

A-Engrossed
Senate Bill 826

Ordered by the Senate March 13
Including Senate Amendments dated March 13

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Oregon Department of Emergency Management)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act puts ODEM in charge of a plan to make sure that public safety systems are compatible with each other. (Flesch Readability Score: 64.6).

Transfers duties, functions and powers related to the Oregon Statewide Communication Interoperability Plan from the State Chief Information Officer to the Oregon Department of Emergency Management.

Declares an emergency, effective July 1, 2025.

A BILL FOR AN ACT

1
2 Relating to the Oregon Statewide Communication Interoperability Plan; creating new provisions;
3 amending ORS 403.450, 403.455, 403.460 and 403.465; and declaring an emergency.

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

5
6 **TRANSFER OF FUNCTIONS RELATED TO THE OREGON**
7 **STATEWIDE COMMUNICATION INTEROPERABILITY PLAN**
8

9 **SECTION 1. The duties, functions and powers of the State Chief Information Officer re-**
10 **lating to the Oregon Statewide Communication Interoperability Plan are imposed upon,**
11 **transferred to and vested in the Oregon Department of Emergency Management.**

12 **SECTION 2. (1) The State Chief Information Officer shall:**

13 **(a) Deliver to the Oregon Department of Emergency Management all records and prop-**
14 **erty within the jurisdiction of the State Chief Information Officer that relate to the duties,**
15 **functions and powers transferred by section 1 of this 2025 Act; and**

16 **(b) Transfer to the department those employees engaged primarily in the exercise of the**
17 **duties, functions and powers transferred by section 1 of this 2025 Act.**

18 **(2) The Director of the Oregon Department of Emergency Management shall take pos-**
19 **session of the records and property, and shall take charge of the employees and employ them**
20 **in the exercise of the duties, functions and powers transferred by section 1 of this 2025 Act,**
21 **without reduction of compensation but subject to change or termination of employment or**
22 **compensation as provided by law.**

23 **(3) The Governor shall resolve any dispute between the State Chief Information Officer**
24 **and the department relating to transfers of records, property and employees under this**
25 **section, and the Governor's decision is final.**

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 **SECTION 3.** (1) The unexpended balances of amounts authorized to be expended by or for
2 the State Chief Information Officer for the biennium beginning July 1, 2025, from revenues
3 dedicated, continuously appropriated, appropriated or otherwise made available for the pur-
4 pose of administering and enforcing the duties, functions and powers transferred by section
5 1 of this 2025 Act are transferred to and are available for expenditure by the Oregon De-
6 partment of Emergency Management for the biennium beginning July 1, 2025, for the purpose
7 of administering and enforcing the duties, functions and powers transferred by section 1 of
8 this 2025 Act.

9 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
10 expenditures by or for the State Chief Information Officer remain applicable to expenditures
11 by the department under this section.

12 **SECTION 4.** The transfer of duties, functions and powers to the Oregon Department of
13 Emergency Management by section 1 of this 2025 Act does not affect any action, proceeding
14 or prosecution involving or with respect to the duties, functions and powers begun before
15 and pending at the time of the transfer, except that the department is substituted for the
16 State Chief Information Officer, the office of Enterprise Information Services or the Oregon
17 Department of Administrative Services, as appropriate, in the action, proceeding or prose-
18 cution.

19 **SECTION 5.** (1) Nothing in sections 1 to 7 of this 2025 Act and the amendments to ORS
20 403.450, 403.455, 403.460 and 403.465 by sections 8 to 11 of this 2025 Act relieves a person of a
21 liability, duty or obligation accruing under or with respect to the duties, functions and pow-
22 ers transferred by section 1 of this 2025 Act. The Oregon Department of Emergency Man-
23 agement may undertake the collection or enforcement of any such liability, duty or
24 obligation.

25 (2) The rights and obligations of the State Chief Information Officer, the office of En-
26 terprise Information Services or the Oregon Department of Administrative Services legally
27 incurred under contracts, leases and business transactions executed, entered into or begun
28 before the operative date of section 1 of this 2025 Act accruing under or with respect to the
29 duties, functions and powers transferred by section 1 of this 2025 Act are transferred to the
30 Oregon Department of Emergency Management. For the purpose of succession to these
31 rights and obligations, the department is a continuation of the State Chief Information Of-
32 ficer, the office of Enterprise Information Services or the Oregon Department of Adminis-
33 trative Services, as appropriate, and not a new authority.

34 **SECTION 6.** Notwithstanding the transfer of duties, functions and powers by section 1
35 of this 2025 Act, the rules of the State Chief Information Officer with respect to such duties,
36 functions or powers that are in effect on the operative date of section 1 of this 2025 Act
37 continue in effect until superseded or repealed by rules of the Oregon Department of Emer-
38 gency Management. References in the rules of the State Chief Information Officer to the
39 State Chief Information Officer or an employee of the State Chief Information Officer are
40 considered to be references to the department or an employee of the department.

41 **SECTION 7.** Whenever, in any uncodified law or resolution of the Legislative Assembly
42 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
43 the context of the duties, functions and powers transferred by section 1 of this 2025 Act,
44 reference is made to the State Chief Information Officer, or an employee of the State Chief
45 Information Officer, whose duties, functions or powers are transferred by section 1 of this

1 **2025 Act, the reference is considered to be a reference to the Oregon Department of Emer-**
2 **gency Management or an employee of the department who by this 2025 Act is charged with**
3 **carrying out the duties, functions and powers.**

4
5 **CONFORMING AMENDMENTS**
6

7 **SECTION 8.** ORS 403.450 is amended to read:

8 403.450. (1) The State Interoperability Executive Council is created under the [*State Chief In-*
9 *formation Officer*] **Oregon Department of Emergency Management** to be the statewide interoper-
10 erability governing body serving as the primary steering group for the Oregon Statewide
11 Communication Interoperability Plan. The membership of the council consists of:

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

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

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

17 (b) The following members appointed by the Governor:

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

19 (B) One member from the Oregon Department of Emergency Management;

20 (C) One member from the State Forestry Department;

21 (D) One member from the Department of Corrections;

22 (E) One member from the Department of Transportation;

23 (F) One member from the office of Enterprise Information Services;

24 (G) One member from the Oregon Health Authority;

25 (H) One member from the Oregon Military Department;

26 (I) One member from the Department of Public Safety Standards and Training;

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

28 (K) One member from the Department of the State Fire Marshal;

29 (L) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe;
30 and

31 (M) One member of the public.

32 (c) The following members appointed by the Governor with the concurrence of the President of
33 the Senate and the Speaker of the House of Representatives:

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

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

36 (C) One member from the Oregon State Sheriffs' Association;

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

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

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

40 (G) One member who is an information technology officer of an Oregon city;

41 (H) One member who is an information technology officer of an Oregon county;

42 (I) One member who represents a nonprofit professional organization interested in the enhance-
43 ment of public safety communications systems;

44 (J) One member of the public who works or resides in Federal Communications Commission
45 Region 35; and

1 (K) One member from the Oregon emergency management community.

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

5 (3) Members of the council are not entitled to compensation, but in the discretion of the [*State*
6 *Chief Information Officer*] **Oregon Department of Emergency Management** may be reimbursed
7 from funds available to the [*office of Enterprise Information Services*] **department** for actual and
8 necessary travel and other expenses the members incur in performing the members' official duties
9 in the manner and amount provided in ORS 292.495.

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

12 **SECTION 9.** ORS 403.455 is amended to read:

13 403.455. The State Interoperability Executive Council created under ORS 403.450 shall:

14 (1) Develop, annually update and monitor implementation of the Oregon Statewide Communi-
15 cation Interoperability Plan, the goal of which is to achieve statewide interoperability of public
16 safety communications systems. To the maximum extent possible, the Oregon Statewide Communi-
17 cation Interoperability Plan shall align with and support the Enterprise Information Resources
18 Management Strategy described in ORS 276A.203. As part of the executive council's duties under
19 this subsection, the executive council shall:

20 (a) Recommend strategies to improve public safety communications interoperability among state,
21 local, tribal and federal public safety agencies;

22 (b) Develop standards to promote consistent design and development of public safety communi-
23 cations infrastructures and recommend changes in existing public safety infrastructures that are
24 necessary or appropriate for implementation of the interoperability plan;

25 (c) Identify immediate short-term technological and policy solutions to tie existing public safety
26 communications infrastructures together into an interoperable communications system;

27 (d) Develop long-term technological and policy recommendations to establish a statewide public
28 safety communications system to improve emergency response and day-to-day public safety oper-
29 ations; and

30 (e) Develop recommendations for legislation and for the development of state and local policies
31 that promote public safety communications interoperability in this state.

32 (2) Recommend to the Governor, for inclusion in the Governor's budget, investments by the State
33 of Oregon in public safety communications systems.

34 (3) Coordinate state, local and, as appropriate, tribal and federal activities related to obtaining
35 federal grants for support of interoperability and request technical assistance related to interoper-
36 ability.

37 (4) Conduct and submit an annual update of the interoperability plan to the United States De-
38 partment of Homeland Security, Office of Emergency Communications, aligning the update with
39 standards established in the National Emergency Communications Plan and by the federal office.

40 (5) Coordinate statewide interoperability activities among state, local and, as appropriate, tribal
41 and federal agencies.

42 (6) Advise the [*State Chief Information Officer*] **Oregon Department of Emergency Manage-**
43 **ment**, the Governor and the Legislative Assembly on implementation of the interoperability plan.

44 (7) Serve as the Governor's Public Safety Broadband Advisory Group.

45 (8) Report to the [*Joint Committee on Ways and Means or to the Joint Interim Committee on Ways*

1 *and Means, and to the Joint Legislative Committee on Information Management and Technology]*
2 **standing or interim committees related to ways and means, and to the standing or interim**
3 **committees related to emergency management**, on or before February 1 of each odd-numbered
4 year, on the development of the interoperability plan and the executive council's other activities.

5 (9) Adopt rules necessary to carry out the executive council's duties and powers.

6 **SECTION 10.** ORS 403.460 is amended to read:

7 403.460. (1) The [*State Chief Information Officer*] **Director of the Oregon Department of**
8 **Emergency Management** shall establish and fill a full-time equivalent position for a statewide
9 interoperability coordinator to serve as the central coordination point for the Oregon Statewide
10 Communication Interoperability Plan and, through coordination and collaboration with agencies and
11 entities in the emergency response community, to implement the interoperability plan.

12 (2) The statewide interoperability coordinator:

13 (a) Is the primary staff support provided by the [*State Chief Information Officer*] **Oregon De-**
14 **partment of Emergency Management** for the State Interoperability Executive Council created
15 under ORS 403.450;

16 (b) Shall assist the executive council in conducting and submitting annual updates to the inter-
17 operability plan, in coordination and collaboration with the emergency responders in this state;

18 (c) Shall ensure that the interoperability plan aligns with and supports the Enterprise Informa-
19 tion Resources Management Strategy;

20 (d) Shall identify funding opportunities for planned interoperability improvements and coordinate
21 efforts to acquire funding;

22 (e) Shall engage stakeholders to coordinate strategic interoperability plans;

23 (f) Shall serve as a member of the National Council of Statewide Interoperability Coordinators;
24 and

25 (g) Shall represent the State of Oregon in local, regional and national efforts to plan and im-
26 plement changes required to ensure communications operability, interoperability and continuity of
27 communications for emergency responders in this state.

28 (3) Public bodies, as defined in ORS 174.109, that own or operate public safety communications
29 infrastructure may collaborate and coordinate the public bodies' efforts and investments to achieve
30 the statewide interoperability goal the executive council sets and implement the interoperability
31 plan the executive council approves.

32 (4) Under the direction of the executive council and the [*State Chief Information Officer*] **Di-**
33 **rector of the Oregon Department of Emergency Management**, the statewide interoperability
34 coordinator may mediate disputes between public bodies collaborating to implement interoperable
35 public safety communications systems.

36 **SECTION 11.** ORS 403.465 is amended to read:

37 403.465. In consultation with the State Interoperability Executive Council created in ORS
38 403.450, the [*State Chief Information Officer*] **Director of the Oregon Department of Emergency**
39 **Management** shall:

40 (1) Facilitate decision making and planning for potential implementation of the FirstNet net-
41 work; and

42 (2) Make recommendations to the state agency responsible for administering federal funds from
43 the United States Department of Commerce, National Telecommunications and Information Admin-
44 istration.

45

FISCAL PROVISIONS

SECTION 12. (1) On or before January 1 of each odd-numbered year, the Oregon Department of Emergency Management shall estimate the expenses the department will incur in the biennium beginning July 1 of the same year to carry out the provisions of ORS 403.450, 403.455, 403.460 and 403.465 and section 1, chapter 825, Oregon Laws 2005. The department shall report the estimate to the Oregon Department of Administrative Services and the Legislative Fiscal Officer.

(2) The Oregon Department of Emergency Management shall charge an assessment to each public body in state government so as to recoup the costs estimated under subsection (1) of this section. Each public body in state government shall pay to the credit of the department the amount the public body was assessed under this subsection as an administrative expense from funds or appropriations available to the public body in the same manner as other claims against the public body are paid.

(3) The department shall adopt rules specifying the method for allocating the expenses described in subsection (1) of this section among public bodies in state government and for collecting the assessments described in this section. The department shall deposit assessments collected under this section into the Statewide Interoperability Fund established under section 13 of this 2025 Act.

(4) As used in this section:

(a) "Public body" has the meaning given that term in ORS 174.109.

(b) "State government" has the meaning given that term in ORS 174.111.

SECTION 13. The Statewide Interoperability Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Statewide Interoperability Fund must be credited to the fund. The fund consists of moneys deposited in the fund under section 12 of this 2025 Act and may include moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise and interest earned on moneys in the fund. The moneys in the fund are continuously appropriated to the Oregon Department of Emergency Management to carry out the provisions of ORS 403.450, 403.455, 403.460 and 403.465 and section 1, chapter 825, Oregon Laws 2005.

SECTION 14. Notwithstanding the deadline specified in section 12 (1) of this 2025 Act, the Oregon Department of Emergency Management shall make the estimate required under section 12 of this 2025 Act for the biennium beginning July 1, 2025, on or before July 1, 2025.

UNIT CAPTIONS

SECTION 15. The unit captions used in this 2025 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 2025 Act.

EMERGENCY CLAUSE

SECTION 16. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect July 1, 2025.

