

Requested by Senator MANNING JR

**PROPOSED AMENDMENTS TO  
SENATE BILL 288**

1 On page 1 of the printed bill, line 3, delete “401.305,”.

2 Delete lines 5 through 17 and delete pages 2 through 8 and insert:

3 **“SECTION 1. ORS 401.094 is amended to read:**

4 “401.094. (1)(a) The Department of State Police shall maintain a system  
5 for the notification and interagency coordination of state resources in re-  
6 sponse to emergencies involving multijurisdictional cooperation between the  
7 various levels of government, [*and*] private business entities, **community-**  
8 **based organizations and faith-based organizations. Multijurisdictional**  
9 **cooperation developed under this paragraph must include organiza-**  
10 **tions that represent Native American, Black, African American, Latin,**  
11 **Asian or Pacific Islander communities, members of lesbian, gay,**  
12 **bisexual, transgender, queer or questioning (LGBTQ) communities,**  
13 **immigrants, refugees, members of tribal communities, linguistically**  
14 **diverse populations, persons with disabilities or access and functional**  
15 **needs communities.**

16 “(b) The department shall provide the Office of Emergency Management  
17 with a service level agreement that describes the continued daily operations  
18 and maintenance of the system, the services and supplies needed to maintain  
19 the system 24 hours a day, every day of the year, and the policies and pro-  
20 cedures that support the overall notification system.

21 “(2) The notification system shall be managed by the Office of Emergency

1 Management as a continuously available communications network and a  
2 component of the state's emergency operations center.

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

6 “(4) Each department of state government, and those agencies of state  
7 government identified in the statewide emergency management plan prepared  
8 under ORS 401.052 as having emergency service or administrative responsi-  
9 bilities, shall appoint an emergency management coordinator as their repre-  
10 sentative to work with the Office of Emergency Management on the  
11 development and implementation of emergency plans and procedures.

12 “(5) The Office of Emergency Management shall adopt rules relating to  
13 the planning, administration and operation of the notification system main-  
14 tained under this section.

15 **“SECTION 2.** ORS 401.358 is amended to read:

16 “401.358. As used in ORS 401.358 to 401.368:

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

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

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

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

24 “(a) Registered with the Office of Emergency Management or other public  
25 body to perform emergency service activities;

26 “(b) Acknowledged in writing as a qualified emergency service volunteer,  
27 at the time the person offers to volunteer during an emergency, by the Office  
28 of Emergency Management or by another public body;

29 “(c) A member of the Oregon Civil Defense Force; [or]

30 “(d) A building evaluator certified under the Oregon Safety Assessment

1 Program established under ORS 401.256[.]; or

2 **“(e) Any other volunteer from a nonprofit organization who is pro-**  
3 **viding emergency service activities at the direction of a public body**  
4 **or at the direction of a community-based or faith-based organization**  
5 **that represents Native American, Black, African American, Latin,**  
6 **Asian and Pacific Islander communities, members of lesbian, gay,**  
7 **bisexual, transgender, queer or questioning (LGBTQ) communities,**  
8 **immigrants, refugees, members of tribal communities, linguistically**  
9 **diverse populations, persons with disabilities or access and functional**  
10 **needs communities.**

11 **“SECTION 3.** ORS 401.368 is amended to read:

12 **“401.368. (1) Except as provided in subsection (2) of this section,** the  
13 Office of Emergency Management shall provide workers’ compensation cov-  
14 erage for qualified emergency service volunteers who are injured in the  
15 course and scope of performing emergency service activities under the di-  
16 rection of a public body if the injury occurs:

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 under**  
20 **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) The Oregon Health Authority shall provide workers’ compen-**  
25 **sation coverage for emergency health care providers registered under**  
26 **ORS 401.654 who are injured while performing emergency service ac-**  
27 **tivities under the direction of the authority and within the course and**  
28 **scope of that direction:**

29 **“(a) During a state of emergency declared under ORS 401.165;**

30 **“(b) During a state of public health emergency declared under ORS**

1 **433.441;**

2 **“(c) While rendering assistance pursuant to a request pursuant to**  
3 **the Emergency Management Assistance Compact adopted under ORS**  
4 **402.105 or the Pacific Northwest Emergency Management Arrangement**  
5 **adopted under ORS 402.250, including Annexes A and B to the Pacific**  
6 **Northwest Emergency Management Arrangement; or**

7 **“(d) While engaged in training described in ORS 401.358 (1)(b) that**  
8 **is conducted or approved by the authority.**

9 “[2] (3) Workers’ compensation coverage shall be provided under this  
10 section in the manner provided by ORS 656.039.

11 **“SECTION 4.** ORS 401.667 is amended to read:

12 “401.667. (1) If the Governor declares a state of emergency under ORS  
13 401.165, or proclaims a state of public health emergency under ORS 433.441,  
14 emergency health care providers registered under ORS 401.654 and other  
15 health care providers who volunteer to perform health care services under  
16 ORS 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for  
17 the purposes of any claims arising out of services that are provided under  
18 ORS 401.651 to 401.670 pursuant to directions from a public body and that  
19 are within the course and scope of the health care provider’s duties, without  
20 regard to whether the health care provider is compensated for the services.

21 “(2) If the Governor declares a state of emergency under ORS 401.165, or  
22 proclaims a state of public health emergency under ORS 433.441, health care  
23 facilities designated under ORS 401.657 and other persons operating emer-  
24 gency health care centers designated under ORS 401.657 are agents of the  
25 state under ORS 30.260 to 30.300 for the purposes of any claims arising out  
26 of services that are provided through those centers or facilities under ORS  
27 401.651 to 401.670 pursuant to directions from a public body and that are  
28 within the course and scope of the duties of the health care facility or other  
29 person, without regard to whether the health care facility or other person  
30 is compensated for the services.

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

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

12 “(5) **If the Governor receives a request for assistance from another**  
13 **party state to the Emergency Management Assistance Compact**  
14 **adopted under ORS 402.105 and the Oregon Health Authority directs**  
15 **an emergency health care provider registered under ORS 401.654 to**  
16 **that state to render assistance, the emergency health care provider is**  
17 **considered an officer or employee of the Oregon Health Authority for**  
18 **purposes of Article VI of the Emergency Management Assistance**  
19 **Compact.**

20 “**SECTION 5.** ORS 401.109 is amended to read:

21 “401.109. (1) The Oregon Homeland Security Council is created within the  
22 Office of Emergency Management. The council shall:

23 “(a) Receive briefings on security matters:

24 “(A) For which the office is responsible at least annually from state  
25 agencies and organizations as determined by the council; and

26 “(B) Relating to catastrophic disasters declared by the Governor pursuant  
27 to Article X-A, section 1, of the Oregon Constitution, or states of emergency  
28 declared by the Governor pursuant to ORS 401.165.

29 “(b) Advise state agencies with responsibility for security matters on the  
30 future direction of the office’s planning, preparedness, response and recovery

1 activities.

2 “(2) The membership of the council consists of:

3 “(a) Four members from the Legislative Assembly appointed as follows:

4 “(A) Two members from the Senate appointed by the President of the  
5 Senate; and

6 “(B) Two members from the House of Representatives appointed by the  
7 Speaker of the House of Representatives;

8 “(b) The Governor;

9 “(c) The Adjutant General;

10 “(d) The Superintendent of State Police;

11 “(e) The Director of the Office of Emergency Management; [*and*]

12 “(f) A representative of the Department of Justice appointed by the At-  
13 torney General; **and**

14 “**(g) The State Resilience Officer.**

15 “(3) Each member appointed to the council under subsection (2) of this  
16 section serves at the pleasure of the appointing authority. The membership  
17 of a public official ceases upon termination of the office held by the official  
18 at the time of appointment to the council.

19 “(4) The Governor is the chairperson of the council.

20 “(5) The Adjutant General is the vice chairperson of the council and  
21 serves as the chairperson in the absence of the Governor.

22 “(6) Members of the council are not entitled to compensation under ORS  
23 292.495. The director, in the director’s discretion, may reimburse members  
24 of the council as provided in ORS 292.495 for actual and necessary travel or  
25 other expenses incurred in the performance of their duties as members of the  
26 council.

27 “**SECTION 6.** ORS 401.913 is amended to read:

28 “401.913. (1) The office of State Resilience Officer is created in the office  
29 of the Governor. The office of State Resilience Officer shall direct, implement  
30 and coordinate [*seismic*] **hazard** safety and resilience goal setting and state

1 agency planning and preparation to improve [*seismic*] **hazard** safety and  
2 resilience, **including but not limited to planning and preparation for**  
3 **safety and resilience during and after earthquake, tsunami, wildfire,**  
4 **flooding and other natural or manmade events.**

5 “(2) The State Resilience Officer shall lead statewide mitigation ef-  
6 forts that address findings from the Oregon Resilience Plan and the  
7 state hazard mitigation plan.

8 “(3) The State Resilience Officer shall lead executive branch agen-  
9 cies on continuity of operations planning and continuity of govern-  
10 ment planning training and exercises.

11 “[2] (4) The Governor shall appoint an individual to serve as the State  
12 Resilience Officer, subject to confirmation by the Senate pursuant to Article  
13 III, section 4, of the Oregon Constitution.

14 “[3] (5) The legislative branch of government and the judicial branch  
15 of government shall each select an individual to monitor the effectiveness  
16 of [*seismic*] **hazard** safety and resilience planning in their branch.

17 **“SECTION 7. Section 8 of this 2021 Act is added to and made a part**  
18 **of ORS 401.358 to 401.368.**

19 **“SECTION 8. (1) The Office of Emergency Management shall es-**  
20 **tablish an outreach program to work directly with nonprofit organ-**  
21 **izations that represent Native American, Black, African American,**  
22 **Latin, Asian or Pacific Islander communities, members of the lesbian,**  
23 **gay, bisexual, transgender, queer or questioning (LGBTQ) communi-**  
24 **ties, immigrants, refugees, members of tribal communities, linguis-**  
25 **tically diverse populations, persons with disabilities or access and**  
26 **functional needs communities, to facilitate enhancement of volunteer**  
27 **organization capabilities to provide emergency service activities.**

28 “(2) The office shall dedicate at least one full-time equivalent posi-  
29 tion to performing the duties described in subsection (1) of this sec-  
30 tion.

1       **“SECTION 9. (1) As used in this section:**

2       **“(a)(A) ‘Eligible costs’ means:**

3       **“(i) Demolition, restoration of similar architectural finishes, work**  
4 **on electrical, plumbing and mechanical systems and other direct**  
5 **structural costs of seismic retrofitting; and**

6       **“(ii) Architectural, engineering, project management, insurance,**  
7 **testing and other service costs related to seismic retrofitting.**

8       **“(B) ‘Eligible costs’ does not mean:**

9       **“(i) Remodeling or refurbishing costs intended to enhance aesthet-**  
10 **ics, functionality or marketability without extending seismic life**  
11 **safety; or**

12       **“(ii) Relocation costs or loss of rent during improvement of the**  
13 **seismic safety, stability or resiliency of an eligible property.**

14       **“(b) ‘Eligible property’ means improvements to real property:**

15       **“(A) Constructed before January 1, 1993;**

16       **“(B) Having exteriors constructed primarily of unreinforced**  
17 **masonry, unreinforced concrete or other building materials declared**  
18 **seismically dangerous by city or county ordinance or by a city or**  
19 **county governing body resolution; and**

20       **“(C) Serving or having the capacity to serve as a facility providing**  
21 **food, shelter, health care or other necessary services during an emer-**  
22 **gency declared under ORS 401.165 or a public health emergency de-**  
23 **clared under ORS 433.441.**

24       **“(2) The Oregon Business Development Department shall adminis-**  
25 **ter a program, to be known as the Unreinforced Masonry Seismic**  
26 **Safety Program, for the purpose of awarding grants on an annual**  
27 **competitive basis from the Oregon Unreinforced Masonry Seismic**  
28 **Safety Fund established under section 10 of this 2021 Act. The depart-**  
29 **ment shall award and disburse grants under the program for the pur-**  
30 **poses of:**



1       “(a) Improving, on a statewide basis, the seismic safety, stability  
2 and resiliency of eligible properties; and

3       “(b) Promoting improvements in seismic safety, stability and  
4 resiliency that will lead to private investment, job creation or re-  
5 tention, the establishment or expansion of viable businesses or the  
6 creation of a stronger tax base.

7       “(3) Applications for grants under the program described in sub-  
8 section (2) of this section must state with specificity the proposed im-  
9 provements to the seismic safety, stability and resiliency of the eligible  
10 property. The proposed improvements must be sufficient to meet or  
11 exceed the seismic performance level for eligible properties established  
12 by the department by rule.

13       “(4) In awarding grants under the program, the department shall  
14 give priority to grants for:

15       “(a) Eligible property owned by, or primarily benefitting, a  
16 nonprofit corporation as defined in ORS 65.001 that primarily serves  
17 Native American, Black, African American, Latin, Asian or Pacific  
18 Islander communities, members of the lesbian, gay, bisexual,  
19 transgender, queer or questioning (LGBTQ) communities, immigrants,  
20 refugees, members of tribal communities, persons with disabilities or  
21 access and functional needs communities; and

22       “(b) Categories of eligible property identified by the department by  
23 rule.

24       “(5) Subject to subsection (6) of this section, an annual grant  
25 awarded to an applicant under this section may not exceed the lesser  
26 of:

27       “(a) Thirty-five percent of the total eligible costs expended on eli-  
28 gible properties; or

29       “(b) \$2.5 million for each eligible property.

30       “(6) The department shall reduce the grant for an eligible property

1 by the amount of any tax credits or grants received from Oregon state  
2 government, as defined in ORS 174.111, in connection with the prop-  
3 erty. A grant under this section may not exceed the difference between  
4 the eligible cost and the total amount received to pay for the eligible  
5 cost from all other sources, such as tax credits or grants.

6 “(7) The department shall adopt a formula for making grants under  
7 the program that reserves a minimum of 50 percent of available grant  
8 funds for projects outside of the Portland metropolitan area urban  
9 growth boundary.

10 “(8) The department shall:

11 “(a) Develop criteria for determining the eligibility of grant appli-  
12 cants and proposed projects;

13 “(b) Provide project oversight and monitoring for grant recipients;

14 “(c) Provide regular updates to other state agencies that have an  
15 interest in the carrying out of the program;

16 “(d) Adopt rules for the purpose of carrying out the program; and

17 “(e) Appoint an advisory group of individuals qualified to review  
18 grant applications, advise on the carrying out of the program and  
19 perform other program-related duties as determined by the depart-  
20 ment.

21 “(9) The department shall require each grant recipient to file upon  
22 completion of the eligible project a sworn statement identifying the  
23 amounts and types of moneys received for the eligible project and the  
24 source of those moneys.

25 “(10) In adopting rules under this section, the department may  
26 consult with other state agencies having an interest in the carrying  
27 out of the program.

28 **“SECTION 10.** The Oregon Unreinforced Masonry Seismic Safety  
29 Fund is established in the State Treasury, separate and distinct from  
30 the General Fund. Interest earned by the Oregon Unreinforced

1 **Masonry Seismic Safety Fund shall be credited to the fund. Moneys in**  
2 **the fund are continuously appropriated to the Oregon Business De-**  
3 **velopment Department for the purpose of carrying out the Unrein-**  
4 **forced Masonry Seismic Safety Program described in section 9 of this**  
5 **2021 Act. The fund shall consist of any moneys designated for deposit**  
6 **in the fund or for carrying out the program, including but not limited**  
7 **to appropriations or other provisions of moneys by the Legislative**  
8 **Assembly, bond proceeds and public or private moneys from gifts,**  
9 **grants or donations.**

10 **“SECTION 11. (1) In addition to and not in lieu of bonds authorized**  
11 **pursuant to ORS 286A.035, for the biennium ending June 30, 2023, at**  
12 **the request of the Oregon Department of Administrative Services, af-**  
13 **ter the department consults with the Oregon Business Development**  
14 **Department, the State Treasurer is authorized to issue lottery bonds**  
15 **pursuant to ORS 286A.560 to 286A.585 in an amount that produces \$50**  
16 **million in net proceeds and interest earnings for the purposes de-**  
17 **scribed in subsection (2) of this section, plus an additional amount**  
18 **estimated by the State Treasurer to be necessary to pay bond-related**  
19 **costs.**

20 **“(2) Net proceeds of lottery bonds issued under this section must**  
21 **be transferred to the Oregon Business Development Department for**  
22 **deposit in the Oregon Unreinforced Masonry Seismic Safety Fund es-**  
23 **tablished under section 10 of this 2021 Act.**

24 **“(3) The Legislative Assembly finds that the use of lottery bond**  
25 **proceeds for the purpose of carrying out the Unreinforced Masonry**  
26 **Seismic Safety Program described in section 9 of this 2021 Act will**  
27 **create jobs, further economic development and enhance the economic**  
28 **vitality of Oregon communities, and is authorized based on the fol-**  
29 **lowing findings:**

30 **“(a) Masonry and concrete buildings are an integral part of the**

1 commercial, industrial and nonprofit infrastructure of this state. Un-  
2 reinforced masonry and unreinforced concrete buildings pose a signif-  
3 icant risk to that infrastructure in the event of an earthquake.

4 “(b) Improvements to the seismic safety, stability and resiliency of  
5 unreinforced masonry and unreinforced concrete buildings will create  
6 jobs and promote economic development within this state.

7 “SECTION 12. The Oregon Business Development Department shall  
8 report regarding the Unreinforced Masonry Seismic Safety Program  
9 to an interim committee of the Legislative Assembly relating to  
10 emergency preparedness, in the manner provided by ORS 192.245, no  
11 later than September 15, 2023. The report shall include, but need not  
12 be limited to, information concerning applications received and grants  
13 issued under the program and concerning the distribution of applica-  
14 tions and grants between the Portland metropolitan area urban growth  
15 boundary and the rest of this state.

16 “SECTION 13. This 2021 Act takes effect on the 91st day after the  
17 date on which the 2021 regular session of the Eighty-first Legislative  
18 Assembly adjourns sine die.”.

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