

Date: February 11, 2026

To: Chair Tran, Vice Chairs Lewis and Watanabe, Members of the House Committee on Emergency Management and Veterans

From: Association of Oregon Counties Legislative Affairs Director Mallorie Roberts

Subject: Opposition to local government preemptions in House Bill 4100

Thank you for the opportunity to submit testimony in opposition to the preemptions found in HB 4100 on behalf of the Association of Oregon Counties (AOC).

AOC is opposed to HB 4100 Section 4(6), which bars local governments from enacting financial responsibility programs or securing assurances at the local level from Critical Energy Infrastructure (CEI) Hub owner/operators.

In the case of a spill or release, county emergency and public health responses will require financial assurances from CEI Hub owner/operators that pay out immediately. HB 4100 does not require financial assurance products that pay out upon a triggering event. The current language in HB 4100 only requires liability insurance, which will require protracted litigation. Critical county emergency management and public health response requires readily available financial resources.

The -3 amendment to HB 4100 caps financial responsibility at \$300 million per covered entity (oil company). In the event of an oil spill, the aggregate costs of state and local public health and emergency response efforts may exceed \$300 million, resulting in a gap to fund these costs.

HB 4100 also does not provide a direct mechanism for a county to receive the funds that a certificate of financial responsibility (CoFR) intends to guarantee from covered entities. HB 4100 does not provide a pathway for a county to access the funds covered by a CoFR and limits counties' ability to access emergency response funds from liable parties.

AOC appreciates the intent of HB 4100, and requests that the committee remove local government preemptions. Removing preemption language will ensure that counties have the local tools needed to provide critical response in the case of a CEI Hub spill or release.

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1212 Court St. NE | Salem, OR 97301-4181 | 503.585.8351 | www.oregoncounties.org