exempt from the fee imposed under this section.

3 “(4)(a) Each owner of oil transported by loaded tank railroad car shall
4 remit payment of the fee established under this section on a quarterly basis.

5 “(b) Each owner of oil transported by loaded tank railroad car shall reg-
6 ister with the Department of Revenue at least 30 days prior to the date that
7 the owner’s oil is transported by loaded tank railroad car in this state.

8 “(c) Each owner of oil transported by loaded tank railroad car shall keep
9 at the person’s registered place of business complete and accurate records
10 of any petroleum products sold, purchased by, or brought in or caused to be
11 brought in to the place of business.

12 “(d) The Department of Revenue, upon oral or written reasonable notice,
13 may make such examinations of the books, papers, records and equipment
14 required to be kept under this subsection as it may deem necessary in car-
15 rying out this section.

16 “(5) The Department of Revenue is authorized to establish those rules and
17 procedures for the implementation and enforcement of this section that are
18 consistent with this section’s provisions and are considered necessary and
19 appropriate.

20 “(6) The provisions of ORS chapters 305 and 314 as to liens, delinquencies,
21 claims for refund, issuance of refunds, conferences, appeals to the Oregon
22 Tax Court, stay of collection pending appeal, cancellation, waiver, reduction
23 or compromise of fees, penalties or interest, subpoenaing and examining
24 witnesses and books and papers, and the issuance of warrants and the pro-
25 cedures relating thereto, shall apply to the collection of fees, penalties and
26 interest by the Department of Revenue under this section, except where the
27 context requires otherwise.

28 “(7) All moneys received by the Department of Revenue under this section
29 shall be deposited in the State Treasury and credited to a suspense account
30 established under ORS 293.445. After payment of administration expenses

1 incurred by the department in the administration of this section and of re-
2 funds or credits arising from erroneous overpayments, the balance of the
3 money shall be transferred to the High Hazard Train Route Oil Spill
4 Preparedness Fund established under [section 14 of this 2019 Act] **ORS**
5 **468B.435** and to the Oil and Hazardous Material Transportation by Rail
6 Action Fund established under ORS 453.394, in the proportionate amounts
7 that each agency found and determined to be necessary under subsection (2)
8 of this section.

9

10 **“OREGON HOMELAND SECURITY COMMISSION**

11

12 **“SECTION 147.** ORS 401.109 is amended to read:

13 “401.109. (1) The Oregon Homeland Security [*Council*] **Commission** is
14 created within the Office of [*Emergency Management*] **the Governor**. The
15 [*council*] **commission** shall:

16 “[*(a) Receive briefings on security matters:*]

17 “[*(A) For which the office is responsible at least annually from state*
18 *agencies and organizations as determined by the council; and*]

19 “[*(B) Relating to catastrophic disasters declared by the Governor pursuant*
20 *to Article X-A, section 1, of the Oregon Constitution, or states of emergency*
21 *declared by the Governor pursuant to ORS 401.165.*]

22 **“(a) Develop strategies for the effective coordination of the emer-**
23 **gency planning, preparedness and response, mitigation and recovery**
24 **activities of state agencies.**

25 **“(b) Receive briefings from state agencies on security matters, as**
26 **determined by the commission, including but not limited to security**
27 **matters relating to:**

28 **“(A) Catastrophic disasters declared by the Governor pursuant to**
29 **Article X-A, section 1, of the Oregon Constitution;**

30 **“(B) States of emergency declared by the Governor pursuant to ORS**

1 **401.165;**

2 **“(C) Public health emergencies declared by the Governor pursuant**
3 **to ORS 433.441;**

4 **“(D) The exercise of the Governor’s authority under ORS 476.520;**
5 **and**

6 **“(E) Emergency quarantines ordered by the Director of the Oregon**
7 **Department of Emergency Management pursuant to ORS 561.560.**

8 **“[(b)] (c) Advise state agencies with responsibility for security matters**
9 **[on the future direction of the office’s planning, preparedness, response and**
10 **recovery activities] to facilitate the coordination of the agencies’ emer-**
11 **gency preparedness and response functions.**

12 **“(2) The membership of the [council] commission consists of:**

13 **“(a) Four members from the Legislative Assembly appointed as follows:**

14 **“(A) Two members from the Senate appointed by the President of the**
15 **Senate; and**

16 **“(B) Two members from the House of Representatives appointed by the**
17 **Speaker of the House of Representatives;**

18 **“(b) The Governor;**

19 **“(c) The Adjutant General;**

20 **“(d) The Superintendent of State Police;**

21 **“(e) The Director of the [Office] Oregon Department of Emergency**
22 **Management; and**

23 **“(f) A representative of the Department of Justice appointed by the At-**
24 **torney General.**

25 **“(g) The State Resilience Officer;**

26 **“(h) The State Fire Marshal;**

27 **“(i) The Director of the Department of Public Safety Standards and**
28 **Training;**

29 **“(j) The Director of the Oregon Health Authority;**

30 **“(k) The Director of Transportation;**

1 **“(L) The State Forester;**
2 **“(m) The Director of the Department of Corrections;**
3 **“(n) The Superintendent of State Police; and**
4 **“(o) One member appointed by the Governor to act as a senior**
5 **policy advisor for emergency operations.**

6 “(3) Each member appointed to the [*council*] **commission** under sub-
7 section [(2)] **(2)(a), (f) and (m)** of this section serves at the pleasure of the
8 appointing authority. The membership of a public official ceases upon ter-
9 mination of the office held by the official at the time of appointment to the
10 [*council*] **commission.**

11 “(4) The Governor is the chairperson of the [*council*] **commission.**

12 “(5) The [*Adjutant General*] **Director of the Oregon Department of**
13 **Emergency Management** is the vice chairperson of the [*council*] **commis-**
14 **sion** and serves as the chairperson in the absence of the Governor.

15 “(6) Members of the [*council*] **commission** are not entitled to compen-
16 sation under ORS 292.495. The [*director*] **Governor**, in the [*director’s*]
17 **Governor’s** discretion, may reimburse members of the [*council*] **commission**
18 as provided in ORS 292.495 for actual and necessary travel or other expenses
19 incurred in the performance of their duties as members of the [*council*]
20 **commission.**

21 “(7) **A majority of the members of the commission constitutes a**
22 **quorum for the transaction of business.**

23 “(8) **Official action by the commission requires the approval of a**
24 **majority of the members of the commission.**

25 “(9) **If there is a vacancy for any cause, the appointing authority**
26 **shall make an appointment to become immediately effective.**

27 “(10) **The commission shall meet at least once per month at places**
28 **specified by the call of the chairperson or of a majority of the mem-**
29 **bers of the commission.**

30 “(11) **The commission may adopt rules necessary for the operation**

1 of the commission.

2 “(12) The commission may employ and fix the compensation of such
3 professional assistants and clerical and other employees as the com-
4 mission deems necessary for the effective conduct of its work.

5 “(13) All agencies of state government, as defined in ORS 174.111,
6 are directed to assist the commission in the performance of the duties
7 of the commission and, to the extent permitted by laws relating to
8 confidentiality, to furnish information and advice the members of the
9 commission consider necessary to perform their duties.

10

11

“(Finance)

12

13 **“SECTION 148. (1) The unexpended balances of amounts authorized**
14 **to be expended by the Office of Emergency Management for purposes**
15 **of the Oregon Homeland Security Council for the biennium beginning**
16 **July 1, 2023, from revenues dedicated, continuously appropriated, ap-**
17 **propriated or otherwise made available to the office, are transferred**
18 **to and are available for expenditure by the Office of the Governor for**
19 **purposes of the Oregon Homeland Security Commission for the**
20 **biennium beginning July 1, 2023.**

21 “(2) The expenditure classifications, if any, established by Acts au-
22 thorizing or limiting expenditures by the Office of Emergency Man-
23 agement remain applicable to expenditures by the Office of the
24 Governor under this section.

25

26

“(Action, Proceeding, Prosecution)

27

28 **“SECTION 149. The amendments to ORS 401.109 by section 147 of**
29 **this 2021 Act do not affect any action, proceeding or prosecution in-**
30 **volving or with respect to any duties, functions and powers of the**

1 Oregon Homeland Security Council begun before and pending as of the
2 operative date specified in section 155 of this 2021 Act, except that the
3 Oregon Homeland Security Commission is substituted for the Oregon
4 Homeland Security Council in any such action, proceeding or prose-
5 cution.

6

7

“(Liability, Duty, Obligation)”

8

9 **“SECTION 150. (1) Nothing in the amendments to ORS 401.109 by**
10 **section 147 of this 2021 Act relieves a person of a liability, duty or ob-**
11 **ligation accruing under or with respect to the duties, functions and**
12 **powers conferred by that statute prior to the operative date specified**
13 **in section 155 of this 2021 Act. The Oregon Homeland Security Com-**
14 **mission may undertake the collection or enforcement of any such li-**
15 **ability, duty or obligation.**

16 **“(2) The rights and obligations of the Oregon Homeland Security**
17 **Council legally incurred under contracts, leases and business trans-**
18 **actions executed, entered into or begun before the operative date**
19 **specified in section 155 of this 2021 Act are transferred to the Oregon**
20 **Homeland Security Commission. For the purpose of succession to**
21 **these rights and obligations, the Oregon Homeland Security Commis-**
22 **sion is a continuation of the Oregon Homeland Security Council and**
23 **is not a new authority.**

24

25

“(Name change)”

26

27 **“SECTION 150a. (1) The amendments to ORS 401.109 by section 147**
28 **of this 2021 Act are intended to change the name of the ‘Oregon**
29 **Homeland Security Council’ to the ‘Oregon Homeland Security Com-**
30 **mission’ and to transfer that entity to the Office of the Governor.**

1 “(2) For the purpose of harmonizing and clarifying statutory law,
2 the Legislative Counsel may substitute for words designating the
3 ‘Oregon Homeland Security Council,’ wherever they occur in statutory
4 law, other words designating the ‘Oregon Homeland Security Com-
5 mission.’

6 “SECTION 150b. The rules of the Oregon Homeland Security Coun-
7 cil in effect on the operative date specified in section 155 of this 2021
8 Act continue in effect until superseded or repealed by rules of the
9 Oregon Homeland Security Commission. References in rules of the
10 Oregon Homeland Security Council to the Oregon Homeland Security
11 Council or an officer or employee of the Oregon Homeland Security
12 Council are considered to be references to the Oregon Homeland Se-
13 curity Commission or an officer or employee of the Oregon Homeland
14 Security Commission.

15 “SECTION 150c. Whenever, in any statutory law or resolution of
16 the Legislative Assembly or in any rule, document, record or pro-
17 ceeding authorized by the Legislative Assembly, reference is made to
18 the Oregon Homeland Security Council or an officer or employee of
19 the Oregon Homeland Security Council, the reference is considered to
20 be a reference to the Oregon Homeland Security Commission or an
21 officer or employee of the Oregon Homeland Security Commission.

22
23 **“EMERGENCY PREPAREDNESS ADVISORY COUNCIL**

24
25 “SECTION 151. (1) The Emergency Preparedness Advisory Council
26 is established.

27 “(2) The council consists of 13 members appointed as follows:

28 “(a) One member appointed by the Adjutant General to represent
29 the Oregon Military Department;

30 “(b) One member appointed by the Director of the Oregon Depart-

1 **ment of Emergency Management to represent the Oregon Department**
2 **of Emergency Management;**

3 **“(c) One member appointed by the State Fire Marshal to represent**
4 **the Department of the State Fire Marshal;**

5 **“(d) One member appointed by the Superintendent of State Police**
6 **to represent the Department of State Police;**

7 **“(e) One member appointed by the Director of the Department of**
8 **Public Safety Standards and Training to represent the Department of**
9 **Public Safety Standards and Training;**

10 **“(f) One member appointed by the Director of the Oregon Health**
11 **Authority to represent the Oregon Health Authority;**

12 **“(g) One member appointed by the Director of Transportation to**
13 **represent the Department of Transportation;**

14 **“(h) One member appointed by the Attorney General to represent**
15 **the Department of Justice;**

16 **“(i) One member appointed by the State Forester to represent the**
17 **State Forestry Department; and**

18 **“(j) Four members appointed by the Governor as follows:**

19 **“(A) One member to represent counties;**

20 **“(B) One member to represent cities;**

21 **“(C) One member with experience in emergency preparedness to**
22 **represent regional organizations; and**

23 **“(D) One member with experience in emergency preparedness to**
24 **represent local organizations.**

25 **“(3) The council shall advise and make policy recommendations to**
26 **the Oregon Homeland Security Commission regarding federal emer-**
27 **gency support functions.**

28 **“(4) A majority of the members of the Emergency Preparedness**
29 **Advisory Council constitutes a quorum for the transaction of business.**

30 **“(5) Official action by the council requires the approval of a ma-**

1 jority of the members of the council.

2 “(6) The council shall elect one of its members to serve as chair-
3 person.

4 “(7) If there is a vacancy for any cause, the appointing authority
5 shall make an appointment to become immediately effective.

6 “(8) The council shall meet at least once quarterly at the place
7 specified by the call of the chairperson or of a majority of the mem-
8 bers of the council.

9 “(9) The council may adopt rules necessary for the operation of the
10 council.

11 “(10) The Oregon Department of Emergency Management shall
12 provide staff support to the council.

13 “(11) Members of the council are not entitled to compensation or
14 reimbursement for expenses and serve as volunteers on the council.

15 “(12) All agencies of state government, as defined in ORS 174.111,
16 are directed to assist the council in the performance of the duties of
17 the council and, to the extent permitted by laws relating to
18 confidentiality, to furnish information and advice the members of the
19 council consider necessary to perform their duties.

20

21 “LOCAL GOVERNMENT EMERGENCY MANAGEMENT ADVISORY
22 COUNCIL

23

24 “SECTION 152. (1) The Local Government Emergency Management
25 Advisory Council is established.

26 “(2) The council consists of 10 members appointed by the Governor
27 as follows:

28 “(a) One member to represent an organization representing Oregon
29 counties;

30 “(b) One member to represent an organization representing Oregon

1 **cities;**

2 **“(c) One member to represent emergency medical service providers;**

3 **“(d) One member to represent fire departments;**

4 **“(e) One member to represent a statewide association of emergency**
5 **managers, emergency responders, government agencies and elected**
6 **officials committed to minimizing the impact of disasters in Oregon;**

7 **“(f) One member to represent county sheriffs;**

8 **“(g) One member to represent volunteer emergency medical service**
9 **providers; and**

10 **“(h) Three members with experience relating to emergency**
11 **preparedness or management to represent the public.**

12 **“(3) The council shall provide advice and recommendations to the**
13 **Oregon Department of Emergency Management regarding its emer-**
14 **gency preparedness and response functions.**

15 **“(4) A majority of the members of the council constitutes a quorum**
16 **for the transaction of business.**

17 **“(5) Official action by the council requires the approval of a ma-**
18 **jority of the members of the council.**

19 **“(6) The council shall elect one of its members to serve as chair-**
20 **person.**

21 **“(7) If there is a vacancy for any cause, the Governor shall make**
22 **an appointment to become immediately effective.**

23 **“(8) The council shall meet at times and places specified by the call**
24 **of the chairperson or of a majority of the members of the council.**

25 **“(9) The council may adopt rules necessary for the operation of the**
26 **council.**

27 **“(10) The department shall provide staff support to the council.**

28 **“(11) Members of the council are not entitled to compensation or**
29 **reimbursement for expenses and serve as volunteers on the council.**

30 **“(12) All agencies of state government, as defined in ORS 174.111,**

1 are directed to assist the council in the performance of the duties of
2 the council and, to the extent permitted by laws relating to
3 confidentiality, to furnish information and advice the members of the
4 council consider necessary to perform their duties.

5 **“SECTION 153. The Governor or the following agencies may take**
6 **any action before the operative date specified in section 155 of this 2021**
7 **Act that is necessary for the Governor or agency to exercise, on or**
8 **after the operative date specified in section 155 of this 2021 Act, all of**
9 **the duties, functions and powers conferred on the Governor or the**
10 **agency by sections 1, 10 to 15, 25a, 91 to 96, 107a and 148 to 152 of this**
11 **2021 Act and the amendments to statutes and session law by sections**
12 **2 to 9, 16 to 25, 26 to 88g, 90 and 108 to 147 of this 2021 Act:**

13 **“(1) The Office of Emergency Management;**

14 **“(2) The Oregon Military Department;**

15 **“(3) The State Fire Marshal;**

16 **“(4) The Department of State Police; or**

17 **“(5) The Oregon Homeland Security Council.**

18 **“SECTION 154. The Governor and the following agencies shall re-**
19 **port to the appropriate interim committees of the Legislative Assem-**
20 **bly no later than September 15 of each year before the operative date**
21 **specified in section 155 of this 2021 Act on the actions taken that are**
22 **necessary for the Governor or agency to exercise, on or after the op-**
23 **erative date specified in section 155 of this 2021 Act, all of the duties,**
24 **functions and powers conferred on the Governor or the agency by**
25 **sections 1, 10 to 15, 25a, 91 to 96, 107a and 148 to 152 of this 2021 Act**
26 **and the amendments to statutes and session law by sections 2 to 9, 16**
27 **to 25, 26 to 88g, 90 and 108 to 147 of this 2021 Act:**

28 **“(1) The Office of Emergency Management;**

29 **“(2) The Oregon Military Department;**

30 **“(3) The State Fire Marshal;**

