

HB 2927-13  
(LC 268)  
4/14/21 (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; 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, 433.448, 443.760, 453.327, 453.342,  
12 453.362, 453.392, 453.394, 453.520, 453.825, 465.505, 466.620, 466.635, 468B.365,  
13 468B.431, 469.533, 476.020, 476.030, 476.050, 476.055, 476.090, 476.130, 476.210,  
14 476.220, 476.270, 476.290, 476.590, 476.680, 476.685, 476.735, 476.765, 476.806,  
15 476.925, 478.270, 478.940, 479.180, 480.230, 480.450, 480.460, 540.482, 657.665,  
16 689.645, 731.820, 735.470 and 824.088 and sections 1, 3 and 4, chapter 85,  
17 Oregon Laws 2016, and section 13c, chapter 581, Oregon Laws 2019; and de-  
18 claring an emergency.”.

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

20

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.

18

19 **“(Finance)**

20

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 **2021, 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, 2021.**

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.

2  
3 “(Action, Proceeding, Prosecution)

4  
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.**

14  
15 “(Liability, Duty, Obligation)

16  
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)  
3

4       “**SECTION 16.** ORS 401.094 is amended to read:

5       “401.094. (1)(a) The Department of State Police shall maintain a system  
6 for the notification and interagency coordination of state resources in re-  
7 sponse to emergencies involving multijurisdictional cooperation between the  
8 various levels of government and private business entities.

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

14       “(2) The notification system shall be managed by the [*Office*] **Oregon**  
15 **Department** of Emergency Management as a continuously available com-  
16 munications network and a component of the state’s emergency operations  
17 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*] **Oregon Department** of Emergency  
26 Management on the development and implementation of emergency plans and  
27 procedures.

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

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

3       “401.094. (1)[(a)] The **Oregon** Department of [*State Police*] **Emergency**  
4 **Management** shall maintain a system for the notification and interagency  
5 coordination of state resources in response to emergencies involving multi-  
6 jurisdictional cooperation between the various levels of government and  
7 private business entities.

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

13       “(2) The notification system shall be managed by the [*Oregon Department*  
14 *of Emergency Management*] **department** as a continuously available com-  
15 munications network and a component of the state’s emergency operations  
16 center.

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

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

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

30       “**NOTE:** Sections 17 through 23 were deleted by amendment. Subsequent

1 sections were not renumbered.

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

3 “476.590. The State Fire Marshal, **in consultation with the Director**  
4 **of the Oregon Department of Emergency Management**, shall prepare  
5 plans for the effective carrying out of the provisions of ORS 476.520 to  
6 476.610 and provide advice and counsel to the Governor for the most practi-  
7 cal utilization under ORS 476.520 to 476.610 of the fire-fighting resources of  
8 this state.

9 **“NOTE:** Section 25 was deleted by amendment. Subsequent sections were  
10 not renumbered.

11

12 **“(Emergency Preparedness Functions)**

13

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

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

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

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

22

23 **“(Conforming Amendments)**

24

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

26 “195.260. (1) In order to reduce the risk of serious bodily injury or death  
27 resulting from rapidly moving landslides, a local government:

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

30 **“(b) May require a geotechnical report and, if a report is required, shall**

1 provide for a coordinated review of the geotechnical report by the State  
2 Department of Geology and Mineral Industries or the State Forestry De-  
3 partment, as appropriate, before issuing a building permit for a site in a  
4 further review area.

5 “(c) Except those structures exempt from building codes under ORS  
6 455.310 and 455.315, shall amend its land use regulations, or adopt new land  
7 use regulations, to regulate the siting of dwellings and other structures de-  
8 signed for human occupancy, including those being restored under ORS  
9 215.130 (6), in further review areas where there is evidence of substantial risk  
10 for rapidly moving landslides. All final decisions under this paragraph and  
11 paragraph (b) of this subsection are the responsibility of the local govern-  
12 ment with jurisdiction over the site. A local government may not delegate  
13 such final decisions to any state agency.

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

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

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

23 “(a) Be recorded with the county clerk of the county in which the prop-  
24 erty is located, in which the landowner acknowledges that the landowner  
25 may not in the future bring any action against an adjacent landowner about  
26 the effects of rapidly moving landslides on or adjacent to the landowner’s  
27 property; and

28 “(b) Record in the deed records for the county where the lot or parcel is  
29 located a nonrevocable deed restriction that the landowner signs and ac-  
30 knowledges, that contains a legal description complying with ORS 93.600 and

1 that prohibits any present or future owner of the property from bringing any  
2 action against an adjacent landowner about the effects of rapidly moving  
3 landslides on or adjacent to the property.

4 “(3) Restrictions on forest practices adopted under ORS 527.710 (10) do  
5 not apply to risk situations arising solely from the construction of a building  
6 designed for human occupancy in a further review area on or after October  
7 23, 1999.

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

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

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

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

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

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

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

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

1 coordinate state resources for rapid and effective response to landslide-  
2 related emergencies.

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

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

13 “(7) Except as provided in ORS 527.710 or in Oregon’s ocean and coastal  
14 land use planning goals, no state agency may adopt criteria regulating ac-  
15 tivities for the purpose of reducing risk of serious bodily injury or death  
16 from rapidly moving landslides on lands subject to the provisions of ORS  
17 195.250 to 195.260 that are more restrictive than the criteria adopted by a  
18 local government pursuant to subsection (1)(c) of this section.

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

20 “244.050. (1) On or before April 15 of each year the following persons shall  
21 file with the Oregon Government Ethics Commission a verified statement of  
22 economic interest as required under this chapter:

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

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

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

- 1       “(d) The Deputy Attorney General.
- 2       “(e) The Deputy Secretary of State.
- 3       “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-  
4       tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-  
5       tary of the Senate, the Chief Clerk of the House of Representatives and the  
6       Legislative Equity Officer.
- 7       “(g) The president and vice presidents, or their administrative equiv-  
8       alents, in each public university listed in ORS 352.002.
- 9       “(h) The following state officers:
- 10       “(A) Adjutant General.
- 11       “(B) Director of Agriculture.
- 12       “(C) Manager of State Accident Insurance Fund Corporation.
- 13       “(D) Water Resources Director.
- 14       “(E) Director of Department of Environmental Quality.
- 15       “(F) Director of Oregon Department of Administrative Services.
- 16       “(G) State Fish and Wildlife Director.
- 17       “(H) State Forester.
- 18       “(I) State Geologist.
- 19       “(J) Director of Human Services.
- 20       “(K) Director of the Department of Consumer and Business Services.
- 21       “(L) Director of the Department of State Lands.
- 22       “(M) State Librarian.
- 23       “(N) Administrator of Oregon Liquor Control Commission.
- 24       “(O) Superintendent of State Police.
- 25       “(P) Director of the Public Employees Retirement System.
- 26       “(Q) Director of Department of Revenue.
- 27       “(R) Director of Transportation.
- 28       “(S) Public Utility Commissioner.
- 29       “(T) Director of Veterans’ Affairs.
- 30       “(U) Executive director of Oregon Government Ethics Commission.



1 “(V) Director of the State Department of Energy.  
2 “(W) Director and each assistant director of the Oregon State Lottery.  
3 “(X) Director of the Department of Corrections.  
4 “(Y) Director of the Oregon Department of Aviation.  
5 “(Z) Executive director of the Oregon Criminal Justice Commission.  
6 “(AA) Director of the Oregon Business Development Department.  
7 “(BB) Director of the [*Office*] **Oregon Department** of Emergency Man-  
8 agement.  
9 “(CC) Director of the Employment Department.  
10 “**(DD) State Fire Marshal.**  
11 “[*DD*] **(EE)** Chief of staff for the Governor.  
12 “[*EE*] **(FF)** Director of the Housing and Community Services Depart-  
13 ment.  
14 “[*FF*] **(GG)** State Court Administrator.  
15 “[*GG*] **(HH)** Director of the Department of Land Conservation and De-  
16 velopment.  
17 “[*HH*] **(II)** Board chairperson of the Land Use Board of Appeals.  
18 “[*II*] **(JJ)** State Marine Director.  
19 “[*JJ*] **(KK)** Executive director of the Oregon Racing Commission.  
20 “[*KK*] **(LL)** State Parks and Recreation Director.  
21 “[*LL*] **(MM)** Public defense services executive director.  
22 “[*MM*] **(NN)** Chairperson of the Public Employees’ Benefit Board.  
23 “[*NN*] **(OO)** Director of the Department of Public Safety Standards and  
24 Training.  
25 “[*OO*] **(PP)** Executive director of the Higher Education Coordinating  
26 Commission.  
27 “[*PP*] **(QQ)** Executive director of the Oregon Watershed Enhancement  
28 Board.  
29 “[*QQ*] **(RR)** Director of the Oregon Youth Authority.  
30 “[*RR*] **(SS)** Director of the Oregon Health Authority.

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

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

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

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

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

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

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

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

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

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

19       “(A) Governing board of the State Department of Geology and Mineral  
20 Industries.

21       “(B) Oregon Business Development Commission.

22       “(C) State Board of Education.

23       “(D) Environmental Quality Commission.

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

25       “(F) State Board of Forestry.

26       “(G) Oregon Government Ethics Commission.

27       “(H) Oregon Health Policy Board.

28       “(I) Oregon Investment Council.

29       “(J) Land Conservation and Development Commission.

30       “(K) Oregon Liquor Control Commission.

- 1 “(L) Oregon Short Term Fund Board.
- 2 “(M) State Marine Board.
- 3 “(N) Mass transit district boards.
- 4 “(O) Energy Facility Siting Council.
- 5 “(P) Board of Commissioners of the Port of Portland.
- 6 “(Q) Employment Relations Board.
- 7 “(R) Public Employees Retirement Board.
- 8 “(S) Oregon Racing Commission.
- 9 “(T) Oregon Transportation Commission.
- 10 “(U) Water Resources Commission.
- 11 “(V) Workers’ Compensation Board.
- 12 “(W) Oregon Facilities Authority.
- 13 “(X) Oregon State Lottery Commission.
- 14 “(Y) Pacific Northwest Electric Power and Conservation Planning Coun-  
15 cil.
- 16 “(Z) Columbia River Gorge Commission.
- 17 “(AA) Oregon Health and Science University Board of Directors.
- 18 “(BB) Capitol Planning Commission.
- 19 “(CC) Higher Education Coordinating Commission.
- 20 “(DD) Oregon Growth Board.
- 21 “(EE) Early Learning Council.
- 22 “(r) The following officers of the State Treasurer:
- 23 “(A) Deputy State Treasurer.
- 24 “(B) Chief of staff for the office of the State Treasurer.
- 25 “(C) Director of the Investment Division.
- 26 “(s) Every member of the board of commissioners of a port governed by  
27 ORS 777.005 to 777.725 or 777.915 to 777.953.
- 28 “(t) Every member of the board of directors of an authority created under  
29 ORS 441.525 to 441.595.
- 30 “(u) Every member of a governing board of a public university listed in

1 ORS 352.002.

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

4 “(2) By April 15 next after the date an appointment takes effect, every  
5 appointed public official on a board or commission listed in subsection (1)  
6 of this section shall file with the Oregon Government Ethics Commission a  
7 statement of economic interest as required under ORS 244.060, 244.070 and  
8 244.090.

9 “(3) By April 15 next after the filing deadline for the primary election,  
10 each candidate described in subsection (1) of this section shall file with the  
11 commission a statement of economic interest as required under ORS 244.060,  
12 244.070 and 244.090.

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

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

22 “(6) If a statement required to be filed under this section has not been  
23 received by the commission within five days after the date the statement is  
24 due, the commission shall notify the public official or candidate and give the  
25 public official or candidate not less than 15 days to comply with the re-  
26 quirements of this section. If the public official or candidate fails to comply  
27 by the date set by the commission, the commission may impose a civil pen-  
28 alty as provided in ORS 244.350.

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

30 “276A.300. (1) As used in this section:

1       “(a) ‘Executive department’ has the meaning given that term in ORS  
2 174.112.

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

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

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

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

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

24       “(c) Conduct vulnerability assessments of state agency information sys-  
25 tems for the purpose of evaluating and responding to the susceptibility of  
26 information systems to attack, disruption or any other event that threatens  
27 the availability, integrity or confidentiality of information systems or the  
28 information stored in information systems.

29       “(4) The State Chief Information Officer shall contract with qualified,  
30 independent consultants for the purpose of conducting vulnerability assess-

1 ments under subsection (3) of this section.

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

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

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

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

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

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

21 “(6) After consultation and collaborative development with appropriate  
22 agencies and the Oregon Department of Administrative Services, the State  
23 Chief Information Officer shall implement forensic techniques and controls  
24 for the security of information systems, whether those systems are within,  
25 interoperable with or outside the state’s shared computing and network  
26 infrastructure. The techniques and controls must include using specialized  
27 expertise, tools and methodologies to investigate events that damage or  
28 threaten the availability, integrity or confidentiality of information systems  
29 or the information stored in information systems. The State Chief Informa-  
30 tion Officer shall consult with the Oregon State Police, the [*Office*] **Oregon**

1 **Department** of Emergency Management, the Governor and others as neces-  
2 sary in developing forensic techniques and controls under this section.

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

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

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

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

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

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

30 “(B) The results of Oregon State Lottery reviews, evaluations and vul-

1 nerability assessments of computer systems outside the state’s shared com-  
2 puting and network infrastructure.

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

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

6 “276A.326. (1) The Oregon Cybersecurity Advisory Council is established  
7 within the office of the State Chief Information Officer. The council consists  
8 of nine voting members appointed by the State Chief Information Officer in  
9 consultation with the Governor. A majority of the council’s voting members  
10 must be representatives of cyber-related industries in Oregon. The voting  
11 members of the council must include at least one representative of post-  
12 secondary institutions of education and one representative of public law  
13 enforcement agencies in Oregon.

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

16 “(a) The Department of Justice;

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

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

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

20 “(e) The Higher Education Coordinating Commission;

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

22 “(g) The Employment Department;

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

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

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

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

30 “(a) Serve as the statewide advisory body to the State Chief Information



1 Officer on cybersecurity.

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

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

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

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

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

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

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

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

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

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

30 “(c) A nonvoting member’s term of office is two years. A nonvoting

1 member is eligible for reappointment.

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

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

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

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

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

20 “377.833. (1) The Department of Transportation shall work together with  
21 the Travel Information Council, the [Office] **Oregon Department** of Emer-  
22 gency Management, the Department of State Police, the Secretary of State  
23 and owners of digital billboards to develop a public notification plan for the  
24 purpose of using digital billboards to display notifications to the traveling  
25 public related to civic activities and public safety. Public notifications in-  
26 clude but are not limited to information about the Government Waste  
27 Hotline established under ORS 177.170, elections, voter registration, Amber  
28 Alerts and natural disasters and other emergencies.

29 “(2) The Department of Transportation, in coordination with the [Office]  
30 **Oregon Department** of Emergency Management, the Department of State

1 Police, the Secretary of State and owners of digital billboards, shall prepare  
2 a written public notification plan. In preparing the plan, the Department of  
3 Transportation shall address:

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

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

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

9 “399.035. (1) In addition to the federally recognized Oregon National  
10 Guard subject to call or order to federal service under laws of the United  
11 States, there shall be organized within the state a National Guard Reserve  
12 force. Such force shall be known as the Oregon Civil Defense Force, and  
13 shall be composed principally of officers, warrant officers and enlisted per-  
14 sons not eligible for general service under federal selective service laws.

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

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

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

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

26 “(a) The Superintendent of State Police may form a volunteer Oregon  
27 State Police Civil Defense Force for the purpose of providing emergency re-  
28 sponse and communications, medical assistance, logistical support and other  
29 aid authorized by the superintendent. The superintendent, in collaboration  
30 with the Adjutant General, may assign delegate members of the Oregon State

1 Police Civil Defense Force to command centers throughout this state.

2 “(b) The sheriff of a county in this state may form a volunteer County  
3 Civil Defense Force for the purpose of providing emergency response and  
4 communications, medical assistance, logistical support and other aid au-  
5 thorized by the sheriff.

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

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

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

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

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

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

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

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

27 “401.096. (1) The [Office] **Oregon Department** of Emergency Management  
28 is designated as the sole agency of the State of Oregon for the purpose of  
29 negotiating agreements with the United States Department of Homeland Se-  
30 curity or other appropriate federal agency, on behalf of the state, for the

1 acquisition of federal funds for the purpose of providing emergency program  
2 management and emergency services.

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

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

8 “(b) An emergency service agency.

9 “(c) A state agency.

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

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

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

19 “401.165. (1) The Governor **by proclamation** may declare a state of  
20 emergency [*by proclamation*] at the request of a county governing body or  
21 after determining that an emergency has occurred or is imminent.

22 “(2) All requests by a county governing body that the Governor declare  
23 an emergency shall be sent to the [Office] **Oregon Department** of Emer-  
24 gency Management. Cities must submit requests through the governing body  
25 of the county in which the majority of the city’s property is located. Re-  
26 quests from counties shall be in writing and include the following:

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

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

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

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

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

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

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

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

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

29 “401.239. (1) As used in this section:

30 “(a) ‘Broadcaster’ means a person that holds a license issued by the Fed-

1 eral Communications Commission under 47 C.F.R. parts 73, 74, 76 or 78.

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

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

6 “(B) Who is:

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

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

11 “(2) Unless prohibited by state or federal law or in the discretion of the  
12 incident commander during [an] **a state of** emergency declared under ORS  
13 401.165, a first informer may:

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

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

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

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

25 “(4) The [*Office*] **Oregon Department** of Emergency Management shall  
26 authorize a private entity organized under the laws of this state that re-  
27 presents a majority of the broadcasters in this state to establish a program  
28 for the issuance of credentials for first informers pursuant to a plan devel-  
29 oped by the private entity. The plan to provide credentials to first informers  
30 must provide for training first informers regarding:

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

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

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

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

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

12 “401.305. (1) As used in this section, ‘tribal government’ means a federally  
13 recognized sovereign tribal government operating within the borders of this  
14 state or an intertribal organization formed by two or more federally recog-  
15 nized sovereign tribal governments operating within this state.

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

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

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

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

30 “(b) Specify the responsibilities of the emergency program managers and



1 staff; and

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

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

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

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

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

17 “(c) Coordination with the [*Office*] **Oregon Department** of Emergency  
18 Management to integrate effective practices in emergency preparedness and  
19 response as provided in the National Incident Management System estab-  
20 lished by the Homeland Security Presidential Directive 5 of February 28,  
21 2003.

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

23 “401.358. As used in ORS 401.358 to 401.368:

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

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

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

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

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

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

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

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

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

11 “401.368. (1) The [*Office*] **Oregon Department** of Emergency Management  
12 shall provide workers’ compensation coverage for qualified emergency service  
13 volunteers who are injured in the course and scope of performing emergency  
14 service activities under the direction of a public body if the injury occurs:

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

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

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

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

25 “401.551. (1) As used in this section:

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

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

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

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

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

5 “(d) ‘Qualified applicant’ means an entity that has responsibility for or  
6 expertise in emergency preparedness and that is a local government, a spe-  
7 cial government body, a federally recognized Indian tribe in Oregon or a  
8 private organization qualified for federal tax-exempt status under section  
9 501(c)(3) of the Internal Revenue Code.

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

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

17 “(2)(a) [*Before December 31, 2017,*] The Oregon Homeland Security Council  
18 shall develop, **and shall periodically revise and update**, a list of  
19 preparedness equipment that is needed throughout this state to address de-  
20 ficiencies in the ability of the state to respond to local and regional emer-  
21 gencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30       “(G) Shall require the recipient to take action or refrain from action as

1 necessary to maintain federal tax benefits related to any tax-exempt bonds  
2 that are used to fund the grant and to indemnify the State of Oregon for any  
3 costs, expenses or liability due to loss of such federal tax benefits caused by  
4 action or inaction of the recipient.

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

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

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

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

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

28 “401.534. (1) The Oregon Disaster Response Fund is established in the  
29 State Treasury, separate and distinct from the General Fund. Moneys re-  
30 ceived from federal grants for disaster response efforts shall be deposited

1 into the Oregon Disaster Response Fund. Moneys in the fund are contin-  
2 uously appropriated to the [*Oregon Military Department*] **Oregon Depart-**  
3 **ment of Emergency Management** to be used to:

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

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

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

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

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

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

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

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

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

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

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

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

2       “401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Ac-  
3 count is established as an account in the Oregon Disaster Response Fund.  
4 The account consists of moneys appropriated by the Legislative Assembly  
5 and any other moneys deposited into the account pursuant to law.

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

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

12       “(b) Providing loans and grants to local governments, as defined in ORS  
13 174.116, and school districts, for the purpose of paying costs incurred by local  
14 governments and school districts in response to federally declared disasters;

15       “(c) Providing loans and grants to local governments, as defined in ORS  
16 174.116, and school districts for the purposes of paying costs incurred by lo-  
17 cal governments and school districts in response to disasters that are not  
18 federally declared disasters, as determined by the Legislative Assembly, if  
19 all loans and grants provided under paragraphs (a) and (b) of this subsection  
20 have been repaid, fulfilled or otherwise satisfied and moneys remain in the  
21 account; and

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

25       “(3) Loans made under subsection (2)(b) or (c) of this section shall be re-  
26 paid pursuant to such terms and conditions as may be established by the  
27 Oregon Department of Administrative Services. Loans made under subsection  
28 (2)(b) or (c) of this section may be interest free, or bear interest at a rate  
29 established by the Oregon Department of Administrative Services. Amounts  
30 repaid on loans made under subsection (2)(b) or (c) of this section shall be



1 deposited in the General Fund.

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

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

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

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

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

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

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

22 “(8) The review board shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 “401.552. The Resiliency Grant Fund is established in the State Treasury,  
27 separate and distinct from the General Fund. Interest earned by the  
28 Resiliency Grant Fund must be credited to the fund. The Resiliency Grant  
29 Fund consists of moneys deposited in the fund under ORS 401.551 and may  
30 include moneys appropriated, allocated, deposited or transferred to the fund

1 by the Legislative Assembly or otherwise and interest earned on moneys in  
2 the fund. The moneys in the fund are continuously appropriated to the [*Of-*  
3 *fice*] **Oregon Department** of Emergency Management for the purposes  
4 specified in ORS 401.551.

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

6 “540.482. (1) The Water Resources Department shall require the owner of  
7 a dam that has a high hazard rating to develop an emergency action plan for  
8 the dam.

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

11 “(a) Means for emergency condition detection;

12 “(b) Means for emergency level determination;

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

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

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

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

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

29 “(4) The **Water Resources** Department, in consultation with the [*office*]  
30 **Oregon Department of Emergency Management** and local emergency

1 services agency, shall determine the appropriate frequency for conducting  
2 emergency response exercises at a dam that has a high hazard rating.

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

4 “689.645. (1) In accordance with rules adopted by the State Board of  
5 Pharmacy under ORS 689.205, a pharmacist may:

6 “(a) Administer vaccines:

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

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

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

17 “(c) Using a form prescribed by the board, submit a concept for the de-  
18 velopment of a protocol, other than the protocols pharmacists may establish  
19 under subsection (5) of this section, to the committee for consideration by  
20 the committee and recommendation to the board for adoption by rule of the  
21 board.

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

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

1 for Disease Control and Prevention.

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

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

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

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

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

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

22 “401.654. (1) The Oregon Health Authority may establish an emergency  
23 health care provider registry that includes emergency health care providers  
24 who are available to provide health care services during an emergency or  
25 crisis. As a condition of inclusion in the registry, the authority may require:

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

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

30 “(2) The authority shall issue identification cards to health care providers

1 entered in the emergency health care provider registry established under this  
2 section that:

3 “(a) Identify the health care provider;

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

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

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

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

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

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

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

23 “401.900. (1) Each state or local agency shall drill agency employees  
24 working in office buildings on emergency procedures so that the employees  
25 may respond to an earthquake emergency without confusion or panic.

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

29 “(3) The drills must include familiarization with routes and methods of  
30 exiting the building and the earthquake emergency response procedure re-

1 commended by the Federal Emergency Management Agency known as ‘drop,  
2 cover and hold on.’

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

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

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

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

18 “401.902. (1) A person employing 250 or more full-time employees within  
19 this state shall drill employees working in office buildings on emergency  
20 procedures so that the employees may respond to an earthquake emergency  
21 without confusion or panic.

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

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

28 “(4) Consistent with rules of the [*Office of Emergency Management*] **de-**  
29 **partment**, the person may drill earthquake emergency response procedures  
30 in addition to ‘drop, cover and hold on’ when the person determines, based

1 on evaluation of specific engineering and structural issues related to an of-  
2 fice building, that ‘drop, cover and hold on’ may not be the most effective  
3 earthquake emergency response procedure to prevent or limit injury or loss  
4 of life.

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

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

8 “401.904. The [*Office*] **Oregon Department** of Emergency Management,  
9 in consultation with the State Department of Geology and Mineral Indus-  
10 tries, shall adopt rules governing the conduct of earthquake emergency drills  
11 required by ORS 401.900 and 401.902. In addition to the [*office*] **Oregon**  
12 **Department of Emergency Management** submitting the rules for publi-  
13 cation pursuant to ORS 183.360, the [*office and the department*] **departments**  
14 shall each post the rules on an electronic bulletin board, home page or sim-  
15 ilar site.

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

17 “401.910. (1) The Oregon Business Development Department shall develop  
18 a grant program for the disbursement of funds for the seismic rehabilitation  
19 of critical public buildings, including hospital buildings with acute inpatient  
20 care facilities, fire stations, police stations, sheriffs’ offices, other facilities  
21 used by state, county, district or municipal law enforcement agencies and  
22 buildings with a capacity of 250 or more persons that are routinely used for  
23 student activities by kindergarten through grade 12 public schools, commu-  
24 nity colleges, education service districts and institutions of higher education,  
25 including but not limited to public universities listed in ORS 352.002. The  
26 Oregon Infrastructure Finance Authority established in the department by  
27 ORS 285A.096 shall administer the grant program developed under this sec-  
28 tion. The funds for the seismic rehabilitation of critical public buildings  
29 under the grant program are to be provided from the issuance of bonds pur-  
30 suant to the authority provided in Articles XI-M and XI-N of the Oregon



1 Constitution.

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

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

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

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

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

13 “(e) The Department of Education;

14 “(f) The Oregon Health Authority;

15 “(g) The Oregon Fire Chiefs Association;

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

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

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

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

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

28 “(b) Provide authority to the grant committee to waive requirements of  
29 the grant program based on special circumstances such as proximity to fault  
30 hazards, community value of the structure, emergency functions provided by

1 the structure and storage of hazardous materials.

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

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

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

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

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

14 “401.915. (1) There is established a Seismic Safety Policy Advisory Com-  
15 mission consisting of the following members:

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

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

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

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

20 “(D) Department of Transportation; and

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

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

23 “(A) One representative of local government;

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

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

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

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

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

30 “(2) The term of office of each member, except a member of the Legislative

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

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

10 “401.922. The [*Office*] **Oregon Department** of Emergency Management  
11 shall provide technical, clerical and other necessary support services to the  
12 Seismic Safety Policy Advisory Commission. The Department of Consumer  
13 and Business Services, the State Department of Geology and Mineral Indus-  
14 tries, the Department of Land Conservation and Development, the Depart-  
15 ment of Transportation, the Oregon Health Authority, the Water Resources  
16 Department and the public universities listed in ORS 352.002 shall provide  
17 assistance, as required, to the commission to enable it to meet its objectives.

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

19 “401.950. (1) As used in this section:

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

24 “(b) ‘Tsunami inundation zone’ means an area of expected tsunami  
25 inundation, based on scientific evidence that may include geologic field data  
26 and tsunami modeling, determined by the governing board of the State De-  
27 partment of Geology and Mineral Industries, by rule, as required by ORS  
28 455.446 (1) and (2).

29 “(2) The [*Office*] **Oregon Department** of Emergency Management, in  
30 consultation and cooperation with the State Department of Geology and

1 Mineral Industries, shall:

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

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

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

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

12 “401.952. (1) The [*Office*] **Oregon Department** of Emergency Manage-  
13 ment, in consultation with the State Department of Geology and Mineral  
14 Industries, shall establish by rule a uniform tsunami warning signal, in-  
15 cluding rules specifying the type, duration and volume of the warning signal  
16 and the location of warning signal delivery devices, for use on the Oregon  
17 coast.

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

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

22 “401.955. The [*Office*] **Oregon Department** of Emergency Management  
23 or the State Department of Geology and Mineral Industries may seek and  
24 accept gifts, grants and donations from any source to finance all or part of  
25 the duties assigned under ORS 401.950 and 401.952.

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

27 “401.975. The Legislative Assembly finds that:

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

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

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

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

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

13 “401.977. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “401.978. (1) As used in this section, ‘livestock’ means cattle, horses, sheep  
25 and any other animals designated by the State Department of Agriculture.

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

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

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

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

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

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

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

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

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

16 “402.015. In carrying out the provisions of ORS chapter 401, the Governor  
17 and the executive officers or governing bodies of the counties and cities may  
18 request and utilize the services, equipment, supplies and facilities of existing  
19 departments, offices and agencies of the state and of local governments. The  
20 officers and personnel of all local government departments, offices and  
21 agencies may cooperate with, and extend such services and facilities to the  
22 Governor, to the [*Office*] **Oregon Department** of Emergency Management  
23 and to emergency management agencies and emergency service agencies upon  
24 request.

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

26 “402.020. The state shall reimburse a local government for the compen-  
27 sation paid and the actual and necessary travel, subsistence and maintenance  
28 expenses of employees of the local government while actually serving at the  
29 direction of the Governor or the Director of the [*Office*] **Oregon Depart-**  
30 **ment** of Emergency Management in a state function or capacity.

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

2       “402.210. (1) There is created an intrastate mutual assistance agreement  
3 called the Oregon Resource Coordination Assistance Agreement.

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

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

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

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

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

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

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

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

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

24       “(5) The agreement does not:

25       “(a) Require a participant to provide resources to a requesting partic-  
26 ipant.

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

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



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

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

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

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

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

10 “402.230. (1) The intent of the intrastate mutual assistance agreement  
11 created under ORS 402.210 is to provide for nonreimbursable assistance to a  
12 requesting participant.

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

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

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

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

28 “(6) If the participants cannot resolve the dispute within 90 days after  
29 receipt of the notice of alleged noncompliance, either participant in the dis-  
30 pute may submit the dispute to arbitration under the commercial arbitration

1 rules of the American Arbitration Association.

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

3 “403.120. (1) The [*Office*] **Oregon Department** of Emergency Management  
4 shall:

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

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

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

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

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

19 “(B) Account and subaccount balances.

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

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

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

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

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

29 “403.130. (1) A 9-1-1 jurisdiction shall create and maintain a 9-1-1 juris-  
30 diction plan for emergency communications services provided within a 9-1-1

1 service area pursuant to ORS 403.105 to 403.250 and rules adopted by the  
2 [Office] **Oregon Department** of Emergency Management. The 9-1-1 jurisdic-  
3 tion shall submit the 9-1-1 jurisdiction plan to:

4 “(a) The [office] **department**;

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

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

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

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

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

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

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

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

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

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

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

29 “(b) Telephone numbers used to satisfy requirements set forth in ORS  
30 403.115;

1 “(c) Director changes;

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

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

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

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

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

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

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

22 “(8) The [office] **department** shall review the revised 9-1-1 jurisdiction  
23 plan for compliance with the requirements imposed under ORS 403.105 to  
24 403.250 and rules adopted pursuant to ORS 403.120 and, if the [office] **de-**  
25 **partment** determines that the plan is in compliance, approve the plan.

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

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

2       “403.132. (1) At the request of a law enforcement agency, a provider of  
3 communications service for cellular devices shall provide the call location  
4 information, or the best available location information, of a cellular device  
5 that is:

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

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

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

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

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

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

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

24       “(3) Emergency contact information submitted by a provider of communi-  
25 cations service for cellular devices under this section must be submitted by  
26 June 15 of each year or immediately after a change in contact information.

27       “(4) Notwithstanding the limitations of ORS 403.135 (3), a cause of action  
28 does not arise against a provider of communications service for cellular de-  
29 vices or the officers, employees or agents of the provider for providing call  
30 location information, or the best available location information, in good faith

1 as required by this section.

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

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

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

6 “403.160. (1) All disputes between a governing body, 9-1-1 jurisdiction and  
7 public or private safety agency regarding the emergency communications  
8 system must be mediated if the dispute cannot be resolved in accordance with  
9 a written agreement. When a governing body or 9-1-1 jurisdiction obtains  
10 knowledge that a dispute exists and cannot be resolved by the agencies, the  
11 governing body or the 9-1-1 jurisdiction shall notify the [Office] **Oregon**  
12 **Department** of Emergency Management of the dispute in writing. Within  
13 30 days after this notification, the disputing agencies shall mutually select  
14 a mediator and notify the [office] **department** in writing of this selection.  
15 If a mediator is not mutually selected by the agencies within this period, the  
16 Director of the [Office] **Oregon Department** of Emergency Management  
17 shall select a mediator from the list of mediators established under sub-  
18 section (3) of this section. Once selected, the mediator shall establish a  
19 schedule for the mediation process. The disputing agencies shall resolve the  
20 dispute within 60 days after the date the mediator is agreed upon or selected  
21 unless the agencies mutually agree in writing to an extension of this dead-  
22 line. A copy of all extensions must be submitted to the [office] **department**.

23 “(2) When the mediation process in subsection (1) of this section ends, the  
24 mediator shall notify the [office] **department** in writing of the outcome of  
25 the mediation. If the agencies are not able to resolve their dispute through  
26 mediation, the 9-1-1 jurisdiction or governing body and public or private  
27 safety agency or agencies shall submit the dispute to arbitration. The agen-  
28 cies shall select an arbitrator within 30 days after the end of the mediation.  
29 If the disputing agencies are unable to mutually select an arbitrator within  
30 this period, the director shall request the presiding judge for the judicial

1 district in which the 9-1-1 service area is located to select an arbitrator. The  
2 arbitrator shall hear and decide the dispute within 30 days after selection  
3 unless the agencies mutually agree in writing to an extension of this dead-  
4 line. A party to an arbitration under this subsection may seek confirmation,  
5 vacation, modification or correction of the arbitrator's decision as provided  
6 in ORS 36.700, 36.705 and 36.710. A court may vacate a decision only if there  
7 is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d). The  
8 court may modify or correct a decision only for the grounds given in ORS  
9 36.710.

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

13 “(4) Unless otherwise agreed upon, the costs of the mediation or arbi-  
14 tration, including the mediator's or arbitrator's fees, must be divided equally  
15 among the disputing agencies.

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

17 “403.165. (1) The [*Office*] **Oregon Department** of Emergency Management  
18 may institute proceedings against a public or private safety agency, a 9-1-1  
19 jurisdiction or other person to compel compliance with or to restrain further  
20 violation of ORS 305.823 and 403.105 to 403.250 or rules adopted pursuant to  
21 ORS 403.120.

22 “(2) Proceedings authorized by subsection (1) of this section may be in-  
23 stituted without official notice, hearing or order provided in ORS chapter  
24 183. However, proceedings brought against a telecommunications utility must  
25 be brought before the Public Utility Commission as provided by ORS chapter  
26 756.

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

28 “403.170. (1) The [*Office*] **Oregon Department** of Emergency Management  
29 may enter into an agreement with the Confederated Tribes of the Warm  
30 Springs Reservation of Oregon for the purpose of forming an entity to par-

1 ticipate in the emergency communications system.

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

3 “(a) Is a 9-1-1 jurisdiction for purposes of ORS 305.823 and 403.105 to  
4 403.250.

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

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

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

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

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

15 “403.235. (1) The Emergency Communications Account is established **in**  
16 **the State Treasury**, separate and distinct from the General Fund [*in the*  
17 *State Treasury*]. All moneys received by the Department of Revenue pursuant  
18 to ORS 403.200 to 403.230 and interest thereon must be paid to the State  
19 Treasurer to be held in a suspense account established under ORS 293.445.  
20 After payment of refunds, the balance of the moneys received must be paid  
21 into the State Treasury and credited to the Emergency Communications Ac-  
22 count. Interest earned by the account must be credited to the 9-1-1 Subac-  
23 count established under subsection (2) of this section. All moneys in the  
24 Emergency Communications Account are continuously appropriated to the  
25 [*Office*] **Oregon Department** of Emergency Management and must be used  
26 for the purposes described in ORS 403.240.

27 “(2) The 9-1-1 Subaccount is established as a subaccount of the Emergency  
28 Communications Account. Thirty-five percent of the amount in the Emer-  
29 gency Communications Account on the date of distribution must be credited  
30 to the 9-1-1 Subaccount. Interest earned by the subaccount must be credited



1 to the subaccount. All moneys in the subaccount are continuously appropri-  
2 ated to the [*Office*] **Oregon Department** of Emergency Management and  
3 must be used for the purposes described in ORS 403.240 (3), (4) and (5).

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

6 “403.240. (1) The [*Office*] **Oregon Department** of Emergency Management  
7 shall distribute quarterly the entire amount of the moneys in the Emergency  
8 Communications Account. The [*office*] **department** shall pay the following  
9 amounts from the account:

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

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

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

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

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

30 “(3) The [*office*] **department** shall use funds in the 9-1-1 Subaccount to

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

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

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

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

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

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

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

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

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

27 “(4) Subject to availability of funds, the [office] **Oregon Department of**  
28 **Emergency Management** shall provide funding to 9-1-1 jurisdictions based  
29 on cost information provided in their final plan under ORS 403.130. The [of-  
30 fice] **department** shall approve 9-1-1 jurisdiction plans that meet the re-

1 quirements set forth in ORS 403.115 (2) and (4). The *[office]* **department**  
2 shall limit funding for costs incurred prior to the preceding calendar quarter  
3 to charges associated with database development, network and on-premises  
4 equipment that satisfies the requirements of ORS 403.115 (2) and (4). The  
5 *[office]* **department** shall prescribe the manner in which funding is provided  
6 under this subsection.

7 “(5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from  
8 an account or subaccount established in ORS 403.235 to repay loans from the  
9 Special Public Works Fund if the loans were used for purposes that are al-  
10 lowable under ORS 403.105 to 403.250.

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

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

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

27 “(9) 9-1-1 jurisdictions shall submit an accounting report to the *[office]*  
28 **department** annually. The report must be provided in the manner prescribed  
29 by the *[office]* **department** and must include but not be limited to:

30 “(a) Funds received and expended under subsection (8) of this section for

1 the purposes of fulfilling the requirements of ORS 403.115;

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

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

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

7 “403.250. (1) The Director of the [*Office*] **Oregon Department** of Emer-  
8 gency Management shall establish by administrative rule the minimum  
9 standards for a primary public safety answering point.

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

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

18 “403.415. (1) Subject to subsection (3) of this section, the [*Office*] **Oregon**  
19 **Department** of Emergency Management shall enter into a contract with a  
20 2-1-1 system facilitator to design, implement and support a statewide 2-1-1  
21 system.

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

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

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

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

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

6 “403.430. (1) The [*Office*] **Oregon Department** of Emergency Management  
7 may accept contributions of moneys and assistance from the federal govern-  
8 ment or its agencies or from any other source, public or private, and agree  
9 to conditions placed on the moneys not inconsistent with the purpose of es-  
10 tablishing a statewide 2-1-1 system.

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

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

16 “403.435. The 2-1-1 Account is established in the State Treasury, separate  
17 and distinct from the General Fund. All moneys received by the [*Office*]  
18 **Oregon Department** of Emergency Management for the 2-1-1 system under  
19 ORS 403.430 shall be deposited into the account and are continuously ap-  
20 propriated to the [*Office*] **Oregon Department** of Emergency Management  
21 to be used only for the implementation and support of the 2-1-1 system.

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

23 “403.450. (1) The State Interoperability Executive Council is created under  
24 the State Chief Information Officer to be the statewide interoperability gov-  
25 erning body serving as the primary steering group for the Oregon Statewide  
26 Communication Interoperability Plan. The membership of the council con-  
27 sists of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(L) One member of the public.

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

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

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

25 “(C) One member from the Oregon State Sheriffs’ Association;

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

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

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

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

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

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

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

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

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

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

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

18 “465.505. (1) In addition to any other applicable federal or state law and  
19 regulation, the following waste minimization requirements shall apply to dry  
20 cleaning facilities:

21 “(a) All wastes meeting the state and federal criteria for hazardous waste,  
22 excluding wastewater, generated at any dry cleaning facility and containing  
23 dry cleaning solvents, including residues and filters, shall be managed and  
24 disposed of, regardless of quantity generated, as hazardous wastes in ac-  
25 cordance with federal and state laws otherwise applicable to management of  
26 hazardous wastes, except that, as to the cleanup of releases of dry cleaning  
27 solvents, ORS 465.503 shall apply rather than ORS 466.205;

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

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

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

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

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

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

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

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

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



1 “(4) Notwithstanding any law to the contrary, a dry cleaning operator for  
2 a facility having a release of dry cleaning solvents shall immediately report  
3 any release exceeding one pound to the notification system managed by the  
4 [Office] **Oregon Department** of Emergency Management pursuant to ORS  
5 401.094.

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

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

12 “466.635. Any person owning or having control over any oil or hazardous  
13 material who has knowledge of a spill or release shall immediately notify the  
14 [Office] **Oregon Department** of Emergency Management as soon as that  
15 person knows the spill or release is a reportable quantity.

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

17 “824.088. (1) Each railroad that gives notice to the United States Depart-  
18 ment of Transportation of an incident that occurs during the course of  
19 transporting hazardous materials as defined by federal regulations shall also  
20 give notice of the incident to the Director of the [Office] **Oregon Depart-**  
21 **ment** of Emergency Management.

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

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

1 transmitter-receivers. If the equipment required under this section does not  
2 function while the train is en route, the train may proceed to the next point  
3 of crew change where the equipment shall be replaced or repaired.

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

5 “30.269. (1) Punitive damages may not be awarded on any claim subject  
6 to ORS 30.260 to 30.300.

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

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

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

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

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

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

1 “(8) For the purposes of the limitations imposed by ORS 30.271, 30.272 and  
2 30.273, events giving rise to a [*proclamation*] **declaration** of a state of  
3 emergency under ORS 401.165, or a [*proclamation*] **declaration** of a **state**  
4 **of** public health emergency under ORS 433.441, do not constitute a single  
5 accident or occurrence.

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

7 “401.364. (1) A qualified emergency service volunteer is an agent of a  
8 public body under ORS 30.260 to 30.300 for the purpose of acts and omissions  
9 of the volunteer that are within the course and scope of the volunteer’s du-  
10 ties if the acts or omissions occur:

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

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

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

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

22 “401.655. During a state of emergency declared under ORS 401.165 or a  
23 state of public health emergency [*proclaimed*] **declared** under ORS 433.441,  
24 a health care provider who is licensed, certified or otherwise authorized or  
25 permitted by the laws of another state to administer health care services and  
26 who is registered under ORS 401.654 may administer health care services in  
27 this state as if the health care provider were licensed in this state.

28 “**SECTION 81.** ORS 401.657 is amended to read:

29 “401.657. (1) The Oregon Health Authority may designate all or part of a  
30 health care facility or other location as an emergency health care center. If

1 the Governor declares a state of emergency under ORS 401.165, or  
2 [*proclaims*] **declares** a state of public health emergency under ORS 433.441,  
3 emergency health care centers may be used for:

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

5 “(b) Provision of health care services; and

6 “(c) Preparation of patients for transportation.

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

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

18 “**SECTION 82.** ORS 401.658 is amended to read:

19 “401.658. (1) The Oregon Health Authority may include in the emergency  
20 health care provider registry established under ORS 401.654 a person who  
21 was previously licensed, certified or otherwise authorized to provide health  
22 care services in Oregon by a health professional regulatory board if:

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

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

27 “(2) Notwithstanding any other law prohibiting a person from providing  
28 health care services without a license, certificate or other authorization from  
29 a health professional regulatory board, a person entered in the emergency  
30 health care provider registry under subsection (1) of this section may provide

1 health care services during a state of emergency declared under ORS 401.165  
2 or a state of public health emergency [*proclaimed*] **declared** under ORS  
3 433.441 without a license, certification or other authorization if:

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

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

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

12 “(a) Educational requirements;

13 “(b) Training requirements;

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

16 “(d) Verification that the previous licenses, certifications or other au-  
17 thorization of the person was not revoked by reason of unprofessional con-  
18 duct or any other reason that would affect the person’s ability to safely  
19 provide health care services; and

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

23 **“SECTION 83.** ORS 401.661 is amended to read:

24 “401.661. If the Governor declares a state of emergency under ORS 401.165  
25 or [*proclaims*] **declares** a state of public health emergency under ORS  
26 433.441:

27 “(1) The Oregon Health Authority, in conjunction with the Department  
28 of Human Services for facilities licensed by the department, may direct  
29 emergency health care providers registered under ORS 401.654 who are will-  
30 ing to provide health care services to proceed to any place in this state

1 where health care services are required by reason of the emergency or crisis;  
2 “(2) Pursuant to the Emergency Management Assistance Compact and the  
3 Pacific Northwest Emergency Management Arrangement, the Oregon Health  
4 Authority may direct emergency health care providers registered under ORS  
5 401.654 who are willing to provide health care services in another state to  
6 proceed to another state where emergency health care services are required  
7 by reason of an emergency in that state; and

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

12 **“SECTION 84.** ORS 401.667 is amended to read:

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

23 “(2) If the Governor declares a state of emergency under ORS 401.165, or  
24 [*proclaims*] **declares** a state of public health emergency under ORS 433.441,  
25 health care facilities designated under ORS 401.657 and other persons oper-  
26 ating emergency health care centers designated under ORS 401.657 are agents  
27 of the state under ORS 30.260 to 30.300 for the purposes of any claims arising  
28 out of services that are provided through those centers or facilities under  
29 ORS 401.651 to 401.670 pursuant to directions from a public body and that  
30 are within the course and scope of the duties of the health care facility or

1 other person, without regard to whether the health care facility or other  
2 person is compensated for the services.

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

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

14 **“SECTION 85.** ORS 433.448 is amended to read:

15 “433.448. (1)(a) During a state of public health emergency [*proclaimed*]  
16 **declared** under ORS 433.441 or during a state of emergency declared under  
17 ORS 401.165 that is related to a state of public health emergency that has  
18 not expired, the immunization registry and tracking and recall system es-  
19 tablished under ORS 433.094 may be used as a vaccination management and  
20 tracking system for the purpose of preventing the spread of diseases that can  
21 be prevented by vaccination or for tracking the mass administration of an-  
22 tibiotic prophylaxis.

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

28 “(2) As used in this section, ‘client’ and ‘immunization registry’ have the  
29 meaning given those terms in ORS 433.090.

30 **“SECTION 86.** Section 1, chapter 85, Oregon Laws 2016, is amended to

1 read:

2 “**Sec. 1.** The Fuel Storage Facility Compatibility Fund is established in  
3 the State Treasury, separate and distinct from the General Fund. Interest  
4 earned by the Fuel Storage Facility Compatibility Fund shall be credited to  
5 the fund. The Fuel Storage Facility Compatibility Fund consists of any  
6 moneys deposited in the fund from whatever source and may include moneys  
7 appropriated, allocated, deposited or transferred to the fund by the Legisla-  
8 tive Assembly or otherwise and interest earned on moneys in the fund. The  
9 moneys in the fund are continuously appropriated to the [*Office*] **Oregon**  
10 **Department** of Emergency Management for the purposes specified in section  
11 **3, chapter 85, Oregon Laws 2016** [*of this 2016 Act*].

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

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

17 “(2) Pursuant to the grant program:

18 “(a) The [*office*] **department** may solicit and receive applications for  
19 grants from owners or operators of cardlock facilities in this state. The [*of-*  
20 *fice*] **department** shall establish standards for the qualification of appli-  
21 cants.

22 “(b) The [*office*] **department** shall establish criteria by which to deter-  
23 mine which applicants will receive grants, with the goal of maximizing the  
24 availability of fuel to emergency response personnel in the case of emer-  
25 gency.

26 “(c) The [*office*] **department** shall enter into agreements with grant re-  
27 cipients that require grant recipients to install generator connectors on  
28 cardlock facilities.

29 “(d) The [*office*] **department** shall specify one or more types of generator  
30 connectors that a grant recipient must install. In specifying types of gener-



1 ator connectors, the [office] **department** shall consult with the Department  
2 of Transportation and the State Fire Marshal and shall have the goal of  
3 maximizing the compatibility of cardlock facilities in this state with gener-  
4 ators possessed or controlled by the [office] **Oregon Department of Emer-**  
5 **gency Management**, the [department] **Department of Transportation** and  
6 the Oregon National Guard.

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

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

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

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

22 “**SECTION 88a.** ORS 469.533 is amended to read:

23 “469.533. Notwithstanding ORS chapter 401, the State Department of En-  
24 ergy in cooperation with the Oregon Health Authority and the [Office]  
25 **Oregon Department** of Emergency Management shall establish rules for the  
26 protection of health and procedures for the evacuation of people and com-  
27 munities who would be affected by radiation in the event of an accident or  
28 a catastrophe in the operation of a nuclear power plant or nuclear installa-  
29 tion.

30 “**SECTION 88b.** ORS 404.100 is amended to read:

1 “404.100. The Director of the [*Office*] **Oregon Department** of Emergency  
2 Management shall appoint a Search and Rescue Coordinator to:

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

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

7 “(3) Establish liaison with the Oregon State Sheriffs’ Association and  
8 other public and private organizations and agencies involved in search and  
9 rescue;

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

12 “(5) Coordinate and process requests for the use of volunteers and equip-  
13 ment;

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

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

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

18 “**SECTION 88c.** ORS 404.105 is amended to read:

19 “404.105. The [*Office*] **Oregon Department** of Emergency Management  
20 shall establish and maintain a program for the air search and rescue of lost  
21 aircraft and persons and for the air support of other emergency situations.  
22 The program established under this section may include, but is not limited  
23 to, the following:

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

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

28 “(3) Entering into agreements with private persons, volunteer organiza-  
29 tions, and federal, state and local agencies for air search and rescue and  
30 other emergency activities.

1 “(4) Such other related activities as may be deemed necessary and appro-  
2 priate by the Director of the [*Office*] **Oregon Department** of Emergency  
3 Management.

4 “**SECTION 88d.** ORS 404.110 is amended to read:

5 “404.110. (1) The sheriff of each county has the responsibility for search  
6 and rescue activities within the county. The duty of a sheriff under this  
7 subsection may be delegated to a deputy or other qualified person.

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

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

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

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

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

25 “**SECTION 88e.** ORS 404.120 is amended to read:

26 “404.120. (1) The sheriff of each county shall adopt a search and rescue  
27 plan for the county. The search and rescue plan shall set forth search and  
28 rescue policies, including policies for implementation of multicounty search  
29 and rescue activities, for the county that comply with the relevant provisions  
30 of the National Incident Management System Incident Command System es-

1 established by Homeland Security Presidential Directive 5 of February 28, 2003,  
2 and shall describe procedures for implementing those policies. A county  
3 search and rescue plan shall list and describe materials, mutual aid agree-  
4 ments, equipment and personnel available within the county for search and  
5 rescue incidents. The plan shall also include:

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

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

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

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

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

16 “(2) A county search and rescue plan adopted under this section shall  
17 require a person in charge of a search and rescue to complete a fact sheet  
18 for the incident. The fact sheet shall contain the incident number assigned  
19 under ORS 404.130 for search and rescue and such other information required  
20 under the search and rescue plan of the county.

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

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

29 “(5) The [*Office of Emergency Management*] **department** shall annually  
30 publish and distribute to the sheriff of each county a search and rescue re-

1 source inventory, which shall include materials, equipment and personnel  
2 available from counties, agencies and the State of Oregon for use in search  
3 and rescue incidents.

4 **“SECTION 88f.** ORS 404.125 is amended to read:

5 “404.125. (1) After a search and rescue, the sheriff of the county in which  
6 the search and rescue took place shall conduct a critique of the incident:

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

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

9 “(2) As part of the critique, the sheriff shall examine the search and res-  
10 cue report and may receive testimony and information from persons involved  
11 in the incident.

12 “(3) When a critique of a search and rescue is conducted under this sec-  
13 tion, the sheriff shall prepare findings of fact concerning the search and  
14 rescue, including the investigatory component, and may prepare recommen-  
15 dations for the conduct of future incidents or propose amendments to the  
16 search and rescue plan under which the search and rescue was conducted.

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

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

23 **“SECTION 88g.** ORS 404.200 is amended to read:

24 “404.200. As used in ORS 404.200 to 404.215:

25 “(1) ‘Qualified search and rescue volunteer’ means [*a person who is*]:

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

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

30 “(c) A member of a designated search and rescue organization that is

1 registered with a sheriff or the [*Office of Emergency Management*] **depart-**  
2 **ment**; or

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

6 “(2) ‘Search and rescue activities’ means:

7 “(a) Searching for, rescuing or recovering any person who is missing, in-  
8 jured or deceased; and

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

11 “**SECTION 88h.** ORS 433.441 is amended to read:

12 “433.441. (1) Upon the occurrence of a public health emergency, the Gov-  
13 ernor may declare a state of public health emergency as authorized by ORS  
14 433.441 to 433.452 to protect the public health.

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

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

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

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

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

24 “(3) During a **declared** public health emergency, the Governor may:

25 “(a) Close, order the evacuation of or **order** the decontamination of any  
26 facility the Governor has reasonable cause to believe may endanger the  
27 public health.

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

30 “(c) Prescribe modes of transportation, routes and destinations required

1 for the evacuation of individuals or the provision of emergency services.

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

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

8 “(f) Take any other action that may be necessary for the management of  
9 resources, or to protect the public during a public health emergency, in-  
10 cluding any actions authorized under ORS 401.168, 401.185, 401.188 and  
11 401.192.

12 “(4) Nothing in ORS 433.441 to 433.452 limits the authority of the Gover-  
13 nor to declare a state of emergency under ORS 401.165. If a state of emer-  
14 gency is declared as authorized under ORS 401.165, the Governor may  
15 implement any action authorized by ORS 433.441 to 433.452.

16 “(5) A [*proclamation*] **declaration** of a state of public health emergency  
17 expires when terminated by a declaration of the Governor or no more than  
18 14 days after the date the public health emergency is [*proclaimed*] **declared**  
19 unless the Governor expressly extends the [*proclamation*] **declaration** for an  
20 additional 14-day period.

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

24

25 **“RENAMING AND REORGANIZATION OF**  
26 **THE OFFICE OF THE STATE FIRE MARSHAL**

27

28 **“SECTION 89. (1) The amendments to ORS 476.020 by section 90 of**  
29 **this 2021 Act are intended to change the name of the office of the State**  
30 **Fire Marshal to the Department of the State Fire Marshal and estab-**

1 **lish that entity as a state agency independent from the Department**  
2 **of State Police.**

3 **“(2) For the purpose of harmonizing and clarifying statutory law,**  
4 **the Legislative Counsel may substitute for words designating the ‘of-**  
5 **office of the State Fire Marshal,’ wherever they occur in statutory law,**  
6 **other words designating the ‘Department of the State Fire Marshal.’**

7 **“SECTION 90.** ORS 476.020 is amended to read:

8 **“476.020. (1) The [office of] Department of the State Fire Marshal is es-**  
9 **tablished. [in the Department of State Police. The State Fire Marshal shall**  
10 **be appointed by and be administratively responsible to the Superintendent of**  
11 **State Police, and shall serve at the pleasure of the superintendent. The State**  
12 **Fire Marshal shall retain all current authority of the office and shall be re-**  
13 **sponsible for the implementation of its mission and programs.] The depart-**  
14 **ment is under the supervision and control of the State Fire Marshal.**

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

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

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

26 **“(4) Subject to the approval of the Governor, the State Fire Marshal**  
27 **may organize and reorganize the administrative structure of the de-**  
28 **partment as the State Fire Marshal considers appropriate to properly**  
29 **conduct the work of the department.**

30 **“(5) The State Fire Marshal may divide the functions of the de-**



1 partment into administrative divisions. Subject to the approval of the  
2 Governor, the State Fire Marshal may appoint an individual to ad-  
3 minister each division. The administrator of each division serves at  
4 the pleasure of the State Fire Marshal and is not subject to the pro-  
5 visions of ORS chapter 240. Each individual appointed under this sub-  
6 section must be well qualified by technical training and experience in  
7 the functions to be performed by the individual.

8  
9 “(Finance)  
10

11 “SECTION 91. (1) The unexpended balances of amounts authorized  
12 to be expended by the Department of State Police for purposes of the  
13 office of the State Fire Marshal for the biennium beginning July 1,  
14 2023, from revenues dedicated, continuously appropriated, appropriated  
15 or otherwise made available for the purpose of administering and en-  
16 forcing the duties, functions and powers transferred by the amend-  
17 ments to ORS 476.020 by section 90 of this 2021 Act are transferred to  
18 and are available for expenditure by the Department of the State Fire  
19 Marshal for the biennium beginning July 1, 2023.

20 “(2) The expenditure classifications, if any, established by Acts au-  
21 thorizing or limiting expenditures by the office of the State Fire Mar-  
22 shal remain applicable to expenditures by the Department of the State  
23 Fire Marshal under this section.

24  
25 “(Action, Proceeding, Prosecution)  
26

27 “SECTION 92. The transfer of duties, functions and powers to the  
28 Department of the State Fire Marshal by the amendments to ORS  
29 476.020 by section 90 of this 2021 Act does not affect any action, pro-  
30 ceeding or prosecution involving or with respect to such duties, func-

1 tions and powers begun before and pending at the time of the transfer,  
2 except that the Department of the State Fire Marshal is substituted  
3 for the office of the State Fire Marshal in the action, proceeding or  
4 prosecution.

5  
6 **“(Liability, Duty, Obligation)”**

7  
8 **“SECTION 93. (1) Nothing in the amendments to ORS 476.020 by**  
9 **section 90 of this 2021 Act relieves a person of a liability, duty or ob-**  
10 **ligation accruing under or with respect to the duties, functions and**  
11 **powers transferred by the amendments to ORS 476.020 by section 90**  
12 **of this 2021 Act. The Department of the State Fire Marshal may**  
13 **undertake the collection or enforcement of any such liability, duty or**  
14 **obligation.**

15 **“(2) The rights and obligations of the office of the State Fire Mar-**  
16 **shal legally incurred under contracts, leases and business transactions**  
17 **executed, entered into or begun before the operative date specified in**  
18 **section 155a of this 2021 Act are transferred to the Department of the**  
19 **State Fire Marshal. For the purpose of succession to these rights and**  
20 **obligations, the Department of the State Fire Marshal is a continua-**  
21 **tion of the office of the State Fire Marshal and not a new authority.**

22  
23 **“(Rules)”**

24  
25 **“SECTION 94. Notwithstanding the transfer of duties, functions and**  
26 **powers by the amendments to ORS 476.020 by section 90 of this 2021**  
27 **Act, the rules of the office of the State Fire Marshal in effect on the**  
28 **operative date specified in section 155a of this 2021 Act continue in**  
29 **effect until superseded or repealed by rules of the Department of the**  
30 **State Fire Marshal. References in rules of the office of the State Fire**

1 Marshal to the office of the State Fire Marshal or an officer or em-  
2 ployee of the office of the State Fire Marshal are considered to be  
3 references to the Department of the State Fire Marshal or an officer  
4 or employee of the Department of the State Fire Marshal.

5 **“SECTION 95.** Whenever, in any statutory law or resolution of the  
6 Legislative Assembly or in any rule, document, record or proceeding  
7 authorized by the Legislative Assembly, reference is made to the office  
8 of the State Fire Marshal or an officer or employee of the office of the  
9 State Fire Marshal, the reference is considered to be a reference to the  
10 Department of the State Fire Marshal or an officer or employee of the  
11 Department of the State Fire Marshal. Whenever, in any statutory law  
12 or resolution of the Legislative Assembly or in any rule, document,  
13 record or proceeding authorized by the Legislative Assembly, reference  
14 is made to the State Fire Marshal, the reference is considered to be a  
15 reference to the Department of the State Fire Marshal, the State Fire  
16 Marshal or both, as the context requires.

17

18 **“(Interim State Fire Marshal)**

19

20 **“SECTION 96.** The State Fire Marshal on the operative date speci-  
21 fied in section 155a of this 2021 Act shall serve as the initial State Fire  
22 Marshal at the pleasure of the Governor and without the need for  
23 confirmation by the Senate.

24 **“NOTE:** Sections 97 through 107 were deleted by amendment. Subsequent  
25 sections were not renumbered.

26

27 **“(Conforming Amendments)**

28

29 **“SECTION 108.** ORS 182.535 is amended to read:

30 “182.535. For purposes of ORS 182.535 to 182.550, ‘natural resource

1 agency' means the Department of Environmental Quality, the State Depart-  
2 ment of Agriculture, the Water Resources Department, the State Department  
3 of Fish and Wildlife, the State Forestry Department, the Department of State  
4 Lands, the Department of Education, the State Department of Geology and  
5 Mineral Industries, the Department of Land Conservation and Development,  
6 the State Marine Board, the Public Utility Commission, the Department of  
7 Transportation, the **Department of the** State Fire Marshal and the Oregon  
8 Health Authority.

9 **“SECTION 109.** ORS 183.457 is amended to read:

10 “183.457. (1) Notwithstanding ORS 8.690, 9.160 and 9.320, and unless oth-  
11 erwise authorized by another law, a person participating in a contested case  
12 hearing conducted by an agency described in this subsection may be repres-  
13 ented by an attorney or by an authorized representative subject to the pro-  
14 visions of subsection (2) of this section. The Attorney General shall prepare  
15 model rules for proceedings with lay representation that do not have the ef-  
16 fect of precluding lay representation. No rule adopted by a state agency shall  
17 have the effect of precluding lay representation. The agencies before which  
18 an authorized representative may appear are:

19 “(a) The State Landscape Contractors Board in the administration of the  
20 Landscape Contractors Law.

21 “(b) The State Department of Energy and the Energy Facility Siting  
22 Council.

23 “(c) The Environmental Quality Commission and the Department of En-  
24 vironmental Quality.

25 “(d) The Department of Consumer and Business Services for proceedings  
26 in which an insured appears pursuant to ORS 737.505.

27 “(e) The Department of Consumer and Business Services and any other  
28 agency for the purpose of proceedings to enforce the state building code, as  
29 defined by ORS 455.010.

30 “(f) The **Department of the** State Fire Marshal [*in the Department of*

1 *State Police*].

2 “(g) The Department of State Lands for proceedings regarding the issu-  
3 ance or denial of fill or removal permits under ORS 196.800 to 196.825.

4 “(h) The Public Utility Commission.

5 “(i) The Water Resources Commission and the Water Resources Depart-  
6 ment.

7 “(j) The Land Conservation and Development Commission and the De-  
8 partment of Land Conservation and Development.

9 “(k) The State Department of Agriculture, for purposes of hearings under  
10 ORS 215.705.

11 “(L) The Bureau of Labor and Industries.

12 “(2) A person participating in a contested case hearing as provided in  
13 subsection (1) of this section may appear by an authorized representative if:

14 “(a) The agency conducting the contested case hearing has determined  
15 that appearance of such a person by an authorized representative will not  
16 hinder the orderly and timely development of the record in the type of con-  
17 tested case hearing being conducted;

18 “(b) The agency conducting the contested case hearing allows, by rule,  
19 authorized representatives to appear on behalf of such participants in the  
20 type of contested case hearing being conducted; and

21 “(c) The officer presiding at the contested case hearing may exercise dis-  
22 cretion to limit an authorized representative’s presentation of evidence, ex-  
23 amination and cross-examination of witnesses, or presentation of factual  
24 arguments to ensure the orderly and timely development of the hearing re-  
25 cord, and shall not allow an authorized representative to present legal ar-  
26 guments except to the extent authorized under subsection (3) of this section.

27 “(3) The officer presiding at a contested case hearing in which an au-  
28 thorized representative appears under the provisions of this section may al-  
29 low the authorized representative to present evidence, examine and  
30 cross-examine witnesses, and make arguments relating to the:

- 1 “(a) Application of statutes and rules to the facts in the contested case;  
2 “(b) Actions taken by the agency in the past in similar situations;  
3 “(c) Literal meaning of the statutes or rules at issue in the contested case;  
4 “(d) Admissibility of evidence; and  
5 “(e) Proper procedures to be used in the contested case hearing.

6 “(4) Upon judicial review, no limitation imposed by an agency presiding  
7 officer on the participation of an authorized representative shall be the basis  
8 for reversal or remand of agency action unless the limitation resulted in  
9 substantial prejudice to a person entitled to judicial review of the agency  
10 action.

11 “(5) For the purposes of this section, ‘authorized representative’ means a  
12 member of a participating partnership, an authorized officer or regular em-  
13 ployee of a participating corporation, association or organized group, or an  
14 authorized officer or employee of a participating governmental authority  
15 other than a state agency.

16 “**SECTION 110.** ORS 264.348 is amended to read:

17 “264.348. Copies of the fire prevention code referred to in ORS 264.342  
18 shall be filed with the [*State Fire Marshal’s office*] **Department of the**  
19 **State Fire Marshal** and a copy shall be posted at each fire station within  
20 the domestic water supply district.

21 “**SECTION 111.** ORS 443.760 is amended to read:

22 “443.760. (1) Adult foster homes that are certified as residential homes as  
23 defined in ORS 197.660 must meet all state and local building, sanitation,  
24 utility and fire code requirements applicable to single family dwellings.  
25 However, by rule, the licensing agency may adopt more stringent standards  
26 upon a finding that there is a significant health or safety threat to residents  
27 that necessitates a standard not imposed on other single family dwellings.

28 “(2) In adopting more stringent standards, the licensing agency shall  
29 consult with the Department of Consumer and Business Services and the  
30 [*office*] **Department** of the State Fire Marshal to ensure that the provider

1 has the ability to evacuate all residents from an adult foster home within:

2 “(a) Three minutes; or

3 “(b) A period that meets applicable fire, life and safety requirements if  
4 the adult foster home has an interior sprinkler system approved by the ap-  
5 propriate regulatory authorities.

6 “(3) If a licensed provider rents or leases the premises where the adult  
7 foster home is located, the lessor shall charge a flat rate for the lease or  
8 rental.

9 **“SECTION 112.** ORS 453.327 is amended to read:

10 “453.327. (1) Notwithstanding any other provision of ORS 453.307 to  
11 453.414 and 476.030, the public is permitted access to records retained under  
12 ORS 453.322 relating to hazardous substances not otherwise protected as a  
13 trade secret or by a confidentiality agreement described in ORS 453.332 and  
14 453.337. A person requesting information under this section may be required  
15 to complete the form provided by the **Department of the State Fire Marshal**  
16 pursuant to subsection (2) of this section.

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

23 **“SECTION 113.** ORS 453.342 is amended to read:

24 “453.342. Any fire department, emergency service personnel or law  
25 enforcement agency responding to an incident of injury to a human, wildlife,  
26 domestic animal or property resulting from a hazardous substance emergency  
27 shall make a report of the incident, in writing, to the [*office*] **Department**  
28 of the State Fire Marshal. The State Fire Marshal annually shall summarize  
29 all incidents reported to the [*State Fire Marshal*] **department** and the in-  
30 formation received as a result of the survey conducted under ORS 453.317.

1 The State Fire Marshal shall submit a copy of the summary to:

2 “(1) The Governor;

3 “(2) The Legislative Assembly;

4 “(3) The Department of Environmental Quality;

5 “(4) The Department of Consumer and Business Services;

6 “(5) The Department of Transportation;

7 “(6) The Environmental Health Sciences Center at Oregon State Univer-  
8 sity;

9 “(7) The [*Office*] **Oregon Department** of Emergency Management;

10 “(8) The Oregon Health Authority; and

11 “(9) Every public library as defined in ORS 357.400.

12 **“SECTION 114.** ORS 453.362 is amended to read:

13 “453.362. In order to conduct the hazardous substance survey under ORS  
14 453.317, the State Fire Marshal may obtain employers’ names and addresses  
15 from the Department of Consumer and Business Services. The **Department**  
16 **of the** State Fire Marshal shall pay for the expenses incurred by the De-  
17 partment of Consumer and Business Services in providing such information.

18 **“SECTION 115.** ORS 453.392 is amended to read:

19 “453.392. (1) As part of the plan for the effective implementation of a  
20 statewide hazardous material emergency response system established by rule  
21 under ORS 453.374, the State Fire Marshal shall adopt by rule a plan for the  
22 coordinated response to oil or hazardous material spills or releases that oc-  
23 cur during rail transport. The plan adopted under this subsection:

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

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

29 “(c) Shall provide a system for identifying where hazardous material re-  
30 sponse resources owned by railroads are located throughout this state and



1 how access to those resources is to be coordinated;

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

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

9 “(B) Includes, in the second year of the training cycle, a triennial state-  
10 wide functional exercise to test and evaluate response capabilities, functional  
11 groups, plans, incident command staff and emergency operations centers in  
12 their abilities to respond to an oil or a hazardous material spill or release  
13 that occurs during rail transport; and

14 “(C) Includes provisions for the planning, preparation and implementa-  
15 tion, in the third year of the training cycle, of a triennial full-scale, multia-  
16 gency, multijurisdictional and multidisciplinary oil or hazardous material  
17 spill or release training exercise that:

18 “(i) Involves training for all manner of personnel necessary for a coordi-  
19 nated response to an oil or a hazardous material spill or release;

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

24 “(iii) Involves training that covers the entire sequence of events that take  
25 place during an oil or hazardous material spill or release incident that oc-  
26 curs during rail transport; and

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

30 “(2) The [office of the State Fire Marshal] **department** shall annually

1 coordinate with local governments, other state agencies involved in hazard-  
2 ous material emergency response, other responders and representatives of the  
3 railroad industry to prepare a report on the coordinated response plan  
4 adopted under this section and shall:

5 “(a) Make the report available as an appendix to the [*Office*] **Oregon**  
6 **Department** of Emergency Management’s oil and hazardous material re-  
7 sponse emergency operations plan developed pursuant to ORS 401.092; and

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

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

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

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

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

17 “(C) Additional resources that are needed to provide for adequate re-  
18 sponse;

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

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

23 “(d) Strategies for ensuring adequate funding at the state and local gov-  
24 ernment levels to cover the training, equipment and administrative costs  
25 associated with providing comprehensive response and equipment.

26 “**SECTION 116.** ORS 453.394 is amended to read:

27 “453.394. (1) The Oil and Hazardous Material Transportation by Rail  
28 Action Fund is established in the State Treasury, separate and distinct from  
29 the General Fund. The Oil and Hazardous Material Transportation by Rail  
30 Action Fund shall consist of all moneys placed in the fund as provided by

1 law and any gifts, grants, donations, endowments or bequests from any public  
2 or private source. Interest earned by the fund shall be credited to the fund.

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

9 **“SECTION 117.** ORS 453.520 is amended to read:

10 “453.520. (1) The Governor shall designate the [*office*] **Department** of the  
11 State Fire Marshal as the state emergency response commission as required  
12 by the Emergency Planning and Community Right-to-Know Act of 1986 (42  
13 U.S.C. 11001 et seq.).

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

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

18 “(b) Undertake all duties of a state emergency response commission re-  
19 quired by the Emergency Planning and Community Right-to-Know Act of  
20 1986 (42 U.S.C. 11001 et seq.) including but not limited to:

21 “(A) Designating emergency planning districts;

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

25 “(C) Providing comments on local emergency plans.

26 **“SECTION 118.** ORS 453.825 is amended to read:

27 “453.825. (1) The Department of Transportation shall coordinate develop-  
28 ment of a single plan and procedure for the regulation of the transportation  
29 of hazardous material and waste and radioactive material and waste in  
30 Oregon.

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

4 “(3) As used in this section, ‘hazardous waste’ has the meaning given that  
5 term in ORS 466.005.

6 “**SECTION 119.** ORS 466.620 is amended to read:

7 “466.620. In accordance with the applicable provisions of ORS chapter 183,  
8 the Environmental Quality Commission shall adopt an oil and hazardous  
9 material emergency response master plan consistent with the plan adopted  
10 by the Department of Transportation under ORS 453.825 and 453.835, and  
11 after consultation with the [office] **Department** of the State Fire Marshal,  
12 the Oregon State Police, the Oregon Fire Chiefs Association and any other  
13 appropriate agency or organization.

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

15 “468B.365. (1) The Department of Environmental Quality shall approve a  
16 contingency plan required under ORS 468B.345 only if it determines that the  
17 plan meets the requirements of ORS 468B.345 to 468B.360 and:

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

20 “(b) If implemented, the plan is capable, to the maximum extent practi-  
21 cable in terms of personnel, materials and equipment, of removing oil  
22 promptly and properly and minimizing any damage to the environment.

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

29 “(3) A holder of an approved contingency plan does not violate the terms  
30 of the contingency plan by furnishing to another plan holder, after notifying

1 the department, equipment, materials or personnel to assist the other plan  
2 holder in a response to an oil discharge. The plan holder shall replace or  
3 return the transferred equipment, materials and personnel as soon as feasi-  
4 ble.

5 “(4) The department may attach any reasonable term or condition to its  
6 approval or modification of a contingency plan that the department deter-  
7 mines is necessary to insure that the applicant:

8 “(a) Has access to sufficient resources to protect environmentally sensi-  
9 tive areas and to prevent, contain, clean up and mitigate potential oil dis-  
10 charges from the facility or tank vessel;

11 “(b) Maintains personnel levels sufficient to carry out emergency oper-  
12 ations; and

13 “(c) Complies with the contingency plan.

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

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

20 “(a) Periodic training;

21 “(b) Response team exercises; and

22 “(c) Verification of access to inventories of equipment, supplies and per-  
23 sonnel identified as available in the approved contingency plan.

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

1 “(8) Before the department approves or modifies a contingency plan re-  
2 quired under ORS 468B.345, the department shall provide a copy of the con-  
3 tingency plan to the State Department of Fish and Wildlife, the [office]  
4 **Department** of the State Fire Marshal and the Department of Land Con-  
5 servation and Development for review. The agencies shall review the plan  
6 according to procedures and time limits established by rule of the Environ-  
7 mental Quality Commission.

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

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

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

18 “468B.431. (1) The Department of Environmental Quality shall review a  
19 contingency plan for a high hazard train route submitted under ORS  
20 468B.427 and shall approve the contingency plan if the plan:

21 “(a) Meets the requirements of ORS 468B.429; and

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

25 “(2) A railroad that owns or operates a high hazard train route shall no-  
26 tify the department in writing promptly of any significant change affecting  
27 the contingency plan, including changes in any factor set forth in this sec-  
28 tion. The department may require the railroad to update a contingency plan  
29 as a result of these changes.

30 “(3) The contingency plan must provide for the use by the applicant of the

1 best technology available at the time the contingency plan was submitted  
2 or renewed. For purposes of this subsection, the technology that provides the  
3 greatest degree of protection, taking into consideration processes that are  
4 currently in use anywhere in the world, shall be considered the best tech-  
5 nology available. In determining what is the best technology available, the  
6 department shall consider the effectiveness, engineering feasibility, techno-  
7 logical achievability and cost of the technology.

8 “(4)(a) Before the department approves a contingency plan required under  
9 ORS 468B.427, the department shall provide a copy of the contingency plan  
10 to the State Department of Fish and Wildlife, the [office] **Department** of the  
11 State Fire Marshal and the Department of Land Conservation and Develop-  
12 ment for review.

13 “(b) In addition to providing copies to the agencies listed in paragraph  
14 (a) of this subsection, before approving or modifying a contingency plan for  
15 a high hazard train route, the Department of Environmental Quality shall  
16 provide a copy of the contingency plan to each federally recognized Indian  
17 tribe that owns land or enjoys treaty-reserved hunting, fishing or gathering  
18 rights that could be impacted by an oil discharge along any portion of the  
19 high hazard train route.

20 “(c) The agencies and tribes that receive copies of a contingency plan  
21 under this subsection shall review the contingency plan according to proce-  
22 dures and time limits established by rule of the Environmental Quality  
23 Commission.

24 “(5) Upon approval of a contingency plan, the department shall issue to  
25 the plan holder a certificate stating that the contingency plan has been ap-  
26 proved. The certificate shall include the name of the high hazard train route  
27 for which the certificate is issued, the effective date of the contingency plan  
28 and the date by which the contingency plan must be submitted for renewal.

29 “(6) The approval of a contingency plan by the department does not con-  
30 stitute an express assurance regarding the adequacy of the contingency plan

1 or constitute a defense to liability imposed under ORS chapters 468, 468A  
2 and 468B or any other state law.

3 **SECTION 122.** ORS 476.030 is amended to read:

4 “476.030. (1) The State Fire Marshal shall enforce all statutes, and make  
5 rules relating to:

6 “(a) The prevention of fires.

7 “(b) The storage and use of combustibles and explosives.

8 “(c) The maintenance and regulation of structural fire safety features in  
9 occupied structures and overseeing the safety of and directing the means and  
10 adequacy of exit in case of fire from factories, asylums, hospitals, churches,  
11 schools, halls, theaters, amphitheaters, all buildings, except private resi-  
12 dences, which are occupied for sleeping purposes, and all other places where  
13 large numbers of persons work, live or congregate from time to time for any  
14 purpose except that structural changes shall not be required in buildings  
15 built, occupied and maintained in conformity with state building code regu-  
16 lations applicable at the time of construction.

17 “(d) Standards for equipment used for fire protection purposes within this  
18 state including standard thread for fire hose couplings and hydrant fittings.

19 “(2) The State Fire Marshal and deputies shall have such powers and  
20 perform such other duties as are prescribed by law.

21 “(3) If, in the opinion of the State Fire Marshal, a governmental subdivi-  
22 sion of the state has enacted adequate regulations generally conforming to  
23 state and national standards concerning fire prevention, fire safety measures  
24 and building construction requirements for safety, and if the governmental  
25 subdivision provides reasonable enforcement of its regulations, the State Fire  
26 Marshal may exempt the area subject to such regulation either partially or  
27 fully from the statutes, rules and regulations administered by the State Fire  
28 Marshal. Prior to adoption of any such exemption, the State Fire Marshal  
29 may request from the Department of Public Safety Standards and Training  
30 consideration of and recommendations regarding the exemption. The ex-



1 exemption may extend for a two-year period, and may be renewed from time to  
2 time, but may be canceled by the State Fire Marshal following 30 days'  
3 written notice if the State Fire Marshal finds that the governmental  
4 subdivision's regulations or enforcement thereof are not reasonably suffi-  
5 cient. The governmental subdivision shall furnish a copy of such regulations  
6 to the State Fire Marshal and shall file with the State Fire Marshal any  
7 amendment thereto within 30 days before the effective date of such amend-  
8 ment. The State Fire Marshal shall designate a person or division within  
9 such governmental subdivision as an approved authority for exercising  
10 functions relating to fire prevention, fire safety measures and building con-  
11 struction. Upon request of a local official having enforcement responsibility  
12 and a showing of unusual fire hazard or other special circumstances, the  
13 State Fire Marshal shall make investigation and appropriate recommen-  
14 dations.

15 “(4) The State Fire Marshal may investigate or cause an investigation to  
16 be made to determine the probable cause, origin and circumstances of any  
17 fire and shall classify such findings as the State Fire Marshal may find ap-  
18 propriate to promote fire protection and prevention.

19 “(5) The State Fire Marshal shall provide training in fire safety in-  
20 spection to the Department of Human Services, area agencies, the Oregon  
21 Health Authority, community mental health programs, developmental disa-  
22 bilities programs and designees of the Long Term Care Ombudsman and the  
23 Residential Facilities Ombudsman. If an adult foster home has been in-  
24 spected by the Department of Human Services, the Oregon Health Authority,  
25 an area agency, a community mental health program or a developmental  
26 disabilities program and the agency conducting the inspection reasonably  
27 believes that the adult foster home is not in compliance with applicable fire  
28 safety rules, the agency conducting the inspection may request the State Fire  
29 Marshal to inspect or cause an inspection to be made. If a designee of the  
30 Long Term Care Ombudsman or the Residential Facilities Ombudsman, in

1 the course of visiting an adult foster home, believes that the adult foster  
2 home is not in compliance with applicable fire safety rules, the designee  
3 shall report the problem to the appropriate agency to request a fire safety  
4 inspection by [*the office of*] the State Fire Marshal or by a designated rep-  
5 resentative of the [*office of the*] State Fire Marshal.

6 “(6) Upon the request of the Department of Human Services, the Oregon  
7 Health Authority, an area agency, a community mental health program or  
8 a developmental disabilities program, the State Fire Marshal shall inspect  
9 or cause an inspection to be made to determine if the adult foster home is  
10 in compliance with rules jointly adopted by the Department of Human Ser-  
11 vices and the State Fire Marshal establishing fire safety standards for adult  
12 foster homes.

13 “(7) As used in subsections (5) and (6) of this section:

14 “(a) ‘Adult foster home’ has the meaning given that term in ORS 443.705.

15 “(b) ‘Area agency’ has the meaning given that term in ORS 410.040.

16 “(c) ‘Community mental health program’ means a program established  
17 under ORS 430.620 (1)(b).

18 “(d) ‘Developmental disabilities program’ means a program established  
19 under ORS 430.620 (1)(a).

20 “**SECTION 123.** ORS 476.050 is amended to read:

21 “476.050. The salary of the chief deputy state fire marshal, deputy state  
22 fire marshals, compensation of clerks and other assistants and other expenses  
23 of the [*office of*] **Department of the** State Fire Marshal necessary in the  
24 performance of the duties imposed upon the State Fire Marshal shall be paid  
25 in the same manner as are other state officers and the expenses of other state  
26 departments, and shall not exceed the amount paid to the State Treasurer for  
27 the maintenance of the [*office of*] **Department of the** State Fire Marshal.

28 “**SECTION 124.** ORS 476.055 is amended to read:

29 “476.055. (1) All moneys received by the **Department of the** State Fire  
30 Marshal shall be paid into the State Treasury, and shall be placed by the

1 State Treasurer to the credit of the State Fire Marshal Fund, except those  
2 moneys received and accounted for under the provisions of ORS 279A.290.

3 “(2) Except as otherwise provided by this section, moneys in the State  
4 Fire Marshal Fund shall be available and constitute a continuing appropri-  
5 ation for the payment of any expense of the [*State Fire Marshal*] **depart-**  
6 **ment** and for the payment of expenses of the Department of Public Safety  
7 Standards and Training and the Board on Public Safety Standards and  
8 Training relating to training programs concerning fire services and accredi-  
9 tation of fire service professionals. The **Department of the** State Fire  
10 Marshal shall keep on file an itemized statement of all expenses incurred by  
11 the [*State Fire Marshal*] **department** and shall approve all disbursements  
12 as submitted for payment. Administrative expenditures made from the State  
13 Fire Marshal Fund shall not exceed a reasonable amount for the services  
14 performed.

15 **“SECTION 125.** ORS 476.090 is amended to read:

16 “476.090. (1) The **Department of the** State Fire Marshal shall keep a  
17 record of all fires occurring in this state and of all facts concerning the  
18 same, including statistics as to the extent of such fires and the damage  
19 caused, whether such losses were covered by insurance, and if so, in what  
20 amount. All such records shall be public, except any testimony, information  
21 or other evidence taken in an investigation under ORS 476.010 to 476.090,  
22 476.155 to 476.170, 476.210 to 476.270 and 479.180, which shall be considered  
23 investigatory information as described in ORS 192.345.

24 “(2) This section shall not apply to forestlands under the jurisdiction of  
25 the State Forester.

26 **“SECTION 126.** ORS 476.130 is amended to read:

27 “476.130. (1) The State Fire Marshal may from time to time cause to be  
28 prepared statistical reports on the history and condition of state fire de-  
29 fenses, and an analysis of contributing factors of fire causes for the period  
30 of the report. Such reports may be printed at the expense of the [*office*] **De-**

1 **partment** of the State Fire Marshal and sold at a price not to exceed cost  
2 of printing and distribution. Receipts from the sale of such material shall  
3 be deposited with the State Treasurer and shall be placed in the State Fire  
4 Marshal Fund.

5 “(2) The State Fire Marshal may fix a sale price for each copy of any  
6 publication of the [*office of the State Fire Marshal*] **department** supplied to  
7 private persons interested therein, when such publication has been approved  
8 as provided by law.

9 **“SECTION 127.** ORS 476.210 is amended to read:

10 “476.210. (1) The municipal fire marshals, fire department chiefs,  
11 constables and other officers referred to in ORS 476.060 shall investigate the  
12 cause, origin and circumstances of each fire occurring in their respective  
13 cities, villages or townships, by which property has been destroyed or dam-  
14 aged, and shall make an investigation to determine whether the fire was the  
15 result of carelessness or design. The investigation shall be commenced im-  
16 mediately after the occurrence of the fire. The State Fire Marshal may  
17 superintend and direct the investigation if the State Fire Marshal deems it  
18 necessary.

19 “(2) The fire chief of every city, or rural fire protection district shall  
20 provide the State Fire Marshal with a full report of every fire occurring  
21 within the jurisdiction of the fire chief on a form provided **by the Depart-**  
22 **ment of the State Fire Marshal** or approved by the State Fire Marshal.  
23 Whenever the fire chief of every city under 200,000 population finds any fire  
24 is of undetermined or suspicious origin or involves a death or serious injury,  
25 the fire chief shall immediately notify the State Fire Marshal or a deputy  
26 state fire marshal and shall assemble all known facts and circumstances  
27 concerning the fire in an approved report form and shall submit such report  
28 to the State Fire Marshal, or the deputy state fire marshal assigned to the  
29 territory in which the fire originated. When evidence clearly indicates the  
30 cause of fire to be of incendiary origin, the fire chief shall also immediately

1 notify the state, county or municipal police agency.

2 “(3) This section shall not apply to forestlands under the jurisdiction of  
3 the State Forester.

4 **“SECTION 128.** ORS 476.220 is amended to read:

5 “476.220. (1) The officer making an investigation of a fire occurring in a  
6 city, village or township shall forthwith notify the State Fire Marshal and,  
7 within one week of the occurrence of the fire, shall furnish the State Fire  
8 Marshal a written statement of all facts relating to its cause and origin, and  
9 such other information as is required by forms provided by **the Department**  
10 **of** the State Fire Marshal.

11 “(2) This section shall not apply to forestland under the jurisdiction of  
12 the State Forester.

13 **“SECTION 129.** ORS 476.270 is amended to read:

14 “476.270. (1) If an insurance company has reason to believe that a fire loss  
15 to its assured’s real or personal property was caused by incendiary means,  
16 the company shall immediately make a report to the [*office*] **Department** of  
17 the State Fire Marshal. The report shall indicate the name of the assured,  
18 the date of the fire, location, occupancy, and facts and circumstances coming  
19 to the company’s knowledge, tending to establish the cause or origin of the  
20 fire.

21 “(2) Any federal, state or local public official or authorized agent thereof  
22 having legal authority to investigate a fire loss of real or personal property  
23 may request any insurance company to provide relevant information in its  
24 possession pertaining to that loss. Upon request, the company shall release  
25 such information to the official who requests it. For purposes of this sub-  
26 section, ‘relevant information’ means information having any tendency to  
27 make the existence of any fact that is of consequence to the investigation  
28 more probable or less probable.

29 “(3) In the absence of fraud or malice, no insurance company or its au-  
30 thorized representative shall be liable for damages in a civil action or sub-

1 ject to criminal prosecution for the release of information required by  
2 subsections (1) and (2) of this section.

3 **“SECTION 130.** ORS 476.290 is amended to read:

4 “476.290. Whenever a fire is extinguished pursuant to ORS 476.280, the  
5 governing body of the city or the district board of the rural fire protection  
6 district that provided the fire suppression service may, on forms furnished  
7 by the **Department of the State Fire Marshal** for such purposes, bill the  
8 owner of the property involved in the fire for the cost of providing the fire  
9 suppression service. The governing body of the city or the district board of  
10 the rural fire protection district that provided the fire suppression service  
11 may determine the cost of providing the fire suppression service by use of a  
12 state standardized-costs schedule as approved by the State Fire Marshal. The  
13 cost charged for providing the fire suppression service may not be greater  
14 than the pro rata cost that would have been charged by the city or district  
15 for the performance by the city or district of a similar fire suppression ser-  
16 vice within its jurisdiction. If the cost is not paid within 30 days after the  
17 second billing, the governing body of the city or the district board of the  
18 rural fire protection district that provided the fire suppression service may  
19 bring an action for the recovery of the unpaid cost from the owner of the  
20 real property upon which the fire suppression service was rendered.

21 **“SECTION 131.** ORS 476.680 is amended to read:

22 “476.680. (1) There is created the Governor’s Fire Service Policy Council.  
23 The council shall include the following nonvoting ex officio members:

24 “(a) The Superintendent of State Police[, *or a designee thereof experienced*  
25 *in the oversight of Department of State Police activities relating to the office*  
26 *of the State Fire Marshal*]; and

27 “(b) The Director of the Department of Public Safety Standards and  
28 Training, or a designee thereof.

29 “(2) The State Fire Marshal shall serve as executive director of the  
30 council, but is not a member. The council shall meet at least quarterly. The

1 council shall select a chairperson and vice chairperson at the first council  
2 meeting of each odd-numbered year. The council may elect additional officers  
3 as the council determines to be reasonable and necessary.

4 “(3) In addition to the ex officio members identified in subsection (1) of  
5 this section, the Governor may designate a representative of the Governor  
6 to serve as a nonvoting member. The Governor may also appoint not more  
7 than nine members to serve on the council for three-year terms. Initial terms  
8 of the appointed members may be adjusted to promote council stability. An  
9 appointed member may not serve more than two consecutive terms. A mem-  
10 ber appointed by the Governor must be a representative of one of the fol-  
11 lowing:

12 “(a) The Oregon Fire Chiefs Association or a successor or other organ-  
13 ization representing fire chiefs.

14 “(b) The Oregon Fire District Directors Association or a successor or  
15 other organization representing fire district directors.

16 “(c) The Oregon Fire Marshals Association or a successor or other or-  
17 ganization representing fire marshals.

18 “(d) Property and casualty insurance providers.

19 “(e) Employees of the [*office*] **Department** of the State Fire Marshal.

20 “(f) The Oregon State Fire Fighters Council or a successor or other or-  
21 ganization representing professional firefighters.

22 “(g) The Oregon Volunteer Firefighters Association or a successor or  
23 other organization representing volunteer firefighters.

24 “(h) The League of Oregon Cities or a successor or other organization  
25 representing municipalities.

26 “(i) The general public.

27 “(4) Notwithstanding the term of office specified in subsection (3) of this  
28 section, the initial term of a member appointed by the Governor may be ad-  
29 justed to limit the number of member terms expiring in the same year.

30 “(5) To the extent funding is available from moneys appropriated to the

1 [office] **Department** of the State Fire Marshal, a member of the council is  
2 entitled to compensation and expenses as provided in ORS 292.495.

3 “(6) The council shall advise the Governor and the Superintendent of  
4 State Police on fire policy issues and serve in an advisory capacity to the  
5 State Fire Marshal on strategies for the implementation of fire and life  
6 safety issues. The council may initiate advice to the State Fire Marshal, the  
7 Superintendent of State Police and the Governor on any matter related to  
8 the mission of the council. The council may not participate in the discussion  
9 of traditional labor relations issues.

10 “(7) The [office] **Department** of the State Fire Marshal shall provide staff  
11 services to the council. All agencies, departments and officers of this state  
12 are directed to assist the council in the performance of its functions and to  
13 furnish information and advice as the council considers necessary.

14 “**SECTION 132.** ORS 476.685 is amended to read:

15 “476.685. The Governor’s Fire Service Policy Council shall provide a  
16 biennial report to the Governor [*and the Superintendent of State Police*] on  
17 the overall performance of the [office] **Department** of the State Fire Mar-  
18 shal. The report shall identify significant successes and improvement oppor-  
19 tunities.

20 “**SECTION 133.** ORS 476.735 is amended to read:

21 “476.735. (1) As used in this section, ‘sky lantern’ means an unmanned  
22 self-contained luminary device that uses heated air produced by an open  
23 flame or produced by another source to become or remain airborne.

24 “(2) A person may not release a sky lantern into the airspace of this state.

25 “(3) Violation of this section is a Class A violation.

26 “(4) In addition to any enforcement officer specifically identified in ORS  
27 153.005, a citation for a violation of this section may be issued by:

28 “(a) The State Fire Marshal, employees of the [office] **Department** of the  
29 State Fire Marshal or assistants to the State Fire Marshal as described in  
30 ORS 476.040 or 476.060;



1 “(b) The Director of the Oregon Department of Aviation or employees  
2 specifically designated by the director under ORS 837.100 to enforce vio-  
3 lations;

4 “(c) The State Forester or the State Forestry Department, or any em-  
5 ployee specifically designated by the State Forester or the department under  
6 ORS 477.985 to enforce violations; or

7 “(d) The State Parks and Recreation Director or any State Parks and  
8 Recreation Department employee specifically designated by the director un-  
9 der ORS 390.050 to enforce violations.

10 “**SECTION 134.** ORS 476.765 is amended to read:

11 “476.765. (1) The State Fire Marshal shall impose civil penalties under  
12 ORS 476.995 in the manner provided by ORS 183.745.

13 “(2) The Attorney General may bring an action at the request of the [*of-*  
14 *ficie*] **Department** of the State Fire Marshal, in the name of the state, seek-  
15 ing:

16 “(a) Injunctive relief to prevent or end a violation of ORS 476.760;

17 “(b) To recover civil penalties imposed under ORS 476.995; or

18 “(c) To recover attorney fees and other enforcement costs and disburse-  
19 ments.

20 “**SECTION 135.** ORS 476.806 is amended to read:

21 “476.806. (1) The Cigarette Fire Safety Fund is established in the State  
22 Treasury, separate and distinct from the General Fund. The Cigarette Fire  
23 Safety Fund shall consist of all moneys recovered from the imposition of civil  
24 penalties under ORS 476.995. Interest earned by the Cigarette Fire Safety  
25 Fund shall be credited to the fund.

26 “(2) All moneys in the fund are continuously appropriated to [*the De-*  
27 *partment of State Police for use by the office*] **the Department** of the State  
28 Fire Marshal for fire safety, enforcement and fire prevention programs.

29 “**SECTION 136.** ORS 476.925 is amended to read:

30 “476.925. The Fire Protection Equipment Loan Fund is established in the

1 State Treasury, separate and distinct from the General Fund. All moneys in  
2 the **Fire Protection Equipment Loan** Fund are **continuously** appropriated  
3 [*continuously*] to the **Department of the** State Fire Marshal to carry out  
4 the provisions of ORS 476.900 to 476.925. Interest earned by moneys in the  
5 fund shall be credited to the fund.

6 **SECTION 137.** ORS 478.270 is amended to read:

7 “478.270. (1) The district board shall report monthly to the State Fire  
8 Marshal, upon forms prescribed by the State Fire Marshal, information the  
9 State Fire Marshal may require, and shall, at any time, upon request furnish  
10 further report or information required by the State Fire Marshal.

11 “(2) The State Fire Marshal shall cooperate in the formation, operation  
12 and administration of districts. The **Department of the** State Fire Marshal  
13 shall prepare and make available uniform forms for reports required by this  
14 section and other uniform forms and blanks the State Fire Marshal considers  
15 advisable.

16 **SECTION 138.** ORS 478.940 is amended to read:

17 “478.940. Copies of the fire prevention code shall be filed with the [*State*  
18 *Fire Marshal’s office*] **Department of the State Fire Marshal** and a copy  
19 shall be posted at each fire station within the district.

20 **SECTION 139.** ORS 479.180 is amended to read:

21 “479.180. (1) If the owner, lessee, agent or occupant is aggrieved by the  
22 order of an officer under the provisions of ORS 476.030, 479.170, 479.210 to  
23 479.220, 480.123 to 480.160, 480.330, 480.340, 480.420 to 480.434 or 480.450 and  
24 desires a hearing, the person may complain or appeal in writing to the State  
25 Fire Marshal within 10 days from the service of the order. The complaint  
26 or appeal shall set forth the specific grounds of the complaint or appeal and  
27 no other ground shall be considered thereafter. The complaint or appeal shall  
28 be accompanied by a fee of \$40 payable to the State Fire Marshal, and the  
29 State Fire Marshal may refer the complaint or appeal to the regional appeal  
30 advisory board established for that region by notifying the chairperson of

1 that board and sending a copy of the notice to the complainant or appellant.  
2 The board shall fix a time for hearing and notify the complainant or  
3 appellant of the time and place thereof, which shall be within 10 days after  
4 such referral by the State Fire Marshal. If the State Fire Marshal does not  
5 refer the matter to a regional appeal advisory board, the State Fire Marshal  
6 shall fix a time and place, not less than five and not more than 10 days  
7 thereafter, when and where the complaint or appeal will be heard by the  
8 State Fire Marshal. Within 10 days after receiving a recommendation from  
9 the regional appeal advisory board, or if no referral was made to such board,  
10 within 10 days after the hearing before the State Fire Marshal, the State  
11 Fire Marshal may affirm, modify, revoke or vacate the order complained of  
12 or appealed from. Unless the order is modified, revoked or vacated by the  
13 State Fire Marshal, it shall remain in force and be complied with by the  
14 owner, lessee, agent or occupant, and within the time fixed in the order or  
15 fixed by the State Fire Marshal. If the State Fire Marshal vacates or revokes  
16 the order complained of or appealed from, or modified it in any particular  
17 other than extending time for compliance, the fee paid with the complaint  
18 or appeal shall be refunded. Otherwise, it shall be credited to appropriate  
19 state funds, and the State Fire Marshal shall so notify the State Treasurer.

20 “(2) If the complainant or appellant under subsection (1) of this section  
21 is aggrieved by the final order of the State Fire Marshal, and if such order  
22 necessitates the expenditure of money or involves statutory interpretation,  
23 the complainant or appellant may, within 10 days thereafter, appeal to the  
24 circuit court of the county in which the property is situated, notifying the  
25 State Fire Marshal of the appeal within 10 days thereafter, which notice  
26 shall be in writing and delivered personally or by registered letter to the  
27 marshal, or left at the principal office of the **Department of the State Fire**  
28 **Marshal** at the state capital. The party so appealing shall, within two days  
29 after filing the appeal, file with the circuit court in which appeal is made a  
30 bond in an amount to be fixed by the court or judge, but in no case less than

1 \$100, with two sufficient sureties possessing the qualification of bail on ar-  
2 rest, the bond to be approved by the court and conditioned to pay all the  
3 costs on the appeal in case the appellant fails to sustain it or it is dismissed  
4 for any cause. In the case of an appeal involving an order under ORS 479.170,  
5 the circuit court shall hear and determine the appeal within 10 days after  
6 the date of filing the same.

7 “(3) The State Fire Marshal shall make or have made a certified summary  
8 of the proceedings at the hearing before the regional appeal advisory board  
9 or before the State Fire Marshal, and together with all the evidentiary  
10 matter filed [*in the office of the State Fire Marshal*] **with the department**  
11 or presented to the regional appeal advisory board, transmit them to the  
12 circuit court at least three days prior to the date fixed by the court for  
13 hearing when it shall be tried de novo.

14 **“SECTION 140.** ORS 480.230 is amended to read:

15 “480.230. A person desiring a certificate of possession shall apply on ap-  
16 plication forms provided by the [*office*] **Department** of the State Fire Mar-  
17 shal. The forms shall be completed in full and shall include:

18 “(1) The applicant’s legal name, current address and current telephone  
19 number;

20 “(2) The applicant’s date of birth;

21 “(3) A statement by the applicant that the applicant is eligible for a cer-  
22 tificate of possession under ORS 480.225;

23 “(4) The number of the certificate of registration issued under ORS  
24 480.244 for the explosives magazine where the applicant intends to store the  
25 explosives;

26 “(5) Any other information that the issuing authority may require to  
27 readily identify the applicant;

28 “(6) A certification, signed and dated by the applicant, that the informa-  
29 tion contained in the application is true; and

30 “(7) A nonrefundable application fee of \$50 for a three-year certificate.

1        **“SECTION 141.** ORS 480.450 is amended to read:

2        “480.450. (1) The installer shall notify the State Fire Marshal, before the  
3 last day of each month, of all new installations made during the preceding  
4 month of containers or receptacles for liquefied petroleum gas, including in-  
5 stallations for private homes and apartments. The installer shall certify on  
6 a form provided by the State Fire Marshal that all of the new installations  
7 are duly and properly reported. The State Fire Marshal may require that the  
8 notification include the location and description of the installation and the  
9 name of the user. All fees due and payable must accompany the notification.  
10 The replacement of empty containers or receptacles with other containers  
11 constructed in accordance with United States Department of Transportation  
12 specifications is not a new installation or change in the original installation  
13 that requires notification to the State Fire Marshal or necessitates further  
14 inspection of the installation. The State Fire Marshal shall collect from the  
15 installer an installation fee of \$50 for each tank installed or for all tanks  
16 at the installation if the total combined capacity is 200 gallons or less. The  
17 State Fire Marshal or deputies of the fire marshal or assistants shall inspect  
18 a reasonable number of the installations and maintain a record of the in-  
19 spections in the [*office*] **records** of the **Department of the** State Fire Mar-  
20 shal.

21        “(2) In addition to any installation or inspection fee, the State Fire  
22 Marshal may charge a plan review fee, not to exceed \$100, for any liquefied  
23 petroleum gas container and receptacle plan review required under a uniform  
24 fire code prescribed by the State Fire Marshal by rule.

25        “(3) After the initial installation, liquefied petroleum gas containers may  
26 be inspected once every 10 years except when changes have been made in the  
27 original installation. An installer making changes must notify the State Fire  
28 Marshal of the changes in the same manner provided in this section for new  
29 installations. The State Fire Marshal shall collect from the owner a fee of  
30 \$50 for the inspection of each container. The manner of inspection, require-

1 ment of corrections, satisfaction of requirements and collection of fees due  
2 and payable must conform with the provisions of ORS 480.410 to 480.460 for  
3 new installations. Upon request of the State Fire Marshal, LP gas installa-  
4 tion licensees shall furnish a list of the locations of 10-year old installations  
5 that they service.

6 “(4) If, upon inspection of any tank, the new installation does not comply  
7 with the requirements of the State Fire Marshal, the State Fire Marshal  
8 shall instruct the installer as to what corrections are necessary for compli-  
9 ance with the State Fire Marshal’s requirements. The installer of the new  
10 installation shall, within the time set by the State Fire Marshal, not to ex-  
11 ceed 60 days after notification, notify the State Fire Marshal that the new  
12 installation complies with the requirements of the fire marshal. If the in-  
13 staller fails to notify the State Fire Marshal, or the State Fire Marshal has  
14 reason to believe that the corrections have not been made, the State Fire  
15 Marshal shall reinspect the new installation and shall collect from the in-  
16 staller an additional fee of \$125. The user, not the installer, shall pay the  
17 additional fee resulting from actions of the user that require correction to  
18 achieve compliance with the requirements of the State Fire Marshal.

19 “(5) A person who receives notice from the State Fire Marshal must cor-  
20 rect any improper installation within the time set by the State Fire Marshal,  
21 not to exceed 60 days after receipt of the notice.

22 “(6) If the fees provided for in this section are due and payable and are  
23 not paid within 30 days after service of written notice by the State Fire  
24 Marshal therefor, or if the installer fails to notify the State Fire Marshal  
25 by the last day of the month succeeding the month a new installation is made  
26 or a change is made requiring an inspection, the fees are delinquent and a  
27 penalty equal to the greater of 10 percent of the fee amount or \$30, is im-  
28 posed for the delinquency. The State Fire Marshal shall collect all fees and  
29 penalties in the name of the State of Oregon in the same manner that other  
30 debts are collected.

1 “(7) The provisions of this section do not apply to liquefied petroleum gas  
2 installations if made entirely within the jurisdiction of a governmental sub-  
3 division granted the exemption provided by ORS 476.030 (3) and written evi-  
4 dence of the licensing of the installation by the approved authority is  
5 submitted to the State Fire Marshal. The provisions of this section do not  
6 apply to LP gas installations made in manufactured dwellings that are con-  
7 structed or altered in accordance with applicable rules of the Department  
8 of Consumer and Business Services. The provisions of this section do not  
9 apply to LP gas installations in a recreational vehicle as defined in ORS  
10 174.101.

11 **“SECTION 142.** ORS 480.460 is amended to read:

12 “480.460. All fees received by the State Fire Marshal under ORS 480.200  
13 to 480.290 and 480.410 to 480.460 shall be paid by the **State** Fire Marshal to  
14 the State Treasurer monthly and shall constitute and be an appropriation  
15 **to the Department of the State Fire Marshal** available for the payment  
16 of salaries and expenses of deputies and clerical and other assistants of the  
17 State Fire Marshal.

18 **“SECTION 143.** ORS 657.665 is amended to read:

19 “657.665. (1) Except as provided in subsections (2) to (5) of this section,  
20 all information in the records of the Employment Department pertaining to  
21 the administration of the unemployment insurance, employment service and  
22 workforce and labor market information programs:

23 “(a) Is confidential and for the exclusive use and information of the Di-  
24 rector of the Employment Department in administering the unemployment  
25 insurance, employment service and workforce and labor market information  
26 programs in Oregon.

27 “(b) May not be used in any court action or in any proceeding pending  
28 in the court unless the director or the state is a party to the action or pro-  
29 ceeding or unless the proceeding concerns the establishment, enforcement or  
30 modification of a support obligation and support services are being provided

1 by the Division of Child Support or the district attorney pursuant to ORS  
2 25.080.

3 “(c) Is exempt from disclosure under ORS 192.311 to 192.478.

4 “(2) The Employment Department shall disclose information:

5 “(a) To any claimant or legal representative, at a hearing before an ad-  
6 ministrative law judge, to the extent necessary for the proper presentation  
7 of an unemployment insurance claim.

8 “(b) Upon request to the United States Secretary of Labor. The Employ-  
9 ment Department shall disclose the information in a form and containing the  
10 information that the United States Secretary of Labor may require. The in-  
11 formation disclosed is confidential and may not be used for any other pur-  
12 pose.

13 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request  
14 to any agency of the United States charged with the administration of public  
15 works or assistance through public employment. Under this paragraph, the  
16 Employment Department shall disclose the name, address, ordinary occupa-  
17 tion and employment status of each recipient of unemployment insurance  
18 benefits and a statement of the recipient’s right to further benefits under this  
19 chapter. The information disclosed is confidential and may not be used for  
20 any other purpose.

21 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Rail-  
22 road Retirement Board. Under this paragraph, the Employment Department  
23 shall disclose unemployment insurance records. The information disclosed is  
24 confidential and may not be used for any other purpose. The costs of dis-  
25 closing information under this paragraph shall be paid by the board.

26 “(e) Pursuant to section 303(d) of the Social Security Act, upon request  
27 to officers and employees of the United States Department of Agriculture and  
28 to officers or employees of any state Supplemental Nutrition Assistance  
29 Program agency for the purpose of determining an individual’s eligibility for  
30 or the amount of supplemental nutrition assistance. The information dis-



1 closed is confidential and may not be used for any other purpose. The costs  
2 of disclosing information under this paragraph shall be paid by the United  
3 States Department of Agriculture.

4 “(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act,  
5 to state or local child support enforcement agencies enforcing child support  
6 obligations under Title IV-D of the Social Security Act for the purposes of  
7 establishing child support obligations, locating individuals owing child sup-  
8 port obligations and collecting child support obligations from those individ-  
9 uals. The information disclosed is confidential and may not be used for any  
10 other purpose. The costs of disclosing information under this paragraph shall  
11 be paid by the child support enforcement agency.

12 “(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to  
13 agencies participating in the income and eligibility verification system for  
14 the purpose of verifying an individual’s eligibility for benefits, or the amount  
15 of benefits, under unemployment insurance, temporary assistance for needy  
16 families, Medicaid, the Supplemental Nutrition Assistance Program, Supple-  
17 mental Security Income, child support enforcement or Social Security pro-  
18 grams. The information disclosed is confidential and may not be used for any  
19 other purpose. The costs of disclosing information under this paragraph shall  
20 be paid by the requesting agency.

21 “(h) Pursuant to section 303(h) of the Social Security Act and section  
22 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States  
23 Department of Health and Human Services National Directory of New Hires.  
24 The information disclosed is confidential and may not be used for any other  
25 purpose. The costs of disclosing information under this paragraph shall be  
26 paid by the United States Department of Health and Human Services.

27 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and  
28 employees of the United States Department of Housing and Urban Develop-  
29 ment and to representatives of a public housing agency for the purpose of  
30 determining an individual’s eligibility for benefits, or the amount of benefits,

1 under a housing assistance program of the United States Department of  
2 Housing and Urban Development. The information disclosed is confidential  
3 and may not be used for any other purpose. The costs of disclosing informa-  
4 tion under this paragraph shall be paid by the United States Department of  
5 Housing and Urban Development or the public housing agency.

6 “(j) Pursuant to regulations of the United States Secretary of Health and  
7 Human Services issued under section 3304(a)(16)(A) of the Federal Unem-  
8 ployment Tax Act, and except as required by section 303 of the Social Secu-  
9 rity Act, to the state, a political subdivision or a federally recognized Indian  
10 tribe that has signed an agreement with the Department of Human Services  
11 to administer Part A of Title IV of the Social Security Act for the purpose  
12 of determining an individual’s eligibility for assistance, or the amount of  
13 assistance, under a program funded under Part A of Title IV of the Social  
14 Security Act. The information disclosed is confidential and may not be used  
15 for any other purpose.

16 “(k) Upon request, to the United States Attorney’s Office. Under this  
17 paragraph, the Employment Department may disclose an individual’s em-  
18 ployment and wage information in response to a federal grand jury subpoena  
19 or for the purpose of collecting civil and criminal judgments, including  
20 restitution and special assessment fees. The information disclosed is confi-  
21 dential and may not be used for any other purpose. The costs of disclosing  
22 information under this paragraph shall be paid by the United States  
23 Attorney’s Office.

24 “(3) The Employment Department may disclose information secured from  
25 employing units:

26 “(a) To state agencies, federal agencies, local government agencies, public  
27 universities listed in ORS 352.002 and the Oregon Health and Science Uni-  
28 versity established under ORS 353.020, to the extent necessary to properly  
29 carry out governmental planning, performance measurement, program analy-  
30 sis, socioeconomic analysis or policy analysis functions performed under ap-

1 plicable law. The information disclosed is confidential and may not be  
2 disclosed by the agencies or universities in any manner that would identify  
3 individuals, claimants, employees or employing units. If the information dis-  
4 closed under this paragraph is not prepared for the use of the Employment  
5 Department, the costs of disclosing the information shall be paid by the  
6 agency or university requesting the information.

7 “(b) As part of a geographic information system. Points on a map may be  
8 used to represent economic data, including the location, employment size  
9 class and industrial classification of businesses in Oregon. Information pre-  
10 sented as part of a geographic information system may not give specific de-  
11 tails regarding a business’s address, actual employment or proprietary  
12 information. If the information disclosed under this paragraph is not pre-  
13 pared for the use of the Employment Department, the costs of disclosing the  
14 information shall be paid by the party requesting the information.

15 “(c) In accordance with ORS 657.673.

16 “(4) The Employment Department may:

17 “(a) Disclose information to public employees in the performance of their  
18 duties under state or federal laws relating to the payment of unemployment  
19 insurance benefits, the provision of employment services and the provision  
20 of workforce and labor market information.

21 “(b) At the discretion of the Director of the Employment Department and  
22 subject to an interagency agreement, disclose information to public officials  
23 in the performance of their official duties administering or enforcing laws  
24 within their authority and to the agents or contractors of public officials.  
25 The public official shall agree to assume responsibility for misuse of the in-  
26 formation by the official’s agent or contractor.

27 “(c) Disclose information pursuant to an informed consent, received from  
28 an employer or claimant, to disclose the information.

29 “(d) Disclose information to partners under the federal Workforce Inno-  
30 vation and Opportunity Act for the purpose of administering state workforce

1 programs under the Act. The information disclosed is confidential and may  
2 not be used for any other purpose. The costs of disclosing information under  
3 this paragraph shall be paid by the requesting partner.

4 “(e) Disclose the names and addresses of employing units to the Bureau  
5 of Labor and Industries for the purpose of disseminating information to em-  
6 ploying units. The names and addresses disclosed are confidential and may  
7 not be used for any other purpose. If the information disclosed under this  
8 paragraph is not prepared for the use of the Employment Department, the  
9 costs of disclosing the information shall be paid by the bureau.

10 “(f) Disclose information to the Commissioner of the Bureau of Labor and  
11 Industries for the purpose of performing duties under ORS 279C.800 to  
12 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or  
13 659A. The information disclosed may include the names and addresses of  
14 employers and employees and payroll data of employers and employees. The  
15 information disclosed is confidential and may not be used for any other  
16 purpose. If the information disclosed under this paragraph is not prepared  
17 for the use of the Employment Department, the costs of disclosing the in-  
18 formation shall be paid by the bureau.

19 “(g) Disclose information required under ORS 657.660 (3) and (4) to the  
20 Public Employees Retirement System for the purpose of determining the el-  
21 igibility of members of the retirement system for disability under ORS  
22 chapters 238 and 238A. The information disclosed is confidential and may not  
23 be used for any other purpose. The costs of disclosing information under this  
24 paragraph shall be paid by the Public Employees Retirement System.

25 “(h) Disclose to the Oregon Business Development Commission and the  
26 Oregon Business Development Department information required by the com-  
27 mission and the department in performing their duties under ORS 285A.050  
28 and 285B.630 to verify changes in employment levels following direct em-  
29 ployer participation in department programs or indirect participation  
30 through municipalities under ORS 285B.410 to 285B.482. The information

1 disclosed to the commission and the department may include an employer's  
2 employment level, total subject wages payroll and whole hours worked. The  
3 information disclosed is confidential and may not be used for any other  
4 purpose. The commission and the department may not disclose the informa-  
5 tion in any manner that would identify an employing unit or employee except  
6 to the extent necessary to carry out the commission's and the department's  
7 duties under ORS 285A.050 and 285B.630. If the information disclosed under  
8 this paragraph is not prepared for the use of the Employment Department,  
9 the costs of disclosing the information shall be paid by the commission or  
10 the Oregon Business Development Department.

11       “(i) Disclose information to the Department of Revenue for the purpose  
12 of performing its duties under ORS 293.250 or under the revenue and tax laws  
13 of this state. The information disclosed may include the names and addresses  
14 of employers and employees and payroll data of employers and employees.  
15 The information disclosed is confidential and may not be disclosed by the  
16 Department of Revenue in any manner that would identify an employing unit  
17 or employee except to the extent necessary to carry out the department's  
18 duties under ORS 293.250 or in auditing or reviewing any report or return  
19 required or permitted to be filed under the revenue and tax laws adminis-  
20 tered by the department. The Department of Revenue may not disclose any  
21 information received to any private collection agency or for any other pur-  
22 pose. If the information disclosed under this paragraph is not prepared for  
23 the use of the Employment Department, the costs of disclosing the informa-  
24 tion shall be paid by the Department of Revenue.

25       “(j) Disclose information to the Department of Consumer and Business  
26 Services for the purpose of performing its duties under ORS chapters 654 and  
27 656. The information disclosed may include the name, address, number of  
28 employees and industrial classification code of an employer and payroll data  
29 of employers and employees. The information disclosed is confidential and  
30 may not be disclosed by the Department of Consumer and Business Services

1 in any manner that would identify an employing unit or employee except to  
2 the extent necessary to carry out the department's duties under ORS chap-  
3 ters 654 and 656, including administrative hearings and court proceedings in  
4 which the Department of Consumer and Business Services is a party. If the  
5 information disclosed under this paragraph is not prepared for the use of the  
6 Employment Department, the costs of disclosing the information shall be  
7 paid by the Department of Consumer and Business Services.

8 “(k) Disclose information to the Construction Contractors Board for the  
9 purpose of performing its duties under ORS chapter 701. The information  
10 disclosed to the board may include the names and addresses of employers and  
11 status of their compliance with this chapter. If the information disclosed  
12 under this paragraph is not prepared for the use of the Employment De-  
13 partment, the costs of disclosing the information shall be paid by the board.

14 “(L) Disclose information to the State Fire Marshal to assist the State  
15 Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The in-  
16 formation disclosed may include the name, address, telephone number and  
17 industrial classification code of an employer. The information disclosed is  
18 confidential and may not be disclosed by the State Fire Marshal in any  
19 manner that would identify an employing unit except to the extent necessary  
20 to carry out duties under ORS 453.307 to 453.414. If the information disclosed  
21 under this paragraph is not prepared for the use of the Employment De-  
22 partment, the costs of disclosing the information shall be paid by the  
23 [office] **Department** of the State Fire Marshal.

24 “(m) Disclose information to the Higher Education Coordinating Com-  
25 mission for the purpose of performing the commission's duties under ORS  
26 chapter 348 and Title IV of the Higher Education Act of 1965. The informa-  
27 tion disclosed may include the names and addresses of employers and em-  
28 ployees and payroll data of employers and employees. The information  
29 disclosed is confidential and may not be disclosed by the commission in any  
30 manner that would identify an employing unit or employee except to the

1 extent necessary to carry out the commission's duties under ORS chapter 348  
2 or Title IV of the Higher Education Act of 1965. If the information disclosed  
3 under this paragraph is not prepared for the use of the Employment De-  
4 partment, the costs of disclosing the information shall be paid by the com-  
5 mission.

6 “(n) Disclose information to the Department of Transportation to assist  
7 the Department of Transportation in carrying out the duties of the Depart-  
8 ment of Transportation relating to collection of delinquent and liquidated  
9 debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and  
10 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information  
11 disclosed may include the names and addresses of employers and employees  
12 and payroll data of employers and employees. The information disclosed is  
13 confidential and may not be disclosed by the Department of Transportation  
14 in any manner that would identify an employing unit or employee except to  
15 the extent necessary to carry out the Department of Transportation's duties  
16 relating to collection of delinquent and liquidated debts or in auditing or  
17 reviewing any report or return required or permitted to be filed under the  
18 revenue and tax laws administered by the Department of Transportation. The  
19 Department of Transportation may not disclose any information received to  
20 any private collection agency or for any other purpose. If the information  
21 disclosed under this paragraph is not prepared for the use of the Employment  
22 Department, the costs of disclosing the information shall be paid by the De-  
23 partment of Transportation.

24 “(o) Disclose information to the Department of Human Services and the  
25 Oregon Health Authority to assist the Department of Human Services and  
26 the Oregon Health Authority in the collection of debts that the Department  
27 of Human Services and the Oregon Health Authority are authorized by law  
28 to collect. The information disclosed may include the names, addresses and  
29 payroll data of employers and employees. The information disclosed is con-  
30 fidential and may not be disclosed by the Department of Human Services or

1 the Oregon Health Authority in a manner that would identify an employing  
2 unit or employee except to the extent necessary for the collection of debts  
3 as described in this paragraph. The Department of Human Services and the  
4 Oregon Health Authority may not disclose information received under this  
5 paragraph to a private collection agency or use the information for a purpose  
6 other than the collection of debts as described in this paragraph. If the in-  
7 formation disclosed under this paragraph is not prepared for the use of the  
8 Employment Department, the costs of disclosing the information shall be  
9 paid by the Department of Human Services or the Oregon Health Authority.

10 “(p) Disclose to the Alcohol and Drug Policy Commission information  
11 required by the commission in evaluating and measuring the performance of  
12 alcohol and drug prevention and treatment programs under ORS 430.223 or  
13 the impact of the programs on employment. The information disclosed to the  
14 commission may include total subject wages payroll and whole hours worked.  
15 The information disclosed under this paragraph is confidential and may not  
16 be used for any other purpose. The commission may not disclose the infor-  
17 mation in any manner that would identify an employing unit or employee  
18 except to the extent necessary to carry out the commission’s duties under  
19 ORS 430.223. If the information disclosed under this paragraph is not pre-  
20 pared for the use of the Employment Department, the costs of disclosing the  
21 information shall be paid by the commission.

22 “(q) Disclose to any person establishment level information secured pur-  
23 suant to this chapter from federal, state and local government agencies,  
24 public universities listed in ORS 352.002 or the Oregon Health and Science  
25 University established under ORS 353.020. If the information disclosed under  
26 this paragraph is not prepared for the use of the Employment Department,  
27 the costs of disclosing the information shall be paid by the person requesting  
28 the information.

29 “(r) Disclose to any person the industrial classification code assigned to  
30 an employing unit. If the information disclosed under this paragraph is not



1 prepared for the use of the Employment Department, the costs of disclosing  
2 the information shall be paid by the person requesting the information.

3 “(5) The Employment Department may make public all decisions of the  
4 Employment Appeals Board.

5 “(6) Any officer appointed by or any employee of the Director of the  
6 Employment Department who discloses confidential information, except with  
7 the authority of the director, pursuant to rules or as otherwise required by  
8 law, may be disqualified from holding any appointment or employment with  
9 the Employment Department.

10 “(7) Any person or any officer or employee of an entity to whom infor-  
11 mation is disclosed by the Employment Department under this section who  
12 divulges or uses the information for any purpose other than that specified  
13 in the provision of law or agreement authorizing the use or disclosure may  
14 be disqualified from performing any service under contract or disqualified  
15 from holding any appointment or employment with the state agency that  
16 engaged or employed that person, officer or employee. The Employment De-  
17 partment may immediately cancel or modify any information sharing agree-  
18 ment with an entity when a person or an officer or employee of that entity  
19 discloses confidential information, other than as specified in law or agree-  
20 ment.

21 **“SECTION 143a.** ORS 657.665, as amended by section 68, chapter 678,  
22 Oregon Laws 2019, is amended to read:

23 “657.665. (1) Except as provided in subsections (2) to (5) of this section,  
24 all information in the records of the Employment Department pertaining to  
25 the administration of the unemployment insurance, employment service and  
26 workforce and labor market information programs:

27 “(a) Is confidential and for the exclusive use and information of the Di-  
28 rector of the Employment Department in administering the unemployment  
29 insurance, employment service and workforce and labor market information  
30 programs in Oregon.

1 “(b) May not be used in any court action or in any proceeding pending  
2 in the court unless the director or the state is a party to the action or pro-  
3 ceeding or unless the proceeding concerns the establishment, enforcement or  
4 modification of a support obligation and support services are being provided  
5 by the Division of Child Support or the district attorney pursuant to ORS  
6 25.080.

7 “(c) Is exempt from disclosure under ORS 192.311 to 192.478.

8 “(2) The Employment Department shall disclose information:

9 “(a) To any claimant or legal representative, at a hearing before an ad-  
10 ministrative law judge, to the extent necessary for the proper presentation  
11 of an unemployment insurance claim.

12 “(b) Upon request to the United States Secretary of Labor. The Employ-  
13 ment Department shall disclose the information in a form and containing the  
14 information that the United States Secretary of Labor may require. The in-  
15 formation disclosed is confidential and may not be used for any other pur-  
16 pose.

17 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request  
18 to any agency of the United States charged with the administration of public  
19 works or assistance through public employment. Under this paragraph, the  
20 Employment Department shall disclose the name, address, ordinary occupa-  
21 tion and employment status of each recipient of unemployment insurance  
22 benefits and a statement of the recipient’s right to further benefits under this  
23 chapter. The information disclosed is confidential and may not be used for  
24 any other purpose.

25 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Rail-  
26 road Retirement Board. Under this paragraph, the Employment Department  
27 shall disclose unemployment insurance records. The information disclosed is  
28 confidential and may not be used for any other purpose. The costs of dis-  
29 closing information under this paragraph shall be paid by the board.

30 “(e) Pursuant to section 303(d) of the Social Security Act, upon request

1 to officers and employees of the United States Department of Agriculture and  
2 to officers or employees of any state Supplemental Nutrition Assistance  
3 Program agency for the purpose of determining an individual's eligibility for  
4 or the amount of supplemental nutrition assistance. The information dis-  
5 closed is confidential and may not be used for any other purpose. The costs  
6 of disclosing information under this paragraph shall be paid by the United  
7 States Department of Agriculture.

8 “(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act,  
9 to state or local child support enforcement agencies enforcing child support  
10 obligations under Title IV-D of the Social Security Act for the purposes of  
11 establishing child support obligations, locating individuals owing child sup-  
12 port obligations and collecting child support obligations from those individ-  
13 uals. The information disclosed is confidential and may not be used for any  
14 other purpose. The costs of disclosing information under this paragraph shall  
15 be paid by the child support enforcement agency.

16 “(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to  
17 agencies participating in the income and eligibility verification system for  
18 the purpose of verifying an individual's eligibility for benefits, or the amount  
19 of benefits, under unemployment insurance, temporary assistance for needy  
20 families, Medicaid, the Supplemental Nutrition Assistance Program, Supple-  
21 mental Security Income, child support enforcement or Social Security pro-  
22 grams. The information disclosed is confidential and may not be used for any  
23 other purpose. The costs of disclosing information under this paragraph shall  
24 be paid by the requesting agency.

25 “(h) Pursuant to section 303(h) of the Social Security Act and section  
26 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States  
27 Department of Health and Human Services National Directory of New Hires.  
28 The information disclosed is confidential and may not be used for any other  
29 purpose. The costs of disclosing information under this paragraph shall be  
30 paid by the United States Department of Health and Human Services.

1 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and  
2 employees of the United States Department of Housing and Urban Develop-  
3 ment and to representatives of a public housing agency for the purpose of  
4 determining an individual’s eligibility for benefits, or the amount of benefits,  
5 under a housing assistance program of the United States Department of  
6 Housing and Urban Development. The information disclosed is confidential  
7 and may not be used for any other purpose. The costs of disclosing informa-  
8 tion under this paragraph shall be paid by the United States Department of  
9 Housing and Urban Development or the public housing agency.

10 “(j) Pursuant to regulations of the United States Secretary of Health and  
11 Human Services issued under section 3304(a)(16)(A) of the Federal Unem-  
12 ployment Tax Act, and except as required by section 303 of the Social Secu-  
13 rity Act, to the state, a political subdivision or a federally recognized Indian  
14 tribe that has signed an agreement with the Department of Human Services  
15 to administer Part A of Title IV of the Social Security Act for the purpose  
16 of determining an individual’s eligibility for assistance, or the amount of  
17 assistance, under a program funded under Part A of Title IV of the Social  
18 Security Act. The information disclosed is confidential and may not be used  
19 for any other purpose.

20 “(k) Upon request, to the United States Attorney’s Office. Under this  
21 paragraph, the Employment Department may disclose an individual’s em-  
22 ployment and wage information in response to a federal grand jury subpoena  
23 or for the purpose of collecting civil and criminal judgments, including  
24 restitution and special assessment fees. The information disclosed is confi-  
25 dential and may not be used for any other purpose. The costs of disclosing  
26 information under this paragraph shall be paid by the United States  
27 Attorney’s Office.

28 “(3) The Employment Department may disclose information secured from  
29 employing units:

30 “(a) To state agencies, federal agencies, local government agencies, public

1 universities listed in ORS 352.002 and the Oregon Health and Science Uni-  
2 versity established under ORS 353.020, to the extent necessary to properly  
3 carry out governmental planning, performance measurement, program analy-  
4 sis, socioeconomic analysis or policy analysis functions performed under ap-  
5 plicable law. The information disclosed is confidential and may not be  
6 disclosed by the agencies or universities in any manner that would identify  
7 individuals, claimants, employees or employing units. If the information dis-  
8 closed under this paragraph is not prepared for the use of the Employment  
9 Department, the costs of disclosing the information shall be paid by the  
10 agency or university requesting the information.

11 “(b) As part of a geographic information system. Points on a map may be  
12 used to represent economic data, including the location, employment size  
13 class and industrial classification of businesses in Oregon. Information pre-  
14 sented as part of a geographic information system may not give specific de-  
15 tails regarding a business’s address, actual employment or proprietary  
16 information. If the information disclosed under this paragraph is not pre-  
17 pared for the use of the Employment Department, the costs of disclosing the  
18 information shall be paid by the party requesting the information.

19 “(c) In accordance with ORS 657.673.

20 “(4) The Employment Department may:

21 “(a) Disclose information to public employees in the performance of their  
22 duties under state or federal laws relating to the payment of unemployment  
23 insurance benefits, the provision of employment services and the provision  
24 of workforce and labor market information.

25 “(b) At the discretion of the Director of the Employment Department and  
26 subject to an interagency agreement, disclose information to public officials  
27 in the performance of their official duties administering or enforcing laws  
28 within their authority and to the agents or contractors of public officials.  
29 The public official shall agree to assume responsibility for misuse of the in-  
30 formation by the official’s agent or contractor.

1 “(c) Disclose information pursuant to an informed consent, received from  
2 an employer or claimant, to disclose the information.

3 “(d) Disclose information to partners under the federal Workforce Inno-  
4 vation and Opportunity Act for the purpose of administering state workforce  
5 programs under the Act. The information disclosed is confidential and may  
6 not be used for any other purpose. The costs of disclosing information under  
7 this paragraph shall be paid by the requesting partner.

8 “(e) Disclose the names and addresses of employing units to the Bureau  
9 of Labor and Industries for the purpose of disseminating information to em-  
10 ploying units. The names and addresses disclosed are confidential and may  
11 not be used for any other purpose. If the information disclosed under this  
12 paragraph is not prepared for the use of the Employment Department, the  
13 costs of disclosing the information shall be paid by the bureau.

14 “(f) Disclose information to the Commissioner of the Bureau of Labor and  
15 Industries for the purpose of performing duties under ORS 279C.800 to  
16 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or  
17 659A. The information disclosed may include the names and addresses of  
18 employers and employees and payroll data of employers and employees. The  
19 information disclosed is confidential and may not be used for any other  
20 purpose. If the information disclosed under this paragraph is not prepared  
21 for the use of the Employment Department, the costs of disclosing the in-  
22 formation shall be paid by the bureau.

23 “(g) Disclose information required under ORS 657.660 (3) and (4) to the  
24 Public Employees Retirement System for the purpose of determining the el-  
25 igibility of members of the retirement system for disability under ORS  
26 chapters 238 and 238A. The information disclosed is confidential and may not  
27 be used for any other purpose. The costs of disclosing information under this  
28 paragraph shall be paid by the Public Employees Retirement System.

29 “(h) Disclose to the Oregon Business Development Commission and the  
30 Oregon Business Development Department information required by the com-

1 mission and the department in performing their duties under ORS 285A.050  
2 and 285B.630 to verify changes in employment levels following direct em-  
3 ployer participation in department programs or indirect participation  
4 through municipalities under ORS 285B.410 to 285B.482. The information  
5 disclosed to the commission and the department may include an employer's  
6 employment level, total subject wages payroll and whole hours worked. The  
7 information disclosed is confidential and may not be used for any other  
8 purpose. The commission and the department may not disclose the informa-  
9 tion in any manner that would identify an employing unit or employee except  
10 to the extent necessary to carry out the commission's and the department's  
11 duties under ORS 285A.050 and 285B.630. If the information disclosed under  
12 this paragraph is not prepared for the use of the Employment Department,  
13 the costs of disclosing the information shall be paid by the commission or  
14 the Oregon Business Development Department.

15 “(i) Disclose information to the Department of Revenue for the purpose  
16 of performing its duties under ORS 293.250 or under the revenue and tax laws  
17 of this state. The information disclosed may include the names and addresses  
18 of employers and employees and payroll data of employers and employees.  
19 The information disclosed is confidential and may not be disclosed by the  
20 Department of Revenue in any manner that would identify an employing unit  
21 or employee except to the extent necessary to carry out the department's  
22 duties under ORS 293.250 or in auditing or reviewing any report or return  
23 required or permitted to be filed under the revenue and tax laws adminis-  
24 tered by the department. The Department of Revenue may not disclose any  
25 information received to any private collection agency or for any other pur-  
26 pose. If the information disclosed under this paragraph is not prepared for  
27 the use of the Employment Department, the costs of disclosing the informa-  
28 tion shall be paid by the Department of Revenue.

29 “(j) Disclose information to the Department of Consumer and Business  
30 Services for the purpose of performing its duties under ORS chapters 654 and

1 656. The information disclosed may include the name, address, number of  
2 employees and industrial classification code of an employer and payroll data  
3 of employers and employees. The information disclosed is confidential and  
4 may not be disclosed by the Department of Consumer and Business Services  
5 in any manner that would identify an employing unit or employee except to  
6 the extent necessary to carry out the department's duties under ORS chap-  
7 ters 654 and 656, including administrative hearings and court proceedings in  
8 which the Department of Consumer and Business Services is a party. If the  
9 information disclosed under this paragraph is not prepared for the use of the  
10 Employment Department, the costs of disclosing the information shall be  
11 paid by the Department of Consumer and Business Services.

12 “(k) Disclose information to the Construction Contractors Board for the  
13 purpose of performing its duties under ORS chapter 701. The information  
14 disclosed to the board may include the names and addresses of employers and  
15 status of their compliance with this chapter. If the information disclosed  
16 under this paragraph is not prepared for the use of the Employment De-  
17 partment, the costs of disclosing the information shall be paid by the board.

18 “(L) Disclose information to the State Fire Marshal to assist the State  
19 Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The in-  
20 formation disclosed may include the name, address, telephone number and  
21 industrial classification code of an employer. The information disclosed is  
22 confidential and may not be disclosed by the State Fire Marshal in any  
23 manner that would identify an employing unit except to the extent necessary  
24 to carry out duties under ORS 453.307 to 453.414. If the information disclosed  
25 under this paragraph is not prepared for the use of the Employment De-  
26 partment, the costs of disclosing the information shall be paid by the  
27 [office] **Department** of the State Fire Marshal.

28 “(m) Disclose information to the Higher Education Coordinating Com-  
29 mission for the purpose of performing the commission's duties under ORS  
30 chapter 348 and Title IV of the Higher Education Act of 1965. The informa-



1 tion disclosed may include the names and addresses of employers and em-  
2 ployees and payroll data of employers and employees. The information  
3 disclosed is confidential and may not be disclosed by the commission in any  
4 manner that would identify an employing unit or employee except to the  
5 extent necessary to carry out the commission's duties under ORS chapter 348  
6 or Title IV of the Higher Education Act of 1965. If the information disclosed  
7 under this paragraph is not prepared for the use of the Employment De-  
8 partment, the costs of disclosing the information shall be paid by the com-  
9 mission.

10       “(n) Disclose information to the Department of Transportation to assist  
11 the Department of Transportation in carrying out the duties of the Depart-  
12 ment of Transportation relating to collection of delinquent and liquidated  
13 debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and  
14 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information  
15 disclosed may include the names and addresses of employers and employees  
16 and payroll data of employers and employees. The information disclosed is  
17 confidential and may not be disclosed by the Department of Transportation  
18 in any manner that would identify an employing unit or employee except to  
19 the extent necessary to carry out the Department of Transportation's duties  
20 relating to collection of delinquent and liquidated debts or in auditing or  
21 reviewing any report or return required or permitted to be filed under the  
22 revenue and tax laws administered by the Department of Transportation. The  
23 Department of Transportation may not disclose any information received to  
24 any private collection agency or for any other purpose. If the information  
25 disclosed under this paragraph is not prepared for the use of the Employment  
26 Department, the costs of disclosing the information shall be paid by the De-  
27 partment of Transportation.

28       “(o) Disclose information to the Department of Human Services and the  
29 Oregon Health Authority to assist the Department of Human Services and  
30 the Oregon Health Authority in the collection of debts that the Department

1 of Human Services and the Oregon Health Authority are authorized by law  
2 to collect. The information disclosed may include the names, addresses and  
3 payroll data of employers and employees. The information disclosed is con-  
4 fidential and may not be disclosed by the Department of Human Services or  
5 the Oregon Health Authority in a manner that would identify an employing  
6 unit or employee except to the extent necessary for the collection of debts  
7 as described in this paragraph. The Department of Human Services and the  
8 Oregon Health Authority may not disclose information received under this  
9 paragraph to a private collection agency or use the information for a purpose  
10 other than the collection of debts as described in this paragraph. If the in-  
11 formation disclosed under this paragraph is not prepared for the use of the  
12 Employment Department, the costs of disclosing the information shall be  
13 paid by the Department of Human Services or the Oregon Health Authority.

14 “(p) Disclose to the Alcohol and Drug Policy Commission information  
15 required by the commission in evaluating and measuring the performance of  
16 alcohol and drug prevention and treatment programs under ORS 430.223 or  
17 the impact of the programs on employment. The information disclosed to the  
18 commission may include total subject wages payroll and whole hours worked.  
19 The information disclosed under this paragraph is confidential and may not  
20 be used for any other purpose. The commission may not disclose the infor-  
21 mation in any manner that would identify an employing unit or employee  
22 except to the extent necessary to carry out the commission’s duties under  
23 ORS 430.223. If the information disclosed under this paragraph is not pre-  
24 pared for the use of the Employment Department, the costs of disclosing the  
25 information shall be paid by the commission.

26 “(q) Disclose to any person establishment level information secured pur-  
27 suant to this chapter from federal, state and local government agencies,  
28 public universities listed in ORS 352.002 or the Oregon Health and Science  
29 University established under ORS 353.020. If the information disclosed under  
30 this paragraph is not prepared for the use of the Employment Department,

1 the costs of disclosing the information shall be paid by the person requesting  
2 the information.

3 “(r) Disclose to any person the industrial classification code assigned to  
4 an employing unit. If the information disclosed under this paragraph is not  
5 prepared for the use of the Employment Department, the costs of disclosing  
6 the information shall be paid by the person requesting the information.

7 “(s) Disclose information to the State Treasurer useful for the purpose  
8 of performing the State Treasurer’s duties under ORS 98.302 to 98.436, 98.992  
9 and 116.253 and the role of an estate administrator under ORS 113.235. The  
10 information disclosed is confidential and may not be used by the State  
11 Treasurer for any other purpose. If the information disclosed is not prepared  
12 for the use of the Employment Department, the costs of disclosing the in-  
13 formation shall be paid by the State Treasurer.

14 “(5) The Employment Department may make public all decisions of the  
15 Employment Appeals Board.

16 “(6) Any officer appointed by or any employee of the Director of the  
17 Employment Department who discloses confidential information, except with  
18 the authority of the director, pursuant to rules or as otherwise required by  
19 law, may be disqualified from holding any appointment or employment with  
20 the Employment Department.

21 “(7) Any person or any officer or employee of an entity to whom infor-  
22 mation is disclosed by the Employment Department under this section who  
23 divulges or uses the information for any purpose other than that specified  
24 in the provision of law or agreement authorizing the use or disclosure may  
25 be disqualified from performing any service under contract or disqualified  
26 from holding any appointment or employment with the state agency that  
27 engaged or employed that person, officer or employee. The Employment De-  
28 partment may immediately cancel or modify any information sharing agree-  
29 ment with an entity when a person or an officer or employee of that entity  
30 discloses confidential information, other than as specified in law or agree-

1 ment.

2 **“SECTION 144.** ORS 731.820 is amended to read:

3 “731.820. (1)(a) For the purpose of maintaining the [*office*] **Department**  
4 of **the** State Fire Marshal and paying the expenses incident thereto, every  
5 insurer transacting insurance covering the peril of fire shall pay a tax to the  
6 Director of the Department of Consumer and Business Services, on or before  
7 April 1 of each year, equal to 1.15 percent of the gross amount of premiums  
8 received by it or its insurance producers from such business, from and under  
9 its policies covering direct domestic risks in the preceding calendar year af-  
10 ter deducting the amount of return premiums paid and the amount of divi-  
11 dend payments made to policyholders or, in the case of a reciprocal insurer,  
12 the amount of savings paid or credited to the accounts of subscribers, with  
13 respect to such policies.

14 “(b) For the purpose of paragraph (a) of this subsection the following  
15 portions of the amounts required to be reported by line of business in the  
16 annual financial statement required by ORS 731.574 shall be considered pre-  
17 miums for insurance covering the peril of fire:

18 “(A) Fire, 100 percent.

19 “(B) Homeowners and farm owners multiple peril, 65 percent.

20 “(C) Commercial multiple peril, 50 percent.

21 “(D) Inland marine, 20 percent.

22 “(E) Automobile physical damage, eight percent.

23 “(F) Aircraft physical damage, eight percent.

24 “(2) If an insurer ceases to do business or collect premiums on direct do-  
25 mestic risks, it thereupon shall make a report to the director of its premiums  
26 subject to taxation as provided in subsection (1) of this section and collected  
27 or due as of the date when it ceased to do business or collect premiums on  
28 direct domestic risks, and not theretofore reported, and shall forthwith pay  
29 to the director the tax thereon.

30 “(3) If the director, during the period in which the director under ORS

1 731.836 may collect taxes owing under this section, finds the amount of such  
2 taxes paid by an insurer to have been incorrect, the director shall charge  
3 or credit the insurer with the difference between the correct amount of tax  
4 and the amount actually paid.

5 **“SECTION 145.** ORS 735.470 is amended to read:

6 “735.470. (1)(a) The surplus lines licensee shall pay the Director of the  
7 Department of Consumer and Business Services a surplus lines premium tax  
8 equal to two percent of the gross amount of premiums received on Oregon  
9 home state risks as shown in the report required by ORS 735.465.

10 “(b) Notwithstanding ORS 731.820, the surplus lines licensee shall also  
11 pay to the director a tax equal to 0.3 percent of the premium or fees charged  
12 by the insurer or the insurer’s insurance producer and other intermediaries  
13 for the insurance, for the purpose of maintaining the [*office*] **Department**  
14 of the State Fire Marshal and paying the expenses incident thereto.

15 “(c) The taxes shall be collected by the surplus lines licensee as specified  
16 by the director, in addition to the gross amount of premiums charged by the  
17 insurer or the insurer’s insurance producer and other intermediaries for the  
18 insurance. The taxes on any portion of the premium unearned at termination  
19 of insurance having been credited by the state to the licensee shall be re-  
20 turned to the policyholder directly by the surplus lines licensee or through  
21 the producing insurance producer, if any. The surplus lines licensee is pro-  
22 hibited from absorbing the taxes, and from rebating for any reason, any part  
23 of the taxes.

24 “(2) The surplus lines taxes are due quarterly on the 45th day following  
25 the calendar quarter in which the premium is collected. The taxes shall be  
26 paid to and reported on forms prescribed by the director or upon the  
27 director’s order paid to and reported on forms prescribed by the Surplus Line  
28 Association of Oregon.

29 “(3) Notwithstanding subsection (2) of this section, if a surplus lines li-  
30 cense is terminated or nonrenewed for any reason, the taxes described in this

1 section are due on the 30th day after the termination or nonrenewal.

2 “(4) For the purposes of carrying out the Nonadmitted and Reinsurance  
3 Reform Act of 2010 (P.L. 111-203, Title V, Subtitle B), the director may col-  
4 lect taxes on 100 percent of the gross amount of premiums on Oregon home  
5 state risks. If the director enters into a compact or otherwise establishes  
6 procedures with other states pursuant to ORS 735.418, the director by rule  
7 shall establish procedures to facilitate the reporting, collection, payment,  
8 allocation and disbursement of premium taxes on Oregon home state risks  
9 that also include risks allocable to other states.

10 “(5) As used in this section, ‘gross amount of premiums’ has the meaning  
11 given that term in ORS 731.808.

12 “**SECTION 146.** Section 13c, chapter 581, Oregon Laws 2019, is amended  
13 to read:

14 “**Sec. 13c.** (1)(a) The owner of oil at the time the oil is transported by  
15 loaded tank railroad car in this state shall pay to the Department of Revenue  
16 a fee not to exceed \$20 for each tank railroad car loaded with oil.

17 “(b) If the loaded tank railroad car enters this state from outside of this  
18 state, the fee shall be imposed on the owner of the oil at the time the loaded  
19 tank railroad car enters this state.

20 “(c) If the tank railroad car is loaded with oil in this state, the fee shall  
21 be imposed upon the loading of the oil into or onto the tank railroad car for  
22 transport in or through this state.

23 “(2) The Department of Environmental Quality and the [*office*] **Depart-**  
24 **ment** of the State Fire Marshal shall establish by rule the amount of the fee  
25 required under this section as necessary to provide funding for programs  
26 authorized to be funded by moneys in the High Hazard Train Route Oil Spill  
27 Preparedness Fund established under [*section 14 of this 2019 Act*] **ORS**  
28 **468B.435** and the Oil and Hazardous Material Transportation by Rail Action  
29 Fund established under ORS 453.394.

30 “(3) Any oil that the Constitution or laws of the United States prohibit

1 the state from taxing is exempt from the fee imposed under this section.

2 “(4)(a) Each owner of oil transported by loaded tank railroad car shall  
3 remit payment of the fee established under this section on a quarterly basis.

4 “(b) Each owner of oil transported by loaded tank railroad car shall reg-  
5 ister with the Department of Revenue at least 30 days prior to the date that  
6 the owner’s oil is transported by loaded tank railroad car in this state.

7 “(c) Each owner of oil transported by loaded tank railroad car shall keep  
8 at the person’s registered place of business complete and accurate records  
9 of any petroleum products sold, purchased by, or brought in or caused to be  
10 brought in to the place of business.

11 “(d) The Department of Revenue, upon oral or written reasonable notice,  
12 may make such examinations of the books, papers, records and equipment  
13 required to be kept under this subsection as it may deem necessary in car-  
14 rying out this section.

15 “(5) The Department of Revenue is authorized to establish those rules and  
16 procedures for the implementation and enforcement of this section that are  
17 consistent with this section’s provisions and are considered necessary and  
18 appropriate.

19 “(6) The provisions of ORS chapters 305 and 314 as to liens, delinquencies,  
20 claims for refund, issuance of refunds, conferences, appeals to the Oregon  
21 Tax Court, stay of collection pending appeal, cancellation, waiver, reduction  
22 or compromise of fees, penalties or interest, subpoenaing and examining  
23 witnesses and books and papers, and the issuance of warrants and the pro-  
24 cedures relating thereto, shall apply to the collection of fees, penalties and  
25 interest by the Department of Revenue under this section, except where the  
26 context requires otherwise.

27 “(7) All moneys received by the Department of Revenue under this section  
28 shall be deposited in the State Treasury and credited to a suspense account  
29 established under ORS 293.445. After payment of administration expenses  
30 incurred by the department in the administration of this section and of re-

1 funds or credits arising from erroneous overpayments, the balance of the  
2 money shall be transferred to the High Hazard Train Route Oil Spill  
3 Preparedness Fund established under [section 14 of this 2019 Act] **ORS**  
4 **468B.435** and to the Oil and Hazardous Material Transportation by Rail  
5 Action Fund established under ORS 453.394, in the proportionate amounts  
6 that each agency found and determined to be necessary under subsection (2)  
7 of this section.

8  
9 **“OREGON HOMELAND SECURITY COUNCIL**

10  
11 **“SECTION 147.** ORS 401.109 is amended to read:

12 “401.109. (1) The Oregon Homeland Security Council is [created] **estab-**  
13 **lished** within the Office of [*Emergency Management*] **the Governor. The**  
14 **mission of the council is to assess risks to the safety and security of**  
15 **the State of Oregon with special emphasis on matters related to do-**  
16 **mestic terrorism and other major threats to the people of Oregon, in-**  
17 **cluding to critical infrastructure, and to make formal**  
18 **recommendations to the Governor with respect to homeland security**  
19 **policy.** [*The council shall:*]

20 “[*a*] *Receive briefings on security matters:*]

21 “[*A*] *For which the office is responsible at least annually from state*  
22 *agencies and organizations as determined by the council; and]*

23 “[*B*] *Relating to catastrophic disasters declared by the Governor pursuant*  
24 *to Article X-A, section 1, of the Oregon Constitution, or states of emergency*  
25 *declared by the Governor pursuant to ORS 401.165.]*

26 “[*b*] *Advise state agencies with responsibility for security matters on the*  
27 *future direction of the office’s planning, preparedness, response and recovery*  
28 *activities.]*

29 **“(2) The council may:**

30 **“(a) Recommend strategies to the Governor for the effective coor-**



1 **dination of information gathering and dissemination on subjects as-**  
2 **sociated with the mission.**

3 **“(b) Request and receive briefings from state agencies or other en-**  
4 **tities for development of reports and recommendations for the Gover-**  
5 **nor on subjects associated with the mission.**

6 **“(c) Facilitate interagency collaboration, cooperation and coordi-**  
7 **nation on operational issues associated with the mission.**

8 **“(d) Recommend policies to the Emergency Preparedness Advisory**  
9 **Council on subjects associated with the mission.**

10 “[2)] (3) The membership of the council consists of:

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

12 “(A) Two members from the Senate appointed by the President of the  
13 Senate; and

14 “(B) Two members from the House of Representatives appointed by the  
15 Speaker of the House of Representatives;

16 “(b) The Governor;

17 “(c) The Adjutant General;

18 “(d) The Superintendent of State Police;

19 “(e) The Director of the [Office] **Oregon Department** of Emergency  
20 Management; [and]

21 “(f) A representative of the Department of Justice appointed by the At-  
22 torney General[.];

23 **“(g) The State Resilience Officer;**

24 **“(h) The State Fire Marshal;**

25 **“(i) The Director of the Department of Public Safety Standards and**  
26 **Training;**

27 **“(j) The Director of the Oregon Health Authority;**

28 **“(k) The Director of Transportation;**

29 **“(L) The State Forester;**

30 **“(m) The Director of the Department of Corrections;**

1       “(n) **The Superintendent of State Police;**

2       “(o) **One member appointed by the Governor to act as a senior**  
3 **policy advisor for emergency operations;**

4       “(p) **A representative of the Oregon TITAN Fusion Center with the**  
5 **ability to organize and explain mission critical information, appointed**  
6 **by the Attorney General; and**

7       “(q) **Additional members appointed by the Governor as the Gover-**  
8 **nor may deem necessary.**

9       “[(3)] (4) Each member appointed to the council under subsection [(2)] (3)  
10 of this section serves at the pleasure of the appointing authority. The mem-  
11 bership of a public official ceases upon termination of the office held by the  
12 official at the time of appointment to the council.

13       “[(4)] (5) The Governor is the chairperson of the council.

14       “[(5)] (6) The [*Adjutant General*] **Director of the Oregon Department**  
15 **of Emergency Management** is the vice chairperson of the council and  
16 serves as the chairperson in the absence of the Governor.

17       “[(6)] (7) Members of the council are not entitled to compensation under  
18 ORS 292.495. The [*director*] **Governor**, in the [*director's*] **Governor's** dis-  
19 cretion, may reimburse members of the council as provided in ORS 292.495  
20 for actual and necessary travel or other expenses incurred in the perform-  
21 ance of their duties as members of the council.

22       “(8) **A majority of the members of the council constitutes a quorum**  
23 **for the transaction of business.**

24       “(9) **Official action by the council requires the approval of a ma-**  
25 **jority of the members of the council.**

26       “(10) **If there is a vacancy for any cause, the appointing authority**  
27 **shall make an appointment to become immediately effective.**

28       “(11) **The council shall meet as needed to carry out the mission of**  
29 **the council, at times and places specified by the call of the chairperson**  
30 **or of a majority of the members of the council.**

1       **“(12) The council may adopt rules necessary for the operation of the**  
2 **council.**

3       **“(13) The council may employ and fix the compensation of such**  
4 **professional assistants and clerical and other employees as the council**  
5 **deems necessary for the effective conduct of its work.**

6       **“(14) All agencies of state government, as defined in ORS 174.111,**  
7 **are directed to assist the council in the performance of the duties of**  
8 **the council and, to the extent permitted by laws relating to**  
9 **confidentiality, to furnish information and advice the members of the**  
10 **council consider necessary to perform their duties.**

11

12

**“(Finance)**

13

14       **“SECTION 148. (1) The unexpended balances of amounts authorized**  
15 **to be expended by the Office of Emergency Management for purposes**  
16 **of the Oregon Homeland Security Council for the biennium beginning**  
17 **July 1, 2021, from revenues dedicated, continuously appropriated, ap-**  
18 **propriated or otherwise made available to the office, are transferred**  
19 **to and are available for expenditure by the Office of the Governor for**  
20 **purposes of the Oregon Homeland Security Council for the biennium**  
21 **beginning July 1, 2021.**

22       **“(2) The expenditure classifications, if any, established by Acts au-**  
23 **thorizing or limiting expenditures by the Office of Emergency Man-**  
24 **agement remain applicable to expenditures by the Office of the**  
25 **Governor under this section.**

26       **“NOTE: Sections 149 through 150c were deleted by amendment. Subse-**  
27 **quent sections were not renumbered.**

28

29

**“EMERGENCY PREPAREDNESS ADVISORY COUNCIL**

30

1       **“SECTION 151. (1) The Emergency Preparedness Advisory Council**  
2 **is established within the Office of the Governor. The mission of the**  
3 **council is to facilitate policy recommendations for catastrophic disas-**  
4 **ter preparedness, mitigation and response and recovery planning,**  
5 **procedures and protocols with special emphasis on outreach to repre-**  
6 **sentatives of designated state and federal emergency support func-**  
7 **tions.**

8       **“(2) The council consists of:**

9       **“(a) One member appointed by the Adjutant General to represent**  
10 **the Oregon Military Department;**

11       **“(b) One member appointed by the Director of the Oregon Depart-**  
12 **ment of Emergency Management to represent the Oregon Department**  
13 **of Emergency Management;**

14       **“(c) One member appointed by the State Fire Marshal to represent**  
15 **the Department of the State Fire Marshal;**

16       **“(d) One member appointed by the Superintendent of State Police**  
17 **to represent the Department of State Police;**

18       **“(e) One member appointed by the Director of the Department of**  
19 **Public Safety Standards and Training to represent the Department of**  
20 **Public Safety Standards and Training;**

21       **“(f) One member appointed by the Director of the Oregon Health**  
22 **Authority to represent the Oregon Health Authority;**

23       **“(g) One member appointed by the Director of Transportation to**  
24 **represent the Department of Transportation;**

25       **“(h) One member appointed by the Attorney General to represent**  
26 **the Department of Justice;**

27       **“(i) One member appointed by the State Forester to represent the**  
28 **State Forestry Department;**

29       **“(j) Seven members appointed by the Governor as follows:**

30       **“(A) One member to represent counties;**

1       **“(B) One member to represent cities;**  
2       **“(C) One member with experience in emergency preparedness to**  
3 **represent regional organizations;**  
4       **“(D) One member with experience in emergency preparedness to**  
5 **represent local organizations;**  
6       **“(E) One member representing the private sector;**  
7       **“(F) One member representing the nonprofit community with a**  
8 **designated emergency support function responsibility; and**  
9       **“(G) One member to represent Indian tribes in Oregon; and**  
10       **“(k) Additional members appointed by the Governor as the Gover-**  
11 **nor may deem necessary.**  
12       **“(3)(a) The council may research international and national best**  
13 **practices and make formal recommendations to the State Resilience**  
14 **Officer or the Governor as needed, with special emphasis given to**  
15 **connecting statewide policy recommendations with state and federal**  
16 **emergency support function capabilities.**  
17       **“(b) The council shall advise and make policy recommendations to**  
18 **the Oregon Homeland Security Council regarding federal emergency**  
19 **support functions.**  
20       **“(4) A majority of the members of the Emergency Preparedness**  
21 **Advisory Council constitutes a quorum for the transaction of business.**  
22       **“(5) Official action by the council requires the approval of a ma-**  
23 **jority of the members of the council.**  
24       **“(6) The council shall elect one of its members to serve as chair-**  
25 **person.**  
26       **“(7) If there is a vacancy for any cause, the appointing authority**  
27 **shall make an appointment to become immediately effective.**  
28       **“(8) The council shall meet at least once quarterly at the place**  
29 **specified by the call of the chairperson or of a majority of the mem-**  
30 **bers of the council.**

1       **“(9) The council may adopt rules necessary for the operation of the**  
2 **council.**

3       **“(10) The Oregon Department of Emergency Management shall**  
4 **provide staff support to the council.**

5       **“(11) Members of the council are not entitled to compensation or**  
6 **reimbursement for expenses and serve as volunteers on the council.**

7       **“(12) All agencies of state government, as defined in ORS 174.111,**  
8 **are directed to assist the council in the performance of the duties of**  
9 **the council and, to the extent permitted by laws relating to**  
10 **confidentiality, to furnish information and advice the members of the**  
11 **council consider necessary to perform their duties.**

12       **“SECTION 151a. Section 151 of this 2021 Act is repealed on January**  
13 **2, 2030.**

14

15       **“LOCAL GOVERNMENT EMERGENCY MANAGEMENT ADVISORY**  
16 **COUNCIL**

17

18       **“SECTION 152. (1) The Local Government Emergency Management**  
19 **Advisory Council is established within the Oregon Department of**  
20 **Emergency Management.**

21       **“(2) The council consists of 11 members appointed by the Governor**  
22 **as follows:**

23       **“(a) One member to represent an organization representing Oregon**  
24 **counties;**

25       **“(b) One member to represent an organization representing Oregon**  
26 **cities;**

27       **“(c) One member to represent emergency medical service providers;**

28       **“(d) One member to represent fire departments;**

29       **“(e) One member to represent a statewide association of emergency**  
30 **managers, emergency responders, government agencies and elected**

1 **officials committed to minimizing the impact of disasters in Oregon;**

2 **“(f) One member to represent county sheriffs;**

3 **“(g) One member to represent 9-1-1 emergency dispatchers;**

4 **“(h) One member to represent volunteer emergency medical service**  
5 **providers; and**

6 **“(i) Three members with experience relating to emergency**  
7 **preparedness or management to represent the public.**

8 **“(3) The council shall provide advice and recommendations to the**  
9 **Oregon Department of Emergency Management regarding its emer-**  
10 **gency preparedness and response functions.**

11 **“(4) A majority of the members of the council constitutes a quorum**  
12 **for the transaction of business.**

13 **“(5) Official action by the council requires the approval of a ma-**  
14 **jority of the members of the council.**

15 **“(6) The council shall elect one of its members to serve as chair-**  
16 **person.**

17 **“(7) If there is a vacancy for any cause, the Governor shall make**  
18 **an appointment to become immediately effective.**

19 **“(8) The council shall meet at times and places specified by the call**  
20 **of the chairperson or of a majority of the members of the council.**

21 **“(9) The council may adopt rules necessary for the operation of the**  
22 **council.**

23 **“(10) The department shall provide staff support to the council.**

24 **“(11) Members of the council are not entitled to compensation or**  
25 **reimbursement for expenses and serve as volunteers on the council.**

26 **“(12) All agencies of state government, as defined in ORS 174.111,**  
27 **are directed to assist the council in the performance of the duties of**  
28 **the council and, to the extent permitted by laws relating to**  
29 **confidentiality, to furnish information and advice the members of the**  
30 **council consider necessary to perform their duties.**

1       **“SECTION 152a. Section 152 of this 2021 Act is repealed on January**  
2 **2, 2030.**

3  
4                               **“TASK FORCE ON IMPLEMENTATION**

5  
6       **“SECTION 152b. (1) The Task Force on Implementation is estab-**  
7 **lished.**

8       **“(2) The task force consists of the members of the Governor’s Fire**  
9 **Service Policy Council created under ORS 476.680. Nonvoting members**  
10 **of the council are nonvoting members of the task force.**

11       **“(3) The task force shall make recommendations as to whether the**  
12 **office of the State Fire Marshal should be made an independent state**  
13 **agency, and, if not, in which existing state agency the office of the**  
14 **State Fire Marshal should be housed. The task force’s recommen-**  
15 **dations must describe the rationales for the decisions of the task force.**

16       **“(4) No later than February 1, 2022, the task force shall submit a**  
17 **report on its findings and recommendations, which may include rec-**  
18 **ommendations for legislation, to the standing or interim committees**  
19 **of the Legislative Assembly with subject matter responsibility for**  
20 **veterans and emergency management.**

21       **“(5) A majority of the voting members of the task force constitutes**  
22 **a quorum for the transaction of business.**

23       **“(6) Official action by the task force requires the approval of a**  
24 **majority of the voting members of the task force.**

25       **“(7) The task force shall elect one of its members to serve as**  
26 **chairperson.**

27       **“(8) The task force shall meet at times and places specified by the**  
28 **call of the chairperson or of a majority of the voting members of the**  
29 **task force.**

30       **“(9) The task force may adopt rules necessary for the operation of**



1 the task force.

2 “(10) The office of the State Fire Marshal shall provide staff support  
3 to the task force.

4 “(11) Members of the task force are not entitled to compensation  
5 or reimbursement for expenses and serve as volunteers on the task  
6 force.

7 “(12) All agencies of state government, as defined in ORS 174.111,  
8 are directed to assist the task force in the performance of the duties  
9 of the task force and, to the extent permitted by laws relating to  
10 confidentiality, to furnish information and advice the members of the  
11 task force consider necessary to perform their duties.

12 “SECTION 152c. Section 152b of this 2021 Act is repealed on January  
13 2, 2023.

14 “SECTION 153. The Governor or the following agencies may take  
15 any action before the operative date specified in section 155 of this 2021  
16 Act that is necessary for the Governor or agency to exercise, on or  
17 after the operative date specified in section 155 of this 2021 Act, all of  
18 the duties, functions and powers conferred on the Governor or agency  
19 by sections 1, 10 to 15, 25a and 148 to 152 of this 2021 Act and the  
20 amendments to statutes and session law by sections 2 to 9, 16, 24, 26  
21 to 88h and 108 to 147 of this 2021 Act:

22 “(1) The Office of Emergency Management;

23 “(2) The Oregon Military Department;

24 “(3) The office of the State Fire Marshal;

25 “(4) The Department of State Police; or

26 “(5) The Oregon Homeland Security Council.

27 “SECTION 153a. The Governor or the following agencies may take  
28 any action before the operative date specified in section 155a of this  
29 2021 Act that is necessary for the Governor or agency to exercise, on  
30 or after the operative date specified in section 155a of this 2021 Act,

1 all of the duties, functions and powers conferred on the Governor or  
2 agency by sections 89 and 91 to 96 of this 2021 Act and the amendments  
3 to ORS 476.020 by section 90 of this 2021 Act:

4 “(1) The office of the State Fire Marshal; or

5 “(2) The Department of State Police.

6 **“SECTION 153b.** The Governor or the following agencies may take  
7 any action before the operative date specified in section 155b of this  
8 2021 Act that is necessary for the Governor or agency to exercise, on  
9 or after the operative date specified in section 155b of this 2021 Act,  
10 all of the duties, functions and powers conferred on the Governor or  
11 agency by the amendments to ORS 401.094 by section 16a of this 2021  
12 Act:

13 “(1) The Oregon Department of Emergency Management; or

14 “(2) The Department of State Police.

15 **“NOTE:** Section 154 was deleted by amendment. Subsequent sections were  
16 not renumbered.

17  
18 **“OPERATIVE DATES**

19  
20 **“SECTION 155.** Sections 1, 10 to 15, 25a and 148 to 152 of this 2021  
21 Act and the amendments to statutes and session law by sections 2 to  
22 9, 16, 24, 26 to 88h and 108 to 147 of this 2021 Act become operative on  
23 July 1, 2022.

24 **“SECTION 155a.** Sections 89 and 91 to 96 of this 2021 Act and the  
25 amendments to ORS 476.020 by section 90 of this 2021 Act become op-  
26 erative on July 1, 2023.

27 **“SECTION 155b.** The amendments to ORS 401.094 by section 16a of  
28 this 2021 Act become operative on July 1, 2025.

29 **“SECTION 155c.** Between the operative date specified in section 155  
30 of this 2021 Act and the operative date specified in section 155a of this

1 **2021 Act:**

2 “(1) Except as otherwise provided in this section, statutory refer-  
3 ences to the Department of the State Fire Marshal shall be construed  
4 to mean the office of the State Fire Marshal in the Department of  
5 State Police.

6 “(2) Duties, functions and powers conferred on the Department of  
7 the State Fire Marshal are conferred on the office of the State Fire  
8 Marshal in the Department of State Police.

9 “(3) Moneys appropriated to the Department of the State Fire  
10 Marshal shall be construed as appropriations to the Department of  
11 State Police for purposes of the office of the State Fire Marshal.

12

13

**“UNIT CAPTIONS**

14

15 “SECTION 156. The unit captions used in this 2021 Act are provided  
16 only for the convenience of the reader and do not become part of the  
17 statutory law of this state or express any legislative intent in the  
18 enactment of this 2021 Act.

19

20

**“EMERGENCY CLAUSE**

21

22 “SECTION 157. This 2021 Act being necessary for the immediate  
23 preservation of the public peace, health and safety, an emergency is  
24 declared to exist, and this 2021 Act takes effect on its passage.”.

25

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