

House Bill 3629

Sponsored by Representative EVANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act sets up a public corporation to work on new ways to build emergency readiness in this state. (Flesch Readability Score: 62.8).

Establishes the Oregon Partnership for Resilience as a public corporation, the mission of which is to enhance the emergency preparedness of the state through innovation. Establishes the governance structure and sets forth powers and duties of the partnership. Requires annual reporting to the Legislative Assembly and the Governor of partnership activities and plans.

A BILL FOR AN ACT

1
2 Relating to emergency preparedness.

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

4 **SECTION 1. Sections 1 to 17 of this 2025 Act shall be known and may be cited as the**
5 **Oregon Partnership for Resilience Act.**

6 **SECTION 2. As used in the Oregon Partnership for Resilience Act:**

7 (1) **"Partnership" means the Oregon Partnership for Resilience, a public corporation es-**
8 **tablished under section 3 of this 2025 Act.**

9 (2) **"Public corporation" means an entity that is created by the state to carry out public**
10 **missions and services by participating in activities or providing services that are also par-**
11 **ticipated in or provided by private enterprise, and which has operational flexibility while re-**
12 **taining principles of public accountability and fundamental public policy.**

13 **SECTION 3. The Oregon Partnership for Resilience is established as a public corporation**
14 **and may exercise and carry out all powers, rights and privileges that are expressly conferred**
15 **upon it, are implied by law or are incident to such powers, rights and privileges. In carrying**
16 **out its powers, rights and privileges, the partnership is a governmental entity performing**
17 **governmental functions and exercising governmental powers. The partnership is an inde-**
18 **pendent public corporation with statewide purposes and missions and without territorial**
19 **boundaries. The partnership is a governmental entity but is not a unit of local or municipal**
20 **government or a state agency for purposes of state law.**

21 **SECTION 4. (1) The public policy of the Oregon Partnership for Resilience is to enhance**
22 **the emergency preparedness of this state by seeking or creating innovative technologies,**
23 **methods, organizational concepts or other means. The partnership may make full use of the**
24 **power given to it under the Oregon Partnership for Resilience Act to carry out any of the**
25 **following activities:**

26 (a) **Acquire any and all interests in property, real or personal, necessary or convenient**
27 **to its mission.**

28 (b) **Enter into agreements with public or private entities for equipment, facilities or**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 technology necessary or convenient to enable public or private entities within the state to
 2 carry out emergency support functions, as described by the Federal Emergency Management
 3 Agency.

4 (c) Participate in intellectual property development activities, independently or in col-
 5 laboration with public or private entities, and receive and expend revenues derived from such
 6 activities.

7 (d) Receive funding from public or private sources and expend such funding for general
 8 partnership operations or for specific projects.

9 (e) Enter into collaborations for project development with public universities, as defined
 10 in ORS 352.002, or other private or public entities.

11 (2) The partnership shall carry out its public purposes and missions in the manner that,
 12 in the determination of the partnership, best promotes the public welfare of the people of the
 13 State of Oregon.

14 (3) The partnership does not have any regulatory duties except as specifically provided
 15 in the Oregon Partnership for Resilience Act.

16 **SECTION 5.** The Oregon Partnership for Resilience Act shall be liberally construed to
 17 effect the purposes and intent of the Act. If any provision of this Act, or the application of
 18 that provision to any particular circumstance or person, is held invalid, the remainder of this
 19 Act, and the application of that provision to circumstances or persons other than those to
 20 which it is held invalid, are not affected thereby.

21 **SECTION 6.** (1) There is established a board of directors of the Oregon Partnership for
 22 Resilience consisting of five voting directors. The board consists of:

- 23 (a) The Director of the Oregon Department of Emergency Management;
- 24 (b) The Director of Human Services or designee;
- 25 (c) The Adjutant General; and
- 26 (d) Two individuals appointed by the Governor to represent the private sector.

27 (2) The term of office of each director, except for those appointed ex officio, is four years.
 28 Before the expiration of the term of a director, the Governor shall appoint a successor whose
 29 term begins upon the expiration of the term of the predecessor. A director is eligible for
 30 reappointment. If there is a vacancy or imminent vacancy for any cause, the Governor shall
 31 make an appointment, to become effective immediately, for the unexpired term.

32 (3) Directors must be citizens of the United States. No director may be an employee of
 33 the partnership. No director may be a member of the Legislative Assembly.

34 (4) The board shall select one of its members as chairperson and another as vice chair-
 35 person for such terms and with such duties and powers as the board considers necessary for
 36 performance of the functions of those offices. The board shall adopt bylaws concerning its
 37 operations and procedures, including how a quorum is to be constituted and when a quorum is
 38 necessary.

39 (5) The board shall meet at least once every two months at times and places specified
 40 by the chairperson or by a majority of the members of the board.

41 (6) The Governor may remove a director, except for those appointed ex officio, at any
 42 time for any cause.

43 (7) The following individuals shall serve as nonvoting advisors to the board of directors:

- 44 (a) The Director of the Oregon Department of Administrative Services or designee;
- 45 (b) The Director of the Oregon Business Development Department or designee;

1 (c) The State Resilience Officer; and

2 (d) Any other individuals, as appointed by the Governor, with expertise in emergency
3 preparedness, the military, public safety or resilience.

4 **SECTION 7.** Except as otherwise provided in the Oregon Partnership for Resilience Act,
5 the board of directors of the Oregon Partnership for Resilience, and officials acting under
6 the authority of the board, shall exercise all the powers of the partnership and shall govern
7 the partnership. The partnership may, within or outside the state, carry out the following
8 activities:

9 (1) Establish policies for the organization, administration and development of the part-
10 nership.

11 (2) Appoint and employ administrative, professional, trade, occupational and other per-
12 sonnel as necessary or appropriate to carry out the missions of the partnership, and pre-
13 scribe their compensation and terms of office or employment.

14 (3) Make contracts and agreements, enter into any joint venture or other business ar-
15 rangement and create and participate fully in the operation of any business structure with
16 any government, nonprofit or for-profit person or entity, whether public or private, that in
17 the judgment of the partnership is necessary or appropriate to carry out the partnership's
18 missions and goals.

19 (4) Acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease, license,
20 lend, invest, improve, develop, use, dispose of and hold title to real and personal property of
21 any nature, including intellectual property, in its own name.

22 (5) Sue in its own name and be sued, plead and be impleaded in all actions, suits or pro-
23 ceedings in any forum brought by it or against it by any and all private or state, local, federal
24 or other public entities, agencies or persons.

25 (6) Encourage gifts and donations for the benefit of the partnership, and subject to the
26 terms of the gift, retain, invest and use such gifts as deemed appropriate by the partnership.
27 Gifts or donations may not be used to benefit directors or employees of the partnership. The
28 intent of the Legislative Assembly is to allow the partnership to receive gifts or donations
29 in the same fashion and nature as gifts or donations to an organization that is tax exempt
30 under section 501(c)(3) of the Internal Revenue Code.

31 (7) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and
32 invest funds, appropriations, gifts, bequests, stock and revenue from any source.

33 (8) Borrow money for the needs of the partnership, in such amounts and for such time
34 and upon such terms as may be determined by the partnership or the board.

35 (9) Erect, construct, improve, develop, repair, maintain, equip, furnish, lease, lend, con-
36 vey, sell, manage, operate, use, dispose of and hold title to buildings, structures and lands.

37 (10) Purchase insurance, operate a self-insurance program or otherwise arrange for the
38 equivalent of insurance coverage of any nature and the indemnity and defense of its officers,
39 agents and employees or other persons designated by the partnership to carry out or further
40 the missions of the partnership.

41 (11) Establish, charge, collect and use charges and fees for partnership services and the
42 use of partnership facilities.

43 (12) Impose fines or fees as convenient or necessary to deter illegal activity that may
44 hinder the mission or goals of the partnership.

45 (13) Enforce and recover for payment to the partnership any charges, fines or fees.

1 (14) Adopt, amend or repeal bylaws, policies and standards as convenient or necessary
 2 to carry out the mission of the partnership.

3 (15) Contract with any state agency for the performance of such duties, functions and
 4 powers as is appropriate. A state agency may not charge the partnership for such services
 5 an amount that is greater than the actual cost of the services.

6 (16) Make available, by lease or otherwise, or control access to, partnership facilities or
 7 services or other of its properties or assets on such terms as considered appropriate by the
 8 partnership, charge and collect rent or other fees or charges for such availability or access,
 9 and terminate or deny any such availability or access for any reason.

10 (17) Contract for the operation of any department, section, equipment or holdings of the
 11 partnership and enter into any agreements with any person for the management of any
 12 partnership properties or for the more efficient or economical performance of clerical, ac-
 13 counting, administrative or other functions relating to the partnership.

14 (18) Interact, consult, and cooperate with any agency of the federal government.

15 (19) Perform any other acts that in the judgment of the partnership are necessary or
 16 appropriate in accomplishing the purposes described in or carrying out the powers granted
 17 by the Oregon Partnership for Resilience Act.

18 **SECTION 8.** The board of directors of the Oregon Partnership for Resilience shall appoint
 19 a president of the partnership. The president is the executive and governing officer of the
 20 partnership. Subject to the supervision of the board, the president is authorized to direct the
 21 affairs of the partnership.

22 **SECTION 9.** The president of the Oregon Partnership for Resilience shall file with the
 23 Legislative Assembly and the Governor, not later than April 15 of each year, a report de-
 24 scribing the partnership's activities and operations during the preceding calendar year and
 25 its plans for the upcoming calendar year, including its priorities, projects, accomplishments,
 26 failures and successes.

27 **SECTION 10.** (1) The provisions of ORS chapters 190, 192, 244 and 295 and ORS 30.260 to
 28 30.460, 236.605 to 236.640, 243.650 to 243.809, 297.040, 307.090 and 307.112 apply to the Oregon
 29 Partnership for Resilience to the same extent and on the same terms that they apply to
 30 public bodies other than the state.

31 (2) Except as provided in subsection (3) of this section, the provisions of ORS chapter 35
 32 apply to the partnership to the same extent and on the same terms that they apply to public
 33 bodies other than the state.

34 (3) Except as otherwise provided by law, the provisions of ORS chapters 182, 183, 240, 270,
 35 273, 276, 279A, 279B, 279C, 282, 283, 291, 292, 293, 294 and 297 and ORS 35.550 to 35.575, 180.060,
 36 180.210 to 180.235, 183.710 to 183.730, 183.745, 183.750, 190.430, 190.480 to 190.490, 192.105,
 37 200.035, 243.105 to 243.585, 243.696, 278.011 to 278.120, 279.835 to 279.855, 283.085 to 283.092,
 38 357.805 to 357.895 and 656.017 (2) do not apply to the partnership.

39 (4) The partnership is not subject to any provision of law enacted after the effective date
 40 of this 2025 Act with respect to any governmental entity, unless the provision specifically
 41 provides that it applies to the partnership.

42 **SECTION 11.** The Oregon Partnership for Resilience may acquire, by condemnation or
 43 otherwise, private property that is necessary or convenient in carrying out any power
 44 granted to the partnership. The right to acquire property by condemnation shall be exercised
 45 as provided by ORS chapter 35.

1 **SECTION 12.** (1) By September 1 of each even-numbered year the Oregon Partnership for
 2 Resilience shall submit to the Oregon Department of Administrative Services a funding re-
 3 quest for each biennium. The department shall include and submit the partnership's request
 4 to the Legislative Assembly as part of the Governor's biennial budget required under ORS
 5 291.202. Any such request approved by the Legislative Assembly shall be appropriated to the
 6 department for direct allocation to the partnership. The legislatively appropriated funds are
 7 subject to any restrictions or conditions imposed by the Legislative Assembly, but such
 8 conditions and restrictions do not apply to other funds in the partnership's budget and op-
 9 erations.

10 (2) The partnership budget shall be prepared in accordance with generally accepted ac-
 11 counting principles and adopted by the board of directors of the partnership in accordance
 12 with ORS 192.610 to 192.705.

13 **SECTION 13.** The Oregon Partnership for Resilience may conduct independent audits if
 14 considered advisable by the partnership. The partnership shall file any completed audits with
 15 the Division of Audits of the Secretary of State. Such audits are subject to disclosure pur-
 16 suant to ORS 192.311 to 192.478.

17 **SECTION 14.** (1) The Oregon Partnership for Resilience shall adopt policies governing
 18 access to personnel records of the partnership that are less than 25 years old.

19 (2) Policies adopted under subsection (1) of this section must require that access to per-
 20 sonnel records be restricted unless the president of the partnership finds that the public in-
 21 terest in maintaining individual rights to privacy would not suffer from disclosure of such
 22 records. Access to such records may be limited to designated classes of information or per-
 23 sons, or to stated times and conditions, or both.

24 (3) The partnership may not limit access to personnel records that are more than 25
 25 years old.

26 (4) The partnership may not limit access by an employee to the employee's personnel file
 27 or records kept by the partnership.

28 **SECTION 15.** (1) The Oregon Partnership for Resilience may authorize any officer or
 29 employee of the partnership to receive compensation from private or public resources, in-
 30 cluding compensation for:

31 (a) Consulting;

32 (b) Appearances and speeches;

33 (c) Intellectual property conceived, reduced to practice or originated within and therefore
 34 owned by the partnership;

35 (d) Providing services or other valuable consideration to a private entity, whether paid
 36 in cash, stock or other equity interest, or anything else of value regardless of whether there
 37 is a licensing agreement between the partnership and the private entity; and

38 (e) Performing public duties paid by private organizations, including corporate affiliates
 39 of the partnership, that augment an officer's or employee's salary.

40 (2) The partnership may not authorize compensation under this section if, in the
 41 partnership's judgment, the compensation or the activities compensated do not comport with
 42 the missions of the partnership or substantially interfere with an officer's or employee's
 43 duties to the partnership.

44 (3) Any compensation authorized under this section is considered official compensation
 45 or reimbursement of expenses for purposes of ORS 244.040 and is not considered an

1 honorarium prohibited by ORS 244.042. If authorization or receipt of the compensation cre-
 2 ates a potential conflict of interest, the officer or employee shall report the potential conflict
 3 in writing in accordance with policies adopted by the partnership. The disclosure is a public
 4 record subject to public inspection.

5 (4) The partnership shall adopt standards governing outside employment and activities
 6 of employees, including actual or potential conflicts of interest, as defined in ORS 244.020,
 7 and the public disclosure thereof, and procedures for reporting and hearing complaints re-
 8 garding potential or actual conflicts of interest.

9 SECTION 16. No political or sectarian test may be allowed or applied in the appointment
 10 of employees of the Oregon Partnership for Resilience.

11 SECTION 17. Nothing in the Oregon Partnership for Resilience Act may be construed to
 12 impair in any way the obligations or agreements of the State of Oregon or any other public
 13 body with respect to bonds, certificates of participation, financing agreements or other
 14 agreements for the borrowing of money issued prior to the effective date of this 2025 Act by
 15 the State of Oregon or any other public body. The Oregon Partnership for Resilience shall
 16 take all actions necessary to ensure full compliance with all indentures, resolutions, decla-
 17 rations, agreements and other documents issued with respect to the bonds, certificates of
 18 participation, financing agreements or other agreements for the borrowing of money issued
 19 prior to the effective date of this 2025 Act by the State of Oregon or any other public body.
 20 The partnership shall establish, in a written agreement that is subject to the approval of the
 21 State Treasurer, the responsibility of the partnership for the payment of moneys sufficient
 22 to pay when due all principal, interest and any other charges on bonds, certificates of par-
 23 ticipation, financing agreements or other agreements for the borrowing of money issued
 24 prior to the effective date of this 2025 Act by the State of Oregon or any other public body
 25 for purposes related to the mission of the partnership.
 26