

Enrolled
House Bill 4068

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Management for Representative Paul Evans)

CHAPTER

AN ACT

Relating to emergency preparedness; creating new provisions; amending ORS 401.109 and 401.532 and section 151, chapter 539, Oregon Laws 2021; repealing section 148, chapter 539, Oregon Laws 2021; and declaring an emergency.

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

OREGON HOMELAND SECURITY COUNCIL

SECTION 1. ORS 401.109 is amended to read:

401.109. (1) The Oregon Homeland Security Council is established within the [*Office of the Governor*] **Oregon Department of Emergency Management**. The mission of the council is to assess risks to the safety and security of the State of Oregon with special emphasis on matters related to domestic terrorism and other major threats to the people of Oregon, including to critical infrastructure, and to make formal recommendations to the Governor with respect to homeland security policy.

(2) The council may:

(a) Recommend strategies to the Governor for the effective coordination of information gathering and dissemination on subjects associated with the mission.

(b) Request and receive briefings from state agencies or other entities for development of reports and recommendations for the Governor on subjects associated with the mission.

(c) Facilitate interagency collaboration, cooperation and coordination on operational issues associated with the mission.

(d) Recommend policies to the Emergency Preparedness Advisory Council on subjects associated with the mission.

(3) The membership of the council consists of:

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

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

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

(b) The Governor;

(c) The Adjutant General;

(d) The Superintendent of State Police;

(e) The Director of the Oregon Department of Emergency Management;

(f) A representative of the Department of Justice appointed by the Attorney General;

- (g) The State Resilience Officer;
 - (h) The State Fire Marshal;
 - (i) The Director of the Department of Public Safety Standards and Training;
 - (j) The Director of the Oregon Health Authority;
 - (k) The Director of Transportation;
 - (L) The State Forester;
 - (m) The Director of the Department of Corrections;
 - (n) The Superintendent of State Police;
 - (o) One member appointed by the Governor to act as a senior policy advisor for emergency operations;
 - (p) A representative of the Oregon TITAN Fusion Center with the ability to organize and explain mission critical information, appointed by the Attorney General; and
 - (q) Additional members appointed by the [Governor] **Director of the Oregon Department of Emergency Management** as the [Governor] **director** may deem necessary.
- (4) Each member appointed to the council under subsection (3) of this section serves at the pleasure of the appointing authority. The membership of a public official ceases upon termination of the office held by the official at the time of appointment to the council.
- (5) The Governor is the chairperson of the council.
- (6) The Director of the Oregon Department of Emergency Management is the vice chairperson of the council and serves as the chairperson in the absence of the Governor.
- (7) Members of the council are not entitled to compensation under ORS 292.495. The [Governor] **director**, in the [Governor's] **director's** discretion, may reimburse members of the council as provided in ORS 292.495 for actual and necessary travel or other expenses incurred in the performance of their duties as members of the council.
- (8) A majority of the members of the council constitutes a quorum for the transaction of business.
- (9) Official action by the council requires the approval of a majority of the members of the council.
- (10) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.
- (11) The council shall meet as needed to carry out the mission of the council, at times and places specified by the call of the chairperson or of a majority of the members of the council.
- (12) The council may adopt rules necessary for the operation of the council.
- (13) The council may employ and fix the compensation of such professional assistants and clerical and other employees as the council deems necessary for the effective conduct of its work.
- (14) All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of the duties of the council and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the council consider necessary to perform their duties.

SECTION 2. Section 148, chapter 539, Oregon Laws 2021, is repealed.

OREGON PRE-DISASTER MITIGATION FUND

SECTION 3. ORS 401.532 is amended to read:

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

- (a) Help state agencies and local government units with Federal Emergency Management Agency approved mitigation plans in this state prior to the occurrence of natural disasters; and

(b) Ensure, to the extent possible, that state and local agencies and officials are prepared to respond to threats of human-caused disaster, including but not limited to acts of terrorism.

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

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

EMERGENCY INCIDENT TRAINING

SECTION 4. (1) All elected officials in this state, all administrative heads of state agencies and all persons in the state government management service as defined in ORS 240.212 shall complete introductory courses offered or approved by the Federal Emergency Management Agency on incident command and the National Incident Management System.

(2) All officials of a local government, as defined in ORS 174.116, who have or could reasonably be expected to have emergency or disaster response responsibility shall complete education on emergency response as recommended by the emergency program manager appointed by the local government under ORS 401.305 or the chief administrative officer of the local government.

NOTE: Section 5 was deleted by amendment. Subsequent sections were not renumbered.

EMERGENCY RESPONSE EXERCISES

SECTION 6. (1) The Oregon Department of Emergency Management shall develop and administer a program for periodic emergency response exercises as described in this section.

(2) Once per year, the department shall coordinate a multidisciplinary, all-hazards emergency response exercise. The exercise must involve at least 10 percent of the public or private safety agencies in this state. The department shall ensure that each public or private safety agency in this state participates in at least one exercise under this subsection in each 10-year period.

(3)(a) At least once per year, each state agency shall conduct an internal exercise that tests at least one element of the state agency's emergency preparedness. Each state agency may determine the nature and focus of the exercise required under this subsection. Once per year, each state agency shall submit a written report to the department describing the nature of the exercise, the metrics used by the state agency to analyze the state agency's performance and the outcome of the exercise.

(b) The department shall provide advice and recommendations to state agencies regarding the requirements of this subsection.

(4)(a) At least once per year, each county shall conduct a tabletop, scenario-based learning exercise related to emergency response. An exercise conducted by a county under this subsection must involve the majority of public or private safety agencies operating in the county.

(b) A county need not conduct the exercise required under this subsection during a year in which the county's emergency operations center was partially or fully activated in response to an emergency.

(c) The department shall provide advice and recommendations to counties regarding the requirements of this subsection.

(5) The department shall consult with the Oregon Homeland Security Council to determine priorities for subjects of exercises conducted under this section.

(6) The department may issue grants to local governments to pay for some or all of the costs of the exercises required under this section.

(7) The department may solicit and accept gifts, grants or donations from public or private sources to fund the exercises required under this section.

(8) As used in this section:

(a) "Public or private safety agency" has the meaning given that term in ORS 181A.355.

(b) "State agency" means an agency, entity or official listed in ORS 401.054.

OREGON CRITICAL DISASTER PREPAREDNESS STOCKPILE

SECTION 7. (1) The Oregon Homeland Security Council, in consultation with emergency management agencies, the Oregon Department of Emergency Management or its predecessor office, and the Oregon Health Authority, shall develop a plan to ensure that Oregonians have access to a robust stockpile of supplies and equipment for use in an emergency, including personal protective equipment and raw materials for the sustained manufacture thereof, communicable disease testing equipment and all-hazards emergency surge supplies, that can be deployed on a regional basis.

(2) In developing the plan, the council shall:

(a) Develop a comprehensive list of essential equipment, materials, supplies, distribution channels and manufacturing capabilities necessary to accomplish the purpose described in subsection (1) of this section;

(b) Determine a statewide standard of availability, sufficient to adequately protect public health and safety, for each article of personal protective equipment and each element of communicable disease testing equipment on the list;

(c) Establish metrics and processes for real-time, transparent reporting of materials, supplies, distribution channels and manufacturing capabilities for each type of equipment or supply on the list that the council deems to be critical in an emergency;

(d) Collaborate with hospitals, long term care facilities, provider groups and health care organizations to obtain information on the extent to which each entity is able to provide personal protective equipment to personnel who are in contact with patients, including usage rates of personal protective equipment during normal business operations and any additional personal protective equipment each entity may maintain for emergency purposes;

(e) Determine a rotation schedule for supplies, equipment and materials in the stockpile; and

(f) Establish quality standards for elements of the stockpile, utilizing guidance from the Centers for Disease Control and Prevention and other public health organizations.

(3) On or before April 15, 2023, the council shall report to the Legislative Assembly, in the manner provided by ORS 192.245, on the plan developed under this section. The report must include:

(a) A description of the plan;

(b) An estimate of the cost of implementing the plan, including costs related to communication and coordination between participating entities; and

(c) Recommendations, which may include recommendations for legislation, regarding the implementation, operation and funding of the plan, including a recommendation of the state agency best suited to manage the plan.

NOTE: Sections 8 through 12 were deleted by amendment. Subsequent sections were not re-numbered.

EMERGENCY PREPAREDNESS ADVISORY COUNCIL

SECTION 13. Section 151, chapter 539, Oregon Laws 2021, is amended to read:

Sec. 151. (1) The Emergency Preparedness Advisory Council is established within the Office of the Governor. The mission of the council is to facilitate policy recommendations for catastrophic disaster preparedness, mitigation and response and recovery planning, procedures and protocols

with special emphasis on outreach to representatives of designated state and federal emergency support functions.

(2) The council consists of:

(a) One member appointed by the Adjutant General to represent the Oregon Military Department;

(b) One member appointed by the Director of the Oregon Department of Emergency Management to represent the Oregon Department of Emergency Management;

(c) One member appointed by the State Fire Marshal to represent the Department of the State Fire Marshal;

(d) One member appointed by the Superintendent of State Police to represent the Department of State Police;

(e) One member appointed by the Director of the Department of Public Safety Standards and Training to represent the Department of Public Safety Standards and Training;

(f) One member appointed by the Director of the Oregon Health Authority to represent the Oregon Health Authority;

(g) One member appointed by the Director of Transportation to represent the Department of Transportation;

(h) One member appointed by the Attorney General to represent the Department of Justice;

(i) One member appointed by the State Forester to represent the State Forestry Department;

(j) Seven members appointed by the Governor as follows:

(A) One member to represent counties;

(B) One member to represent cities;

(C) One member with experience in emergency preparedness to represent regional organizations;

(D) One member with experience in emergency preparedness to represent local organizations;

(E) One member representing the private sector;

(F) One member representing the nonprofit community with a designated emergency support function responsibility; and

(G) One member to represent Indian tribes in Oregon; and

(k) Additional members appointed by the Governor as the Governor may deem necessary.

(3) In making appointments under this section, the Governor shall:

(a) To the extent possible, ensure that for each federal emergency support function, there is at least one member of the council with experience or knowledge relating to that function; and

(b) Strive to maintain linguistic, socioeconomic and experiential diversity among members of the council.

[(3)(a)] **(4)(a)** The council may research international and national best practices and make formal recommendations to the State Resilience Officer or the Governor as needed, with special emphasis given to connecting statewide policy recommendations with state and federal emergency support function capabilities.

(b) The council shall advise and make policy recommendations to the Oregon Homeland Security Council regarding federal emergency support functions.

[(4)] **(5)** A majority of the members of the Emergency Preparedness Advisory Council constitutes a quorum for the transaction of business.

[(5)] **(6)** Official action by the council requires the approval of a majority of the members of the council.

[(6)] **(7)** The council shall elect one of its members to serve as chairperson.

[(7)] **(8)** If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

[(8)] **(9)** The council shall meet at least once quarterly at the place specified by the call of the chairperson or of a majority of the members of the council.

[(9)] **(10)** The council may adopt rules necessary for the operation of the council.

~~[(10)]~~ **(11)** The Oregon Department of Emergency Management shall provide staff support to the council.

~~[(11)]~~ **(12)** Members of the council are not entitled to compensation or reimbursement for expenses and serve as volunteers on the council.

~~[(12)]~~ **(13)** All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of the duties of the council and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the council consider necessary to perform their duties.

COMMERCIAL DRIVER LICENSES

SECTION 14. Section 15 of this 2022 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 15. (1) The Department of Transportation, in accordance with a concurrent federal waiver, may modify or waive the requirements found in ORS 807.040, 807.060, 807.070, 807.100, 807.120, 807.173 or 807.285 when issuing, renewing or replacing a commercial driver license or commercial learner driver permit.

(2) Notwithstanding ORS 807.130, 807.135, 807.137 and 807.140, the Department of Transportation, in accordance with a concurrent federal waiver, may provide that an expired commercial driver license or commercial learner driver permit remains valid and grants driving privileges for an amount of time as determined by the department in rule.

(3) The department shall adopt rules necessary to carry out the provisions of this section.

SEPTIC SYSTEM ASSISTANCE

SECTION 16. When providing financial assistance related to on-site septic systems pursuant to section 114, chapter 669, Oregon Laws 2021, the Department of Environmental Quality shall prioritize recipients that were affected by the 2020 wildfires.

OPERATIVE DATE

SECTION 17. Section 6 of this 2022 Act and the amendments to ORS 401.109 and 401.532 by sections 1 and 3 of this 2022 Act become operative on July 1, 2022.

FISCAL PROVISIONS

SECTION 18. Notwithstanding any other provision of law, the General Fund appropriation made to the Office of the Governor by section 160, chapter 539, Oregon Laws 2021, for the biennium ending June 30, 2023, to support the work of the Oregon Homeland Security Council, is decreased by \$237,161.

SECTION 19. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Military Department, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$227,085, to carry out the provisions of section 7 of this 2022 Act.

SECTION 20. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Emergency Management, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$256,977, to carry out the provisions of section 6 of this 2022 Act.

SECTION 21. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (4), chapter 673, Oregon Laws

2021, for the biennium ending June 30, 2023, for agency management, is increased by \$190,179 to carry out the provisions of section 6 of this 2022 Act.

SECTION 22. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (1), chapter 468, Oregon Laws 2021, for the biennium ending June 30, 2023, for operations and health services, is increased by \$148,367 to carry out the provisions of section 6 of this 2022 Act.

UNIT CAPTIONS

SECTION 23. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

EMERGENCY CLAUSE

SECTION 24. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by House March 2, 2022

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 3, 2022

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

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Shemia Fagan, Secretary of State