

# House Bill 2370

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Emergency Preparedness)

## 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**.

Creates Office of Homeland Security and Emergency Management in Oregon Military Department. Abolishes Office of Emergency Management and transfers functions to Office of Homeland Security and Emergency Management.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to Oregon security; creating new provisions; amending ORS 182.122, 195.260, 286.760,  
3 286.762, 286.766, 286.768, 286.780, 286.782, 286.786, 286.788, 401.025, 401.055, 401.270, 401.275,  
4 401.280, 401.288, 401.290, 401.292, 401.294, 401.296, 401.300, 401.305, 401.337, 401.347, 401.385,  
5 401.395, 401.425, 401.435, 401.445, 401.490, 401.500, 401.515, 401.535, 401.538, 401.543, 401.546,  
6 401.550, 401.555, 401.560, 401.573, 401.576, 401.654, 401.710, 401.730, 401.735, 401.755, 401.785,  
7 401.790, 401.806, 401.808, 401.816, 401.861, 401.863, 401.864, 401.871, 401.872, 401.874, 401.881,  
8 453.342, 465.505, 466.635, 469.533, 824.088 and 837.035 and section 1, chapter 763, Oregon Laws  
9 2005; repealing ORS 401.260; appropriating money; and declaring an emergency.

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

11 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 401.260 to**  
12 **401.325.**

13 **SECTION 2. (1) The Office of Homeland Security and Emergency Management is estab-**  
14 **lished in the Oregon Military Department.**

15 **(2) The office shall be responsible for:**

16 **(a) Coordinating and facilitating private sector and governmental efforts to prevent,**  
17 **prepare for, respond to and recover from emergencies; and**

18 **(b) Coordinating exercises and training, planning, preparedness, response, mitigation and**  
19 **recovery activities with state and local emergency services agencies and organizations.**

20 **SECTION 3. (1) The Office of Homeland Security and Emergency Management is under**  
21 **the supervision and control of a director, who is responsible for the performance of the du-**  
22 **ties, functions and powers of the office.**

23 **(2) The Adjutant General, with the approval of the Governor, shall appoint the Director**  
24 **of the Office of Homeland Security and Emergency Management, who holds office at the**  
25 **pleasure of the Adjutant General.**

26 **(3) The director shall be paid a salary as provided by law or, if not so provided, as pre-**  
27 **scribed by the Adjutant General, with the approval of the Governor.**

28 **(4) For purposes of administration, subject to the approval of the Adjutant General, the**  
29 **director may organize and reorganize the office as the director considers necessary to**  
30 **properly conduct the work of the office.**

**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 (5) The director may divide the functions of the office into administrative divisions.  
 2 Subject to the approval of the Adjutant General, the director may appoint an individual to  
 3 administer each division. The administrator of each division serves at the pleasure of the  
 4 director and is not subject to the provisions of ORS chapter 240. Each individual appointed  
 5 under this subsection must be well qualified by technical training and experience in the  
 6 functions to be performed by the individual.

7 **SECTION 4.** (1) The Director of the Office of Homeland Security and Emergency Man-  
 8 agement may, by written order filed with the Secretary of State, appoint a deputy director.  
 9 The deputy director serves at the pleasure of the director, has authority to act for the di-  
 10 rector in the absence of the director and is subject to the control of the director at all times.

11 (2) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all  
 12 subordinate officers and employees of the Office of Homeland Security and Emergency  
 13 Management, prescribe their duties and fix their compensation.

14 **SECTION 5.** In accordance with applicable provisions of ORS chapter 183, the Director  
 15 of the Office of Homeland Security and Emergency Management may adopt rules necessary  
 16 for the administration of the laws that the Office of Homeland Security and Emergency  
 17 Management is charged with administering.

18 **SECTION 6.** (1) To aid and advise the Director of the Office of Homeland Security and  
 19 Emergency Management in the performance of the functions of the Office of Homeland Se-  
 20 curity and Emergency Management, the director may establish such advisory and technical  
 21 committees as the director considers necessary. The committees may be continuing or tem-  
 22 porary. The director shall determine the representation, membership, terms and organiza-  
 23 tion of the committees and shall appoint their members. The director is an ex officio member  
 24 of each committee.

25 (2) Members of the committees are not entitled to compensation, but in the discretion  
 26 of the director may be reimbursed from funds available to the office for actual and necessary  
 27 travel and other expenses incurred by them in the performance of their official duties in the  
 28 manner and amount provided in ORS 292.495.

29 **SECTION 7.** The Director of the Office of Homeland Security and Emergency Manage-  
 30 ment may enter into interagency agreements with other state agencies that the director  
 31 determines are necessary to carry out the duties of the Office of Homeland Security and  
 32 Emergency Management.

33 **SECTION 8.** (1) The following departments shall designate a person within each depart-  
 34 ment to act as a liaison with the Office of Homeland Security and Emergency Management:

- 35 (a) The Department of Transportation;
- 36 (b) The State Department of Agriculture;
- 37 (c) The Department of Environmental Quality;
- 38 (d) The Department of Human Services;
- 39 (e) The State Department of Energy;
- 40 (f) The Oregon Department of Administrative Services;
- 41 (g) The Department of State Police;
- 42 (h) The State Department of Geology and Mineral Industries; and
- 43 (i) The Oregon Military Department.

44 (2) Each person designated as a liaison under subsection (1) of this section shall assist  
 45 in the coordination of the functions of the person's department that relate to emergency

1 preparedness and response with similar functions of the Office of Homeland Security and  
 2 Emergency Management.

3 **SECTION 9.** (1) The Office of Emergency Management in the Department of State Police  
 4 is abolished. On the operative date of this section, the tenure of office of the Director of the  
 5 Office of Emergency Management ceases.

6 (2) All the duties, functions and powers of the Office of Emergency Management are  
 7 imposed upon, transferred to and vested in the Office of Homeland Security and Emergency  
 8 Management.

9 **SECTION 10.** (1) The Superintendent of State Police shall:

10 (a) Deliver to the Office of Homeland Security and Emergency Management all records  
 11 and property within the jurisdiction of the superintendent that relate to the duties, functions  
 12 and powers transferred by section 9 of this 2007 Act; and

13 (b) Transfer to the Office of Homeland Security and Emergency Management those em-  
 14 ployees engaged primarily in the exercise of the duties, functions and powers transferred by  
 15 section 9 of this 2007 Act.

16 (2) The Director of the Office of Homeland Security and Emergency Management shall  
 17 take possession of the records and property, and shall take charge of the employees and  
 18 employ them in the exercise of the duties, functions and powers transferred by section 9 of  
 19 this 2007 Act, without reduction of compensation but subject to change or termination of  
 20 employment or compensation as provided by law.

21 (3) The Adjutant General shall resolve any dispute between the Office of Emergency  
 22 Management and the Office of Homeland Security and Emergency Management relating to  
 23 transfers of records, property and employees under this section, and the Adjutant General's  
 24 decision is final.

25 **SECTION 11.** (1) The unexpended balances of amounts authorized to be expended by the  
 26 Office of Emergency Management for the biennium beginning July 1, 2007, from revenues  
 27 dedicated, continuously appropriated, appropriated or otherwise made available for the pur-  
 28 pose of administering and enforcing the duties, functions and powers transferred by section  
 29 9 of this 2007 Act are appropriated and transferred to and are available for expenditure by  
 30 the Office of Homeland Security and Emergency Management for the biennium beginning  
 31 July 1, 2007, for the purpose of administering and enforcing the duties, functions and powers  
 32 transferred by section 9 of this 2007 Act.

33 (2) The expenditure classifications, if any, established by Acts authorizing or limiting  
 34 expenditures by the Office of Emergency Management remain applicable to expenditures by  
 35 the Office of Homeland Security and Emergency Management under this section.

36 **SECTION 12.** The transfer of duties, functions and powers to the Office of Homeland  
 37 Security and Emergency Management by section 9 of this 2007 Act does not affect any action,  
 38 proceeding or prosecution involving or with respect to such duties, functions and powers  
 39 begun before and pending at the time of the transfer, except that the Office of Homeland  
 40 Security and Emergency Management is substituted for the Office of Emergency Manage-  
 41 ment in the action, proceeding or prosecution.

42 **SECTION 13.** (1) Nothing in sections 9 to 12 of this 2007 Act relieves a person of a li-  
 43 ability, duty or obligation accruing under or with respect to the duties, functions and powers  
 44 transferred by section 9 of this 2007 Act. The Office of Homeland Security and Emergency  
 45 Management may undertake the collection or enforcement of any such liability, duty or ob-

1 **ligation.**

2 (2) **The rights and obligations of the Office of Emergency Management legally incurred**  
 3 **under contracts, leases and business transactions executed, entered into or begun before the**  
 4 **operative date of section 9 of this 2007 Act are transferred to the Office of Homeland Secu-**  
 5 **rity and Emergency Management. For the purpose of succession to these rights and obli-**  
 6 **gations, the Office of Homeland Security and Emergency Management is a continuation of**  
 7 **the Office of Emergency Management and not a new authority.**

8 **SECTION 14. Notwithstanding the transfer of duties, functions and powers by section 9**  
 9 **of this 2007 Act, the rules of the Office of Emergency Management in effect on the operative**  
 10 **date of section 9 of this 2007 Act continue in effect until superseded or repealed by rules of**  
 11 **the Office of Homeland Security and Emergency Management. References in rules of the**  
 12 **Office of Emergency Management to the Office of Emergency Management or an officer or**  
 13 **employee of the Office of Emergency Management are considered to be references to the**  
 14 **Office of Homeland Security and Emergency Management or an officer or employee of the**  
 15 **Office of Homeland Security and Emergency Management.**

16 **SECTION 15. Whenever, in any uncodified law or resolution of the Legislative Assembly**  
 17 **or in any rule, document, record or proceeding authorized by the Legislative Assembly, ref-**  
 18 **erence is made to the Office of Emergency Management or an officer or employee of the**  
 19 **Office of Emergency Management, the reference is considered to be a reference to the Office**  
 20 **of Homeland Security and Emergency Management or an officer or employee of the Office**  
 21 **of Homeland Security and Emergency Management.**

22 **SECTION 16. The Director of the Office of Homeland Security and Emergency Manage-**  
 23 **ment may be appointed before the operative date of section 9 of this 2007 Act and may take**  
 24 **any action before that date that is necessary to enable the director to exercise, on and after**  
 25 **the operative date of section 9 of this 2007 Act, the duties, functions and powers of the di-**  
 26 **rector pursuant to section 9 of this 2007 Act.**

27 **SECTION 17. Except as otherwise specifically provided in section 16 of this 2007 Act,**  
 28 **sections 1 to 15 of this 2007 Act, the amendments to statutes and uncodified law by sections**  
 29 **18 to 82 of this 2007 Act and the repeal of ORS 401.260 by section 83 of this 2007 Act become**  
 30 **operative on January 1, 2008.**

31 **SECTION 18. ORS 401.025 is amended to read:**

32 401.025. As used in ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580, unless the  
 33 context requires otherwise:

34 (1) "Beneficiary" has the meaning given that term in ORS 656.005.

35 (2) "Commission" means the Seismic Safety Policy Advisory Commission established under ORS  
 36 401.337.

37 (3) "Emergency" [*includes any*] **means a human caused or natural event or circumstance [*caus-***  
 38 **ing or threatening] that causes or threatens widespread:**

39 (a) Loss of life[.];

40 (b) Injury to person or property[.];

41 (c) Human suffering; or

42 (d) Financial loss[ *and includes, but is not limited to, fire, explosion, flood, severe weather,*  
 43 *drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS*  
 44 *466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx*  
 45 *of migrants unmanageable by the county, civil disturbance, riot, sabotage and war].*

1 (4) “Emergency management agency” means an organization created and authorized under ORS  
2 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 by the state, county or city to provide  
3 for and [assure] **ensure** the conduct and coordination of functions for comprehensive emergency  
4 program management.

5 (5) “Emergency program management” includes all the tasks and activities necessary to provide,  
6 support and maintain the ability of the emergency services system to prevent or reduce the impact  
7 of emergency or disaster conditions which includes, but is not limited to, coordinating development  
8 of plans, procedures, policies, fiscal management, coordination with nongovernmental agencies and  
9 organizations, providing for a coordinated communications and alert and notification network and  
10 a public information system, personnel training and development and implementation of exercises to  
11 routinely test the emergency services system.

12 (6) “Emergency program manager” means the person administering the emergency management  
13 agency of a county or city.

14 (7) “Emergency service agency” means an organization within a local government which per-  
15 forms essential services for the public’s benefit prior to, during or following an emergency. This in-  
16 cludes, but is not limited to, organizational units within local governments, such as law enforcement,  
17 fire control, health, medical and sanitation services, public works and engineering, public informa-  
18 tion and communications.

19 (8) “Emergency service worker” means an individual who, under the direction of an emergency  
20 service agency or emergency management agency, performs emergency services and:

21 (a) Is a registered volunteer or independently volunteers to serve without compensation and is  
22 accepted by the [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
23 **Management** or the emergency management agency of a county or city; or

24 (b) Is a member of the Oregon State Defense Force acting in support of the emergency services  
25 system.

26 (9) “Emergency services” includes those activities provided by state and local government  
27 agencies with emergency operational responsibilities to prepare for and carry out any activity to  
28 prevent, minimize, respond to or recover from an emergency. These activities include, without limi-  
29 tation, coordination, preparedness planning, training, interagency liaison, fire fighting, oil or haz-  
30 ardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health  
31 and sanitation services, engineering and public works, search and rescue activities, warning and  
32 public information, damage assessment, administration and fiscal management, and those measures  
33 defined as “civil defense” in [*section 3 of the Act of January 12, 1951, P.L. 81-920 (50 U.S.C. 2252)*]  
34 **50 U.S.C. app. 2252.**

35 (10) “Emergency services system” means that system composed of all agencies and organizations  
36 involved in the coordinated delivery of emergency services.

37 (11) **“Human caused or natural event or circumstance” includes, but is not limited to:**

38 (a) **Fire, explosion, flood, severe weather, drought, earthquake, tsunami, volcanic activ-**  
39 **ity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination,**  
40 **utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot,**  
41 **sabotage and war; and**

42 (b) **A rapid influx of individuals from outside this state, a rapid migration of individuals**  
43 **from one part of this state to another or a rapid displacement of individuals if the influx,**  
44 **migration or displacement results from the type of event or circumstance described in par-**  
45 **agraph (a) of this subsection.**

1       [(11)] (12) “Injury” means any personal injury sustained by an emergency service worker by  
 2 accident, disease or infection arising out of and in the course of emergency services or death re-  
 3 sulting proximately from the performance of emergency services.

4       [(12)] (13) “Local government” means any governmental entity authorized by the laws of this  
 5 state.

6       [(13)] (14) “Major disaster” means any event defined as a “major disaster” under 42 U.S.C.  
 7 5122(2).

8       [(14)] (15) “Oregon emergency management plan” means the state emergency preparedness op-  
 9 erations and management plan. The *[Office of Emergency Management]* **Office of Homeland Secu-  
 10 rity and Emergency Management** is responsible for coordinating emergency planning with  
 11 government agencies and private organizations, preparing the plan for the Governor’s signature, and  
 12 maintaining and updating the plan as necessary.

13       [(15)] (16) “Search and rescue” means the acts of searching for, rescuing or recovering, by  
 14 means of ground or marine activity, any person who is lost, injured or killed while out of doors.  
 15 However, “search and rescue” does not include air activity in conflict with the activities carried  
 16 out by the Oregon Department of Aviation.

17       [(16)] (17) “Sheriff” means the chief law enforcement officer of a county.

18       **SECTION 19.** ORS 401.055 is amended to read:

19       401.055. (1) The Governor may declare a state of emergency by proclamation at the request of  
 20 a county governing body or after determining that an emergency has occurred or is imminent.

21       (2) All requests by a county governing body that the Governor declare an emergency shall be  
 22 sent to the *[Office of Emergency Management]* **Office of Homeland Security and Emergency  
 23 Management**. Cities must submit requests through the governing body of the county in which the  
 24 majority of the city’s property is located. Requests from counties shall be in writing and include  
 25 the following:

26       (a) A certification signed by the county governing body that all local resources have been ex-  
 27 pended; and

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

29       (3)(a) If, in the judgment of the *[Superintendent of State Police]* **Adjutant General**, the Governor  
 30 cannot be reached by available communications facilities in time to respond appropriately to an  
 31 emergency, the *[superintendent]* **Adjutant General** shall notify the Secretary of State or, if the  
 32 Secretary of State is not available, the State Treasurer that the Governor is not available.

33       (b) After notice from the *[superintendent]* **Adjutant General** that the Governor is not available,  
 34 the elected state official so notified may declare a state of emergency pursuant to the provisions of  
 35 subsections (1) and (2) of this section.

36       (c) If the *[Superintendent of State Police]* **Adjutant General** is unavailable to carry out the du-  
 37 ties described in this subsection, such duties shall be performed by the *[Director of the Office of  
 38 Emergency Management]* **Director of the Office of Homeland Security and Emergency Manage-  
 39 ment**.

40       (4) Any state of emergency declared by the Secretary of State or State Treasurer pursuant to  
 41 this section has the same force and effect as if issued by the Governor, except that it must be af-  
 42 firmed by the Governor as soon as the Governor is reached. However, if the Governor does not set  
 43 aside the proclamation within 24 hours of being reached, the proclamation shall be considered af-  
 44 firmed by the Governor.

45       (5) Any proclamation of a state of emergency must specify the geographical area covered by the

1 proclamation. Such area shall be no larger than necessary to effectively respond to the emergency.

2 **SECTION 20.** ORS 401.270 is amended to read:

3 401.270. The Director of the [*Office of Emergency Management*] **Office of Homeland Security**  
 4 **and Emergency Management** shall be responsible for coordinating and facilitating **exercises and**  
 5 **training**, emergency planning, preparedness, response, **mitigation** and recovery activities with the  
 6 state and local emergency services agencies and organizations, and shall, with the approval of the  
 7 [*Superintendent of State Police*] **Adjutant General** or as directed by the Governor:

8 (1) Make rules that are necessary and proper for the administration and implementation of ORS  
 9 401.015 to 401.105, 401.260 to 401.325, 401.355 to 401.580 and 401.706;

10 (2) Coordinate the activities of all public and private organizations specifically related to pro-  
 11 viding emergency services within this state;

12 (3) Maintain a cooperative liaison with emergency management agencies and organizations of  
 13 local governments, other states and the federal government;

14 (4) Have such additional authority, duties and responsibilities authorized by ORS 401.015 to  
 15 401.105, 401.260 to 401.325 and 401.355 to 401.580 or as may be directed by the Governor;

16 (5) Administer grants relating to emergency program management, seismic rehabilitation, emer-  
 17 gency services for the state and the statewide 2-1-1 system as provided in ORS 401.294;

18 (6) Provide for and staff a State Emergency Operations Center to aid the Governor and the  
 19 [*Office of Emergency Management*] **Office of Homeland Security and Emergency Management** in  
 20 the performance of duties under ORS 401.015 to 401.105, 401.260 to 401.325, 401.355 to 401.580 and  
 21 401.706;

22 (7) Serve as the Governor’s authorized representative for coordination of certain response ac-  
 23 tivities and managing the recovery process;

24 (8) Establish training and professional standards for local emergency program management per-  
 25 sonnel;

26 (9) Establish task forces and advisory groups to assist the office in achieving mandated respon-  
 27 sibilities;

28 (10) Enforce compliance requirements of federal and state agencies for receiving funds and  
 29 conducting designated emergency functions;

30 (11) Oversee the design, implementation and support of a statewide 2-1-1 system as provided  
 31 under ORS 401.288; and

32 (12) Coordinate the activities of state and local governments to enable state and local govern-  
 33 ments to work together during domestic incidents as provided in the National Incident Management  
 34 System established by the Homeland Security Presidential Directive 5 of February 28, 2003.

35 **SECTION 21.** ORS 401.275 is amended to read:

36 401.275. (1)(a) The Department of State Police shall maintain a system for the notification and  
 37 interagency coordination of state resources in response to [*natural and technological*] emergencies  
 38 [*and civil disorder*] involving multijurisdictional cooperation between the various levels of govern-  
 39 ment and private business entities.

40 (b) **The department shall provide the Office of Homeland Security and Emergency Man-**  
 41 **agement with a service level agreement that describes the continued daily operations and**  
 42 **maintenance of the system, the services and supplies needed to maintain the system 24 hours**  
 43 **a day, every day of the year and the policies and procedures that support the overall notifi-**  
 44 **cation system.**

45 (2) The notification system shall be managed by the [*Office of Emergency Management*] **Office**

1 **of Homeland Security and Emergency Management** as a continuously available communications  
2 network and a component of the state's emergency operations center.

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

6 (4) Each department of state government, and those agencies of state government identified in  
7 the Oregon emergency management plan with emergency service or administrative responsibilities,  
8 shall appoint an emergency management coordinator as their representative to work with the office  
9 on the development and implementation of emergency plans and procedures.

10 (5) The [*Department of State Police*] **Office of Homeland Security and Emergency Manage-**  
11 **ment** shall adopt rules relating to the planning, administration and operation of the notification  
12 system maintained under this section.

13 **SECTION 22.** ORS 401.280 is amended to read:

14 401.280. (1) The [*Office of Emergency Management*] **Office of Homeland Security and Emer-**  
15 **gency Management** is designated as the sole agency of the State of Oregon for the purpose of ne-  
16 gotiating agreements with the [*Federal Emergency Management Agency*] **United States Department**  
17 **of Homeland Security** or other appropriate federal agency, on behalf of the state, for the acqui-  
18 sition of federal funds for the purpose of providing emergency program management and emergency  
19 services. All city or county emergency management programs, emergency service agencies and state  
20 agencies applying for such funds shall coordinate with the [*Office of Emergency Management*] **office**  
21 on development of proposals and shall submit applications to the agency to be reviewed or pro-  
22 cessed, or both.

23 (2) The office is authorized to accept and receive on behalf of the state, counties and cities  
24 federal funds for purpose of emergency program management and emergency services, to deposit  
25 such funds in the [*Emergency Management*] **Homeland Security and Emergency Management**  
26 Revolving Account and to authorize the disbursement and distribution of these funds in accordance  
27 with the applicable agreement.

28 **SECTION 23.** ORS 401.288 is amended to read:

29 401.288. (1) Subject to subsection (3) of this section, the [*Office of Emergency Management*] **Office**  
30 **of Homeland Security and Emergency Management** shall enter into a contract with a 2-1-1 sys-  
31 tem facilitator to design, implement and support a statewide 2-1-1 system.

32 (2) The contract shall ensure that the 2-1-1 system facilitator:

33 (a) Creates a structure for a statewide 2-1-1 resources database that:

34 (A) Meets standards for information and referral systems databases established by a nationally  
35 recognized corporation devoted to improving access to services through a mechanism of information  
36 and referral; and

37 (B) Will be integrated with local resources databases maintained by approved 2-1-1 service pro-  
38 viders;

39 (b) Develops a statewide resources database for the 2-1-1 system; and

40 (c) Maintains public information provided by state agencies and programs that provide health  
41 and human services for access by 2-1-1 service providers.

42 (3) In awarding the contract under subsection (1) of this section, the office shall ensure that the  
43 2-1-1 system facilitator has the funds and the financial capacity to carry out the terms of the con-  
44 tract and that the contract is cost-neutral to the office.

45 **SECTION 24.** ORS 401.290 is amended to read:



1 401.290. (1) The 2-1-1 system facilitator shall recommend 2-1-1 service providers to the [*Office of*  
 2 *Emergency Management*] **Office of Homeland Security and Emergency Management** based on the  
 3 following criteria:

4 (a) The ability of the proposed 2-1-1 service provider to meet the national 2-1-1 standards re-  
 5 commended by a nationally recognized corporation devoted to improving access to services through  
 6 a mechanism of information and referral;

7 (b) The financial stability of the proposed 2-1-1 service provider;

8 (c) The community support for the proposed 2-1-1 service provider;

9 (d) The relationships of the proposed 2-1-1 service provider with other information and referral  
 10 services; and

11 (e) Other criteria that the 2-1-1 system facilitator deems appropriate.

12 (2) The office shall approve 2-1-1 service providers based on the recommendations of the 2-1-1  
 13 system facilitator. Only a 2-1-1 service provider approved by the office may provide 2-1-1 services.

14 **SECTION 25.** ORS 401.292 is amended to read:

15 401.292. Before a state agency that provides health and human services establishes a new public  
 16 information hotline, the state agency shall consult with the [*Office of Emergency Management*] **Office**  
 17 **of Homeland Security and Emergency Management** about using the 2-1-1 system to provide  
 18 public access to the information.

19 **SECTION 26.** ORS 401.294 is amended to read:

20 401.294. (1) The [*Office of Emergency Management*] **Office of Homeland Security and Emer-**  
 21 **gency Management** may accept contributions of moneys and assistance from the federal govern-  
 22 ment or its agencies or from any other source, public or private, and agree to conditions placed on  
 23 the moneys not inconsistent with the purpose of establishing a statewide 2-1-1 system.

24 (2) The office may, from contributions of moneys received under subsection (1) of this section:

25 (a) Provide grants to approved 2-1-1 service providers for the design, development, and imple-  
 26 mentation of 2-1-1 for their 2-1-1 service areas;

27 (b) Provide grants to approved 2-1-1 service providers to enable the provision of 2-1-1 services  
 28 on an ongoing basis; and

29 (c) Provide grants to approved 2-1-1 service providers to enable the provision of 2-1-1 services  
 30 24 hours a day, seven days a week.

31 **SECTION 27.** ORS 401.296 is amended to read:

32 401.296. The 2-1-1 Account is established in the State Treasury, separate and distinct from the  
 33 General Fund. All moneys received by the [*Office of Emergency Management*] **Office of Homeland**  
 34 **Security and Emergency Management** for the 2-1-1 system under ORS 401.294 shall be deposited  
 35 into the account and are continuously appropriated to the [*Office of Emergency Management*] **Office**  
 36 **of Homeland Security and Emergency Management** to be used only for the implementation and  
 37 support of the 2-1-1 system.

38 **SECTION 28.** ORS 401.300 is amended to read:

39 401.300. (1) The Director of the [*Office of Emergency Management*] **Office of Homeland Security**  
 40 **and Emergency Management**, pursuant to the authority to administer grant programs for seismic  
 41 rehabilitation provided in ORS 401.270, shall develop a grant program for the disbursement of funds  
 42 for the seismic rehabilitation of critical public buildings, including hospital buildings with acute in-  
 43 patient care facilities, fire stations, police stations, sheriffs' offices, other facilities used by state,  
 44 county, district or municipal law enforcement agencies and buildings with a capacity of 250 or more  
 45 persons that are routinely used for student activities by kindergarten through grade 12 public

1 schools, community colleges, education service districts and institutions of higher education. The  
 2 funds for the seismic rehabilitation of critical public buildings under the grant program are to be  
 3 provided from the issuance of bonds pursuant to the authority provided in Articles XI-M and XI-N  
 4 of the Oregon Constitution.

5 (2) The grant program shall include the appointment of a grant committee. The grant committee  
 6 may be composed of any number of persons with qualifications that the director determines neces-  
 7 sary. However, the director shall include persons with experience in administering state grant pro-  
 8 grams and representatives of entities with responsibility over critical public buildings. The director  
 9 shall also include as permanent members representatives of:

- 10 (a) The Department of Human Services;
- 11 (b) The State Department of Geology and Mineral Industries;
- 12 (c) The Seismic Safety Policy Advisory Commission; *[and]*
- 13 (d) The Oregon Department of Administrative Services;
- 14 (e) **The Department of Education;**
- 15 (f) **The Oregon Fire Chiefs' Association;**
- 16 (g) **The Oregon Association Chiefs of Police; and**
- 17 (h) **The Oregon Association of Hospitals and Health Systems.**

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

- 24 (a) Require that the grant applicant provide matching funds for completion of any seismic re-  
 25 habilitation project.
- 26 (b) Provide authority to the grant committee to waive requirements of the grant program based  
 27 on special circumstances such as proximity to fault hazards, community value of the structure,  
 28 emergency functions provided by the structure and storage of hazardous materials.
- 29 (c) Allow an applicant to appeal any determination of grant funding to the director for reeval-  
 30 uation.
- 31 (d) Provide that applicants release the state, the director and the grant committee from any  
 32 claims of liability for providing funding for seismic rehabilitation.
- 33 (e) Provide separate rules for funding rehabilitation of structural and nonstructural building el-  
 34 ements.

35 (4) Subject to the grant rules established by the director and subject to reevaluation by the di-  
 36 rector, the grant committee has the responsibility to review and make determinations on grant ap-  
 37 plications under the grant program established pursuant to this section.

38 **SECTION 29.** ORS 401.305 is amended to read:

39 401.305. (1) Each county of this state shall, and each city may, establish an emergency manage-  
 40 ment agency which shall be directly responsible to the executive officer or governing body of the  
 41 county or city.

42 (2) The executive officer or governing body of each county and any city which participates shall  
 43 appoint an emergency program manager who shall have responsibility for the organization, admin-  
 44 istration and operation of such agency, subject to the direction and control of the county or city.

45 (3) The local governing bodies of counties and cities that have both city and county emergency

1 management programs shall jointly establish policies which provide direction and identify and define  
 2 the purpose and roles of the individual emergency management programs, specify the responsibilities  
 3 of the emergency program managers and staff and establish lines of communication, succession and  
 4 authority of elected officials for an effective and efficient response to emergency conditions.

5 (4) Each emergency management agency shall perform emergency program management func-  
 6 tions within the territorial limits of the county or city and may perform such functions outside the  
 7 territorial limits as required under any mutual aid or cooperative assistance agreement or as au-  
 8 thorized by the county or city.

9 (5) The emergency management functions shall include, as a minimum:

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

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

15 (c) Coordination with the [*Office of Emergency Management*] **Office of Homeland Security and**  
 16 **Emergency Management** to integrate effective practices in emergency preparedness and response  
 17 as provided in the National Incident Management System established by the Homeland Security  
 18 Presidential Directive 5 of February 28, 2003.

19 **SECTION 30.** ORS 401.337 is amended to read:

20 401.337. (1) There is established a Seismic Safety Policy Advisory Commission consisting of the  
 21 following members:

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

23 (A) Department of Consumer and Business Services;

24 (B) State Department of Geology and Mineral Industries;

25 (C) Department of Land Conservation and Development;

26 (D) Department of Transportation; and

27 (E) [*Office of Emergency Management of the Department of State Police*] **Office of Homeland**  
 28 **Security and Emergency Management**; and

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

30 (A) One representative of local government;

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

32 (i) One representative of a school district, community college or university;

33 (ii) Two members of the Legislative Assembly; and

34 (iii) Three members of the general public; and

35 (C) Six members representing affected industries or stakeholders.

36 (2) The term of office of each member, except a member of the Legislative Assembly, appointed  
 37 under subsection (1)(b) of this section is four years, but a member serves at the pleasure of the  
 38 Governor. The term of office of a member of the Legislative Assembly expires at the end of the term  
 39 for which the member is elected. Before the expiration of the term of a member, the Governor shall  
 40 appoint a successor whose term begins on July 1 next following. A member is eligible for reap-  
 41 pointment. If there is a vacancy for any cause, the Governor shall make an appointment to become  
 42 immediately effective for the unexpired term.

43 **SECTION 31.** ORS 401.347 is amended to read:

44 401.347. The [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
 45 **Management** shall provide technical, clerical and other necessary support services to the **Seismic**

1 **Safety Policy Advisory** Commission. The Department of Consumer and Business Services, the De-  
 2 partment of Human Services, the State Department of Geology and Mineral Industries, the Depart-  
 3 ment of Land Conservation and Development, the Department of Transportation, the Water  
 4 Resources Department and the Oregon University System shall provide assistance, as required, to  
 5 the commission to enable it to meet its objectives.

6 **SECTION 32.** ORS 401.385 is amended to read:

7 401.385. (1) Each emergency program manager of an emergency management agency shall  
 8 maintain a record of enrollment of emergency service workers who are personnel of the agency.  
 9 Each record shall contain the name and address of the worker, the name of the employer of the  
 10 worker, date of enrollment and authorized classification of assignment to duty, including the times  
 11 of assigned duty, as well as changes in enrollment. The record forms shall be supplied by the [*Office*  
 12 *of Emergency Management*] **Office of Homeland Security and Emergency Management**.

13 (2) Records of membership in the Oregon State Defense Force shall be maintained by the Mili-  
 14 tary Department [*of the State of Oregon*].

15 **SECTION 33.** ORS 401.395 is amended to read:

16 401.395. If an emergency service worker sustains an injury, benefits shall be paid in the same  
 17 manner as provided for injured workers under the workers' compensation laws of this state, except  
 18 that:

19 (1) If the injury results in temporary partial disability, no benefits shall accrue to the injured  
 20 emergency service worker on account of loss of wages due to such disability.

21 (2) Costs of rehabilitation services to disabled emergency service workers shall be paid from  
 22 funds specifically appropriated therefor in an amount approved by the [*Office of Emergency Man-*  
 23 *agement*] **Office of Homeland Security and Emergency Management**, which shall be the reason-  
 24 able and necessary cost of such services, including services of a physician or rehabilitation facility  
 25 specially qualified to render rehabilitation services. Expenses of rehabilitation may include travel,  
 26 board and room, when necessary.

27 (3) The maximum amount payable for medical, surgical or hospital expenses, compensation and  
 28 rehabilitation on any one claim shall not exceed \$20,000.

29 **SECTION 34.** ORS 401.425 is amended to read:

30 401.425. (1) Claims for benefits under ORS 401.355 to 401.465 shall be filed by application with  
 31 the [*Office of Emergency Management*] **Office of Homeland Security and Emergency Management**  
 32 in the manner provided by rules of the [*Department of State Police*] **office**.

33 (2) The right to benefits under ORS 401.355 to 401.465 shall be barred unless written claim is  
 34 filed with the office within 90 days after the injury, or, if death results therefrom, within 90 days  
 35 after death. However, if death occurs more than one year after the injury, the right shall be barred  
 36 unless prior written claim based on the injury has been timely filed. The requirements of this sub-  
 37 section may be waived by the office on the ground that, for good and sufficient reason, claim could  
 38 not be filed on time.

39 **SECTION 35.** ORS 401.435 is amended to read:

40 401.435. Any question of law or fact may be appealed to the circuit court of the county where  
 41 the injury occurred within 30 days from the date of mailing of the final decision by the [*Office of*  
 42 *Emergency Management*] **Office of Homeland Security and Emergency Management**, if the  
 43 emergency service worker is dissatisfied with the final decision.

44 **SECTION 36.** ORS 401.445 is amended to read:

45 401.445. If funds are not available to the [*Office of Emergency Management*] **Office of Homeland**

1 **Security and Emergency Management** to pay claims approved under ORS 401.355 to 401.465, the  
 2 [*Department of State Police*] **Oregon Military Department** shall request allocation of necessary  
 3 funds from the Emergency Board if the unavailability occurs during the interim between sessions  
 4 of the Legislative Assembly. If the unavailability occurs during a session, the [*Department of State*  
 5 *Police*] **department** shall request the Joint Committee on Ways and Means to submit legislation  
 6 necessary to provide such funds.

7 **SECTION 37.** ORS 401.490 is amended to read:

8 401.490. In carrying out the provisions of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355  
 9 to 401.580, the Governor and the executive officers or governing bodies of the counties and cities  
 10 may request and utilize the services, equipment, supplies and facilities of existing departments, of-  
 11 fices and agencies of the state and of local governments. The officers and personnel of all local  
 12 government departments, offices and agencies may cooperate with, and extend such services and  
 13 facilities to the Governor, to the [*Office of Emergency Management*] **Office of Homeland Security**  
 14 **and Emergency Management** and to emergency management agencies and emergency service  
 15 agencies upon request.

16 **SECTION 38.** ORS 401.500 is amended to read:

17 401.500. The state shall reimburse a local government for the compensation paid and the actual  
 18 and necessary travel, subsistence and maintenance expenses of employees of the local government  
 19 while actually serving at the direction of the Governor or the Director of the [*Office of Emergency*  
 20 *Management*] **Office of Homeland Security and Emergency Management** in a state function or  
 21 capacity.

22 **SECTION 39.** ORS 401.515 is amended to read:

23 401.515. (1) During the existence of an emergency, the state and any local government, any  
 24 agent thereof or emergency service worker engaged in any emergency services activity, while com-  
 25 plying with or attempting to comply with ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to  
 26 401.580 or any rule adopted under those sections, is not, except in cases of willful misconduct, gross  
 27 negligence or bad faith, liable for the death or injury of any person, or damage or loss of property,  
 28 as a result of that activity.

29 (2) There shall be no liability on the part of a person who owns or maintains any building or  
 30 premises which has been designated by any emergency management agency or emergency service  
 31 agency or any public body or officer of this state or the United States as a fallout shelter or a  
 32 shelter from destructive operations or attacks by enemies of the United States for the death of or  
 33 injury to any individual or damage to or loss of property while in or upon the building or premises  
 34 as a result of the condition of the building or premises or as a result of any act or omission, except  
 35 willful misconduct, gross negligence or bad faith of such person or the servants, agents or employees  
 36 of the person when the dead or injured individual entered or went on or into the building or prem-  
 37 ises for the purpose of seeking refuge therein during or in anticipation of destructive operations or  
 38 attacks by enemies of the United States or during tests ordered by lawful authority.

39 (3) The provisions of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 do not  
 40 affect the right of any person to receive benefits or compensation to which the person would oth-  
 41 erwise be entitled under ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580, under  
 42 ORS chapter 656, under any pension or retirement law or under any act of Congress.

43 (4) Emergency service workers, in carrying out, complying with or attempting to comply with  
 44 any order or rule issued under ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 or  
 45 any local ordinance, or performing any of their authorized functions or duties or training for the

1 performance of their authorized functions or duties, shall have the same degree of responsibility for  
 2 their actions and enjoy the same immunities as officers and employees of the state and its local  
 3 governments performing similar work.

4 (5) This section does not excuse any governmental agency from liability for intentional confis-  
 5 cation or intentional destruction of private property.

6 (6) A person who complies with a lawful order of the Governor under ORS 401.015 to 401.105,  
 7 401.260 to 401.325 and 401.355 to 401.580 incurs no liability for damages resulting from compliance.

8 (7)(a) An officer, employee or agent of the federal government or another state, or an agency  
 9 or political subdivision of another state, who is accepted by the [*Office of Emergency Management*]  
 10 **Office of Homeland Security and Emergency Management** to act as an emergency service  
 11 worker is an agent of this state for the purposes of this section and ORS 30.260 to 30.300.

12 (b) An officer, employee or agent of the federal government or another state, or an agency or  
 13 political subdivision of another state, who is accepted by a local government emergency management  
 14 agency to act as an emergency service worker is an agent of the local government emergency  
 15 management agency for the purposes of this section and ORS 30.260 to 30.300.

16 **SECTION 40.** ORS 401.535 is amended to read:

17 401.535. There is created in the General Fund in the State Treasury an account to be known  
 18 as the [*Emergency Management*] **Homeland Security and Emergency Management** Revolving Ac-  
 19 count. All contributions, grants-in-aid or other moneys received or collected by the [*Office of Emer-*  
 20 *gency Management of the Department of State Police*] **Office of Homeland Security and Emergency**  
 21 **Management**, and any other funds contributed, granted or appropriated for transfer to the revolving  
 22 account under authority of law shall be placed in the General Fund and credited to the [*Emergency*  
 23 *Management*] **Homeland Security and Emergency Management** Revolving Account. Moneys in  
 24 the [*Emergency Management*] **Homeland Security and Emergency Management** Revolving Ac-  
 25 count are continuously appropriated to the [*Office of Emergency Management*] **Office of Homeland**  
 26 **Security and Emergency Management** for the purpose of this section. The office may use the re-  
 27 volving account to pay for the purchase of organizational and mobile support equipment and surplus  
 28 property, for shelter construction, administration and personal services, when the purchase or ex-  
 29 pense is incurred pursuant to the office’s agreements with the federal government, other state  
 30 agencies or political subdivisions of the state.

31 **SECTION 41.** ORS 401.538 is amended to read:

32 401.538. (1) Each state or local agency shall drill agency employees working in office buildings  
 33 on emergency procedures so that the employees may respond to an earthquake emergency without  
 34 confusion or panic. The agencies shall conduct the drills in accordance with [*Office of Emergency*  
 35 *Management*] **Office of Homeland Security and Emergency Management** rules. The drills must  
 36 include familiarization with routes and methods of exiting the building and methods of “duck, cover  
 37 and hold” during an earthquake. An agency shall conduct the drills annually. The [*Office of Emer-*  
 38 *gency Management*] **office** may, by rule or on application, grant exemptions from the drill require-  
 39 ment for good cause.

40 (2) As used in this section, “state or local agency” means a state or local office, department,  
 41 division, bureau, board or commission that is assigned, renting, leasing, owning or controlling office  
 42 space for carrying out its duties. “State or local agency” includes the Legislative Assembly when  
 43 in regular session.

44 **SECTION 42.** ORS 401.543 is amended to read:

45 401.543. A person employing 250 or more full-time employees within this state shall drill em-

1 ployees working in office buildings on emergency procedures so that the employees may respond to  
 2 an earthquake emergency without confusion or panic. The person shall conduct the drills in ac-  
 3 cordance with [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
 4 **Management** rules. The drills must include familiarization with routes and methods of exiting the  
 5 building and methods of “duck, cover and hold” during an earthquake. The employer shall conduct  
 6 the drills annually during the month of April. The [*Office of Emergency Management*] **office** may, by  
 7 rule or on application, grant exemptions from the drill requirement for good cause.

8 **SECTION 43.** ORS 401.546 is amended to read:

9 401.546. The [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
 10 **Management**, in consultation with the State Department of Geology and Mineral Industries, shall  
 11 adopt rules governing the conduct of earthquake emergency drills required by ORS 401.538 and  
 12 401.543. In addition to the office submitting the rules for publication pursuant to ORS 183.360, the  
 13 office and the department shall each post the rules on an electronic bulletin board, home page or  
 14 similar site.

15 **SECTION 44.** ORS 401.550 is amended to read:

16 401.550. The Director of the [*Office of Emergency Management*] **Office of Homeland Security**  
 17 **and Emergency Management** shall appoint a Search and Rescue Coordinator to:

- 18 (1) Coordinate the search and rescue function of the [*Office of Emergency Management*] **Office**  
 19 **of Homeland Security and Emergency Management**;
- 20 (2) Coordinate the activities of state and federal agencies involved in search and rescue;
- 21 (3) Establish liaison with the Oregon State Sheriffs’ Association and other public and private  
 22 organizations and agencies involved in search and rescue;
- 23 (4) Provide on-scene search and rescue coordination when requested by an authorized person;
- 24 (5) Coordinate and process requests for the use of emergency service workers and equipment;
- 25 (6) Assist in developing training and outdoor education programs;
- 26 (7) Gather statistics in search and rescue operations; and
- 27 (8) Gather and disseminate resource information of personnel, equipment and materials available  
 28 for search and rescue.

29 **SECTION 45.** ORS 401.555 is amended to read:

30 401.555. The [*Office of Emergency Management of the Department of State Police*] **Office of**  
 31 **Homeland Security and Emergency Management** shall establish and maintain a program for the  
 32 air search and rescue of lost aircraft and persons and for the air support of other emergency situ-  
 33 ations. The program established under this section may include, but [*shall not be*] **is not** limited to,  
 34 the following:

- 35 (1) The formation of a volunteer air search and rescue organization and provision of appropriate  
 36 training to this organization.
- 37 (2) Directing, coordinating and performing air activities in conjunction with air search and res-  
 38 cue and other emergency situations.
- 39 (3) Entering into agreements with private persons, volunteer organizations, and federal, state  
 40 and local agencies for air search and rescue and other emergency activities.
- 41 (4) Such other related activities as may be deemed necessary and appropriate by the Director  
 42 of the [*Office of Emergency Management*] **Office of Homeland Security and Emergency Manage-**  
 43 **ment**.

44 **SECTION 46.** ORS 401.560 is amended to read:

45 401.560. (1) The sheriff of each county has the responsibility for search and rescue activities

1 within the county. The duty of a sheriff under this subsection may be delegated to a qualified  
 2 deputy or emergency service worker.

3 (2) If the sheriff does not accept the responsibility for search and rescue activities, the chief  
 4 executive of the county shall designate the county emergency program manager to perform the du-  
 5 ties and responsibilities required under ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to  
 6 401.580.

7 (3) The sheriff or authorized person of each county shall notify the [*Office of Emergency Man-*  
 8 *agement*] **Office of Homeland Security and Emergency Management** of each search and rescue  
 9 in the county and shall request the assignment of incident numbers therefor.

10 (4) The sheriff or authorized person of each county shall work with the county emergency pro-  
 11 gram manager in coordinating search and rescue activities in the county of the sheriff and in reg-  
 12 istering emergency service workers.

13 **SECTION 47.** ORS 401.573 is amended to read:

14 401.573. (1) The sheriff of each county shall adopt a search and rescue plan for the county. The  
 15 search and rescue plan shall set forth search and rescue policies for the county and shall describe  
 16 procedures for implementing those policies. A county search and rescue plan shall list and describe  
 17 materials, equipment and personnel available within the county for search and rescue incidents. The  
 18 plan shall also include:

19 (a) A detailed description of activities and circumstances that constitute search and rescue in  
 20 the county.

21 (b) Identification of volunteer organizations available to the county for use for search and res-  
 22 cue.

23 (c) Procedures for contacting and requesting assistance from volunteer organizations during  
 24 search and rescue activities.

25 (d) Procedures for contacting and requesting available assistance from other agencies and  
 26 groups.

27 (e) Minimum standards for individuals whose technical or professional skills may be required for  
 28 search and rescue.

29 (2) A county search and rescue plan adopted under this section shall require a person in charge  
 30 of a search and rescue to complete a fact sheet for the incident. The fact sheet shall contain the  
 31 incident number assigned under ORS 401.580 for search and rescue and such other information re-  
 32 quired under the search and rescue plan of the county.

33 (3) The sheriff of each county shall review and, if necessary or desirable, revise the search and  
 34 rescue plan annually. After the initial adoption of a search and rescue plan under this section and  
 35 after each annual review or revision of the plan, the sheriff shall submit the plan to the Search and  
 36 Rescue Coordinator appointed under ORS 401.550.

37 (4) The [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
 38 **Management**, after consultation with the Oregon State Sheriffs' Association, may establish guide-  
 39 lines for county search and rescue plans.

40 (5) The [*Office of Emergency Management*] **office** shall annually publish and distribute to the  
 41 sheriff of each county a search and rescue resource inventory, which shall include materials,  
 42 equipment and personnel available from counties, agencies and the State of Oregon for use in search  
 43 and rescue incidents.

44 **SECTION 48.** ORS 401.576 is amended to read:

45 401.576. After a search and rescue that, in the opinion of the sheriff, is other than routine or



1 upon request for a critique from an individual directly involved in the incident, the sheriff of the  
 2 county in which the search and rescue took place shall conduct a critique of the incident. As part  
 3 of the critique, the sheriff shall examine the search and rescue report and may receive testimony  
 4 and information from persons involved in the incident. When a critique of a search and rescue is  
 5 conducted under this section, the sheriff shall prepare findings of fact concerning the search and  
 6 rescue and may prepare recommendations for the conduct of future incidents or propose amendments  
 7 to the search and rescue plan under which the search and rescue was conducted. If amendments to  
 8 the search and rescue plan are proposed and adopted, the sheriff shall file the amended search and  
 9 rescue plan with the [*Office of Emergency Management*] **Office of Homeland Security and Emer-**  
 10 **gency Management.**

11 **SECTION 49.** ORS 401.654 is amended to read:

12 401.654. (1) The Department of Human Services may establish a registry of emergency health  
 13 care providers who are available to provide health care services during an emergency or crisis. The  
 14 department may require training related to the provision of health care services in an emergency  
 15 or crisis as a condition of registration.

16 (2) The department shall issue identification cards to health care providers included in the reg-  
 17 istry established under this section that:

18 (a) Identify the health care provider;

19 (b) Indicate that the health care provider is registered as an Oregon emergency health care  
 20 provider;

21 (c) Identify the license or certification held by the health care provider; and

22 (d) Identify the health care provider's usual area of practice if that information is available and  
 23 the department determines that it is appropriate to provide that information.

24 (3) The department by rule shall establish a form for identification cards issued under subsection  
 25 (2) of this section.

26 (4) The department shall support and provide assistance to the [*Office of Emergency*  
 27 *Management*] **Office of Homeland Security and Emergency Management** in emergencies or crises  
 28 involving the public health or requiring emergency medical response.

29 **SECTION 50.** ORS 401.710 is amended to read:

30 401.710. As used in ORS 305.823 and 401.710 to 401.816, unless the context requires otherwise:

31 (1) "Account" means the Emergency Communications Account.

32 (2) "Central office" means a utility that houses the switching and trunking equipment serving  
 33 telephones in a defined area.

34 (3) "Department" means the Department of Revenue.

35 (4) "Emergency call" means a telephone request that results from a situation where prompt  
 36 service is essential to preserve human life or property.

37 (5) "Enhanced 9-1-1 telephone service" means 9-1-1 telephone service consisting of a network,  
 38 database and on-premises equipment that provides automatic display at the designated public safety  
 39 answering point of the address and telephone number at the time of receiving an incoming 9-1-1 call.

40 (6) "Exchange access services" means:

41 (a) Telephone exchange access lines or channels that provide local access by a subscriber in this  
 42 state to the local telecommunications network to effect the transfer of information; and

43 (b) Unless a separate tariff rate is charged therefor, any facility or service provided in con-  
 44 nection with the services described in paragraph (a) of this subsection.

45 (7) "Governing body" means the board of county commissioners of a county, city council of a

1 city, other governing body of a city or county, board of directors of a special district or a 9-1-1 ju-  
 2 risdiction.

3 (8) “Local government” has the meaning given that term in ORS 190.710.

4 [(9) “Office” means the Office of Emergency Management of the Department of State Police.]

5 [(10)] (9) “Provider” means a utility or other vendor or supplier of telecommunications service  
 6 or equipment that provides telecommunications with access to the 9-1-1 emergency reporting system  
 7 through local exchange service, cellular service or other wired or wireless means.

8 [(11)] (10) “Public or private safety agency” means any unit of state or local government, a  
 9 special-purpose district or a private firm that provides or has authority to provide fire-fighting, po-  
 10 lice, ambulance or emergency medical services.

11 [(12)] (11) “Public safety answering point” means a 24-hour communications facility established  
 12 as an answering location for 9-1-1 calls originating within a given service area. A “primary public  
 13 safety answering point” receives all calls directly from the public. A “secondary public safety an-  
 14 swering point” only receives calls from a primary public safety answering point on a transfer or  
 15 relay basis.

16 [(13)] (12) “Subscriber” means a person who has telecommunication access to the 9-1-1 emer-  
 17 gency reporting system through local exchange service, cellular service or other wired or wireless  
 18 means.

19 [(14)] (13) “TTY” means a telephone-typewriter used by a hearing or speech impaired person to  
 20 communicate with another device or individual.

21 [(15)] (14) “Utility” means a utility as defined in ORS 759.005, a telecommunications carrier as  
 22 defined in ORS 133.721 or a municipality or any provider of exchange access services.

23 [(16)] (15) “Vendor” means any corporation, company, individual or association, providing tele-  
 24 phone customer premises equipment or equipment specific to the operation of enhanced 9-1-1 tele-  
 25 phone service.

26 [(17)] (16) “9-1-1 emergency reporting system” means a telephone service that provides the users  
 27 of a public telephone system the ability to reach a primary public safety answering point by calling  
 28 9-1-1.

29 [(18)] (17) “9-1-1 jurisdiction” means an entity created under ORS chapter 190, a county service  
 30 district established under ORS chapter 451 to provide an emergency communications system, an  
 31 emergency communications district created under ORS 401.818 to 401.857 or a group of public or  
 32 private safety agencies who have agreed in writing to jointly plan the installation, maintenance,  
 33 operation or improvement of a 9-1-1 emergency reporting system.

34 [(19)] (18) “9-1-1 service area” means the geographical area that contains the entire central of-  
 35 fice serving area from which the primary public safety answering point will have the capability to  
 36 answer calls placed to 9-1-1.

37 **SECTION 51.** ORS 401.730 is amended to read:

38 401.730. (1) The [Office of Emergency Management] **Office of Homeland Security and Emer-**  
 39 **gency Management** shall:

40 (a) Adopt rules in accordance with ORS chapter 183 relating to the planning, administration and  
 41 funding of 9-1-1 emergency reporting systems established pursuant to ORS 401.720.

42 (b) Upon request of a 9-1-1 jurisdiction, local government or governing body, assist in planning  
 43 9-1-1 emergency reporting systems. In addition, the office may at the request of a 9-1-1 jurisdiction  
 44 act as an agent of the 9-1-1 jurisdiction for the purposes of purchasing and maintaining equipment  
 45 and services required to fulfill the requirements of ORS 401.720.

1 (c) Report biennially to the Legislative Assembly the progress made in implementing ORS  
 2 305.823 and 401.710 to 401.816. The report shall include financial information concerning all re-  
 3 venues collected, distributed and expended by state agencies and 9-1-1 jurisdictions, and all account  
 4 and subaccount balances, for the purposes of complying with ORS 401.710 to 401.816.

5 (2) Notwithstanding subsection (1) of this section, the office [*shall*] **may** not require by rule or  
 6 otherwise that the proposed or established 9-1-1 emergency reporting system of a 9-1-1 jurisdiction  
 7 meet any technical standards in addition to those provided in ORS 401.720.

8 (3) The office may establish advisory committees and study groups to study and advise on the  
 9 planning and administration of 9-1-1 emergency reporting systems, multijurisdictional 9-1-1 emer-  
 10 gency reporting systems and issues impacting 9-1-1 emergency reporting systems throughout the  
 11 state.

12 **SECTION 52.** ORS 401.735 is amended to read:

13 401.735. (1) The [*Office of Emergency Management*] **Office of Homeland Security and Emer-**  
 14 **gency Management**, by rule, shall adopt minimum standards for public safety telecommunications  
 15 personnel, including but not limited to emergency telephone workers, as defined in ORS 243.736. In  
 16 developing the standards, the office shall address the necessary multiagency support, coordination,  
 17 planning, administration and ongoing maintenance of a certification program which includes testing  
 18 to determine whether workers subject to the standards are in compliance.

19 (2) The standards referred to in subsection (1) of this section shall not become operative until  
 20 the Board on Public Safety Standards and Training determines that there has been an adequate  
 21 personnel training period to permit compliance with the standards.

22 (3) The Board on Public Safety Standards and Training shall develop a recommended training  
 23 program and a plan for implementing the training program to provide workers that are subject to  
 24 the minimum standards referred to in subsection (1) of this section with the training necessary to  
 25 comply with the standards. The implementation plan shall address the cost considerations of the  
 26 training program both to state and local government agencies whose workers are subject to the  
 27 minimum standards.

28 **SECTION 53.** ORS 401.755 is amended to read:

29 401.755. (1) Each 9-1-1 jurisdiction shall submit to the [*Office of Emergency Management*] **Office**  
 30 **of Homeland Security and Emergency Management** in writing within 30 days any change made  
 31 to the 9-1-1 emergency telephone system which alters the final plan or system description on file  
 32 with the office. Such changes may include, but are not limited to, the address of the public safety  
 33 answering point, telephone numbers used to satisfy requirements set forth in ORS 401.720, director  
 34 changes, agencies served by the 9-1-1 jurisdiction and method used to direct the 9-1-1 call once re-  
 35 ceived by the primary public safety answering point.

36 (2) If an established 9-1-1 jurisdiction proposes to move its 9-1-1 emergency reporting system  
 37 from one public safety answering point to another or a governing body proposes to establish a new  
 38 9-1-1 jurisdiction with a new primary public safety answering point and if either of these proposals  
 39 will result in control of the 9-1-1 emergency reporting system by an agency or agencies other than  
 40 as identified in the final plan approved by the office under ORS 401.750 (1987 Replacement Part),  
 41 section 7, chapter 743, Oregon Laws 1991, or the system description filed with the office under ORS  
 42 401.750 (5) (1987 Replacement Part), the 9-1-1 jurisdiction or governing body shall submit a plan  
 43 setting forth these changes to:

44 (a) The [*Office of Emergency Management*] **office**;

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

1 (c) Utilities which provide telephone service in the 9-1-1 service area.

2 (3) In addition to meeting the requirements of ORS 401.720 and rules adopted pursuant to ORS  
 3 401.730, the plan shall include a description of all capital and recurring costs for the proposed 9-1-1  
 4 emergency reporting system.

5 (4) The office shall review the revised plan for compliance with this section, ORS 401.720 and  
 6 rules adopted pursuant to ORS 401.730 and, if the office determines that the plan is in compliance,  
 7 the office shall approve the plan.

8 (5) The office *[shall]* **may** not approve a plan submitted under this section unless the plan is  
 9 accompanied by written approval of the governing bodies of all public and private safety agencies  
 10 affected by or providing service in the 9-1-1 service area.

11 **SECTION 54.** ORS 401.785 is amended to read:

12 401.785. (1) All disputes between a governing body, 9-1-1 jurisdiction and public or private safety  
 13 agency regarding a 9-1-1 system, not otherwise resolved in accordance with a written agreement  
 14 shall be mediated. When a governing body or 9-1-1 jurisdiction obtains knowledge that a dispute  
 15 exists and cannot be resolved by the agencies, it shall notify the *[Office of Emergency Management]*  
 16 **Office of Homeland Security and Emergency Management** of the dispute in writing. Within 30  
 17 days of this notification, the disputing agencies shall mutually select a mediator and notify the office  
 18 in writing of this selection. If a mediator is not mutually selected by the agencies within this period,  
 19 the Director of the **Office of Homeland Security and Emergency Management** shall select a  
 20 mediator from the list of mediators established under subsection (3) of this section. Once selected,  
 21 the mediator shall establish a schedule for the mediation process. The disputing agencies shall have  
 22 60 days from the date the mediator is agreed upon or selected to mediate the dispute unless the  
 23 agencies mutually agree in writing to an extension of this deadline. A copy of all extensions shall  
 24 be submitted to the office.

25 (2) When the mediation process in subsection (1) of this section ends, the mediator shall notify  
 26 the office in writing of the outcome of the mediation. If the agencies are not able to resolve their  
 27 dispute through mediation, the 9-1-1 jurisdiction or governing body and public or private safety  
 28 agency or agencies shall submit the dispute to arbitration. The agencies shall have 30 days from the  
 29 end of the mediation to select an arbitrator. If the disputing agencies are unable to mutually select  
 30 an arbitrator within this period, the director *[of the office]* shall request the presiding judge for the  
 31 judicial district in which the 9-1-1 system is located to select an arbitrator. The arbitrator shall have  
 32 30 days from selection to hear and decide the dispute unless the agencies mutually agree in writing  
 33 to an extension of this deadline. A party to an arbitration under this subsection may seek confir-  
 34 mation, vacation, modification or correction of the arbitrator’s decision as provided in ORS 36.700,  
 35 36.705 and 36.710. A court may vacate a decision only if there is a basis to vacate the decision as  
 36 described in ORS 36.705 (1)(a) to (d). The court may modify or correct a decision only for the  
 37 grounds given in ORS 36.710.

38 (3) The office shall establish a roster of mediators qualified to mediate disputes under subsection  
 39 (1) of this section. This list may be used by the disputing agencies when selecting a mediator.

40 (4) Unless otherwise agreed upon, the costs of the mediation or arbitration, including the  
 41 mediator’s or arbitrator’s fees, shall be divided equally among the disputing agencies.

42 **SECTION 55.** ORS 401.790 is amended to read:

43 401.790. (1) The *[Office of Emergency Management]* **Office of Homeland Security and Emer-**  
 44 **gency Management** may institute proceedings against a public or private safety agency, a 9-1-1  
 45 jurisdiction or other person to compel compliance with or to restrain further violation of ORS

1 305.823 and 401.710 to 401.816 or rules adopted pursuant to ORS 401.730.

2 (2) Proceedings authorized by subsection (1) of this section may be instituted without office no-  
3 tice, hearing or order provided in ORS chapter 183; provided, however, that proceedings brought  
4 against a telecommunications utility shall be brought before the Public Utility Commission as pro-  
5 vided by ORS chapter 756.

6 **SECTION 56.** ORS 401.806 is amended to read:

7 401.806. (1) The Emergency Communications Account is established separate and distinct from  
8 the General Fund in the State Treasury. All moneys received by the Department of Revenue pursu-  
9 ant to ORS 401.792 to 401.804 and interest thereon shall be paid to the State Treasurer to be held  
10 in a suspense account established under ORS 293.445. After payment of refunds, the balance of the  
11 moneys received shall be paid into the State Treasury and credited to the Emergency Communi-  
12 cations Account. All earnings on investment of moneys in the Emergency Communications Account  
13 shall accrue to that account. All moneys in the account are appropriated continuously to the [*Office*  
14 *of Emergency Management*] **Office of Homeland Security and Emergency Management** and shall  
15 be used for the purposes described in ORS 401.808.

16 (2) The Enhanced 9-1-1 Subaccount is established as a subaccount of the Emergency Communi-  
17 cations Account. Thirty-five percent of the amount in the Emergency Communications Account on  
18 the date of distribution shall be credited to the Enhanced 9-1-1 Subaccount. All moneys in the ac-  
19 count are continuously appropriated to the [*Office of Emergency Management*] **Office of Homeland**  
20 **Security and Emergency Management** and shall be used for the purposes described in ORS  
21 401.808 (3), (4) and (5).

22 (3) The Enhanced 9-1-1 Equipment Replacement Subaccount is established as a subaccount of the  
23 Emergency Communications Account. Two and one-half percent of the amount in the Emergency  
24 Communications Account shall be credited to the Enhanced 9-1-1 Equipment Replacement Subac-  
25 count. All moneys in the account are continuously appropriated to the [*Office of Emergency Man-*  
26 *agement*] **Office of Homeland Security and Emergency Management** and shall be used for the  
27 purposes described in ORS 401.808 (7).

28 **SECTION 57.** ORS 401.808 is amended to read:

29 401.808. The [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
30 **Management** shall distribute quarterly the entire amount of the moneys in the Emergency Com-  
31 munications Account beginning in June 1982. The office shall pay the following amounts from the  
32 account:

33 (1) Administrative costs incurred during the preceding calendar quarter by the Department of  
34 Revenue in carrying out ORS 401.792 to 401.804. The amount paid to the department shall not ex-  
35 ceed one-half of one percent of the amount in the account on the date of distribution, or actual ex-  
36 penses incurred by the department, whichever is less.

37 (2) Administrative costs incurred during the preceding calendar quarter by the [*Office of Emer-*  
38 *gency Management*] **Office of Homeland Security and Emergency Management** in carrying out  
39 its duties under ORS 305.823 and 401.710 to 401.816. The amount paid to the office shall not exceed  
40 four percent of the amount in the account on the date of distribution, or actual expenses incurred  
41 by the office, whichever is less. The office may provide funding under this subsection for the Oregon  
42 Emergency Response System in an amount not to exceed 15 percent of the legislatively approved  
43 budget for the Oregon Emergency Response System. Funding provided to the Oregon Emergency  
44 Response System under this subsection shall be in the manner prescribed by the office and shall be  
45 subject to the availability of funds for such funding.

1 (3) Funds in the Enhanced 9-1-1 Subaccount shall be used to pay for costs incurred during the  
2 preceding calendar quarter for enhanced 9-1-1 telephone service established pursuant to ORS  
3 401.720. Enhanced 9-1-1 subaccount funds shall not be disbursed to a 9-1-1 jurisdiction which does  
4 not have an approved final plan as required in section 7, chapter 743, Oregon Laws 1991. Payments  
5 shall be made only after a reimbursement request has been submitted to the [*Office of Emergency*  
6 *Management*] **office** in the manner prescribed by the office. Reimbursement requests for recurring  
7 and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 401.720  
8 shall be submitted directly to the [*Office of Emergency Management*] **office**. The costs payable under  
9 this section are only those incurred for:

- 10 (a) Modification of central office switching and trunking equipment;
- 11 (b) Network development, operation and maintenance;
- 12 (c) Database development, operation and maintenance;
- 13 (d) On-premises equipment procurement, maintenance and replacement;
- 14 (e) Conversion of pay station telephones required by ORS 401.770;
- 15 (f) Collection of the tax imposed by ORS 401.792 to 401.804; and
- 16 (g) Addressing if the reimbursement request is consistent with rules adopted by the office.

17 (4) 9-1-1 jurisdictions who have enhanced 9-1-1 telephone service operational prior to December  
18 31, 1991, shall receive funding based on cost information provided in their final plan required in  
19 section 7, chapter 743, Oregon Laws 1991. Plans submitted which meet the minimum requirements  
20 set forth in ORS 401.720 (2) and (4) shall be approved. Funding for costs incurred prior to the pre-  
21 ceding calendar quarter shall be limited to charges associated with database development, network  
22 and on-premises equipment which satisfy the requirements of ORS 401.720 (2) and (4). Funding under  
23 this section shall be in the manner prescribed by the office and subject to the availability of funds  
24 therefor.

25 (5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from any account described  
26 in ORS 401.806 to repay loans from the Special Public Works Fund if the loans were used for pur-  
27 poses that are allowable under ORS 401.710 to 401.816.

28 (6) Any amounts remaining in the Enhanced 9-1-1 Subaccount shall be retained by the [*Office*  
29 *of Emergency Management*] **office** and may be distributed in any subsequent quarter for those pur-  
30 poses set forth in subsections (3), (4) and (5) of this section.

31 (7) The Enhanced 9-1-1 Equipment Replacement Subaccount shall be used by the [*Office of*  
32 *Emergency Management*] **office** to provide funds to replace and upgrade equipment to carry out the  
33 provisions of ORS 401.710 to 401.816. If at any time unexpended and unobligated balances in the  
34 subaccount exceed \$500,000, such excess amount shall be transferred and credited to the Emergency  
35 Communications Account and shall be used for the purposes otherwise provided by law.

36 (8) The office shall review reimbursement requests for modification of central office switching  
37 and trunking equipment, conversion of pay station telephones, and network development, operation  
38 and maintenance costs necessary to comply with ORS 401.720 for the appropriateness of the costs  
39 claimed. The office shall approve or disapprove the reimbursement requests.

40 (9) The office shall review reimbursement requests for database development, operation and  
41 maintenance, and on-premises equipment procurement, maintenance and replacement costs necessary  
42 to comply with ORS 401.720 for the appropriateness of the costs claimed.

43 (10) After all amounts under subsections (1) and (2) of this section and ORS 401.806 (2) and (3)  
44 have been paid, the balance of the Emergency Communications Account shall be distributed to cities  
45 on a per capita basis and to counties on a per capita basis of each county's unincorporated area,

1 for distribution to 9-1-1 jurisdictions within the city or county, but each county shall receive a  
 2 minimum of one percent of the balance of the account after the amounts under subsections (1) and  
 3 (2) of this section and ORS 401.806 (2) and (3) have been paid. A 9-1-1 jurisdiction whose 9-1-1 service  
 4 area includes more than one city or county shall receive funds from each city or county involved.

5 (11) Notwithstanding subsection (10) of this section, a city or county may have its quarterly  
 6 distribution made payable and sent to the 9-1-1 jurisdiction responsible for providing the services  
 7 required in ORS 401.720.

8 (12) 9-1-1 jurisdictions shall submit an accounting report to the office annually. The report shall  
 9 be provided in the manner prescribed by the office, and shall include but not be limited to:

10 (a) Funds received and expended under subsection (10) or (11) of this section for the purposes  
 11 of fulfilling the requirements of ORS 401.720;

12 (b) Local funds received and expended for the purposes of fulfilling the requirements of ORS  
 13 401.720; and

14 (c) Local funds received and expended for the purposes of providing emergency communications  
 15 services.

16 **SECTION 58.** ORS 401.816 is amended to read:

17 401.816. (1) The Director of the [*Office of Emergency Management*] **Office of Homeland Security**  
 18 **and Emergency Management** shall establish by administrative rule the minimum standards for a  
 19 primary public safety answering point.

20 (2) If a primary public safety answering point does not meet the minimum standards established  
 21 under subsection (1) of this section within 45 days after receipt of written notice from the [*Office*  
 22 *of Emergency Management*] **Office of Homeland Security and Emergency Management**, the office  
 23 shall designate an alternate primary public safety answering point that meets the minimum stan-  
 24 dards and cause calls to be rerouted to the designated primary public safety answering point.

25 **SECTION 59.** ORS 401.861 is amended to read:

26 401.861. (1) As used in this section:

27 (a) “Transient lodging facility” means a hotel, motel, inn, condominium, any other dwelling unit  
 28 or a public or private park that is made available for transient occupancy or vacation occupancy  
 29 as those terms are defined in ORS 90.100.

30 (b) “Tsunami inundation zone” means an area of expected tsunami inundation, based on scien-  
 31 tific evidence that may include geologic field data and tsunami modeling, determined by the gov-  
 32 erning board of the State Department of Geology and Mineral Industries, by rule, as required by  
 33 ORS 455.446 (1)(b) and (c).

34 (2) The [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
 35 **Management**, in consultation and cooperation with the State Department of Geology and Mineral  
 36 Industries, shall:

37 (a) Develop and adopt by rule tsunami warning information and evacuation plans for distribution  
 38 to transient lodging facilities located in a tsunami inundation zone; and

39 (b) Facilitate and encourage broad distribution of the tsunami warning information and evacu-  
 40 ation plans to transient lodging facilities and other locations within tsunami inundation zones fre-  
 41 quented by visitors to the area.

42 (3) The office is not required to carry out the duties assigned under subsection (2) of this section  
 43 if sufficient moneys are not available under ORS 401.864.

44 **SECTION 60.** ORS 401.863 is amended to read:

45 401.863. (1) The [*Office of Emergency Management*] **Office of Homeland Security and Emer-**

1 **gency Management**, in consultation with the State Department of Geology and Mineral Industries,  
 2 shall establish by rule a uniform tsunami warning signal, including rules specifying the type, dura-  
 3 tion and volume of the warning signal and the location of warning signal delivery devices, for use  
 4 on the Oregon coast.

5 (2) The office is not required to carry out the duties assigned under subsection (1) of this section  
 6 if sufficient moneys are not available under ORS 401.864.

7 **SECTION 61.** ORS 401.864 is amended to read:

8 401.864. The [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
 9 **Management** or the State Department of Geology and Mineral Industries may seek and accept gifts,  
 10 grants and donations from any source to finance all or part of the duties assigned under ORS 401.861  
 11 and 401.863.

12 **SECTION 62.** ORS 401.871 is amended to read:

13 401.871. (1) The State Interoperability Executive Council is created within the [*Office of Emer-*  
 14 *gency Management*] **Department of State Police**. The membership of the council shall consist of:

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

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

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

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

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

22 (B) One member from the [*Office of Emergency Management*] **Office of Homeland Security and**  
 23 **Emergency Management;**

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

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

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

27 (F) One member from the Oregon Department of Administrative Services;

28 (G) One member from the Department of Human Services;

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

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

31 (J) One member of an Indian tribe as defined in ORS 97.740;

32 (K) One member from a nonprofit professional organization devoted to the enhancement of pub-  
 33 lic safety communications systems; and

34 (L) One member from the public.

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

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

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

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

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

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

42 (F) One member from the Special Districts Association of Oregon.

43 (2) Each agency or organization identified in subsection (1)(b)(A) to (I) and (1)(c) of this section  
 44 shall recommend a person from the agency or organization for membership on the council.

45 (3) Members of the council are not entitled to compensation, but in the discretion of the [*Di-*



1 *rector of the Office of Emergency Management*] **Superintendent of State Police** may be reimbursed  
 2 from funds available to the [*Office of Emergency Management*] **Department of State Police** for ac-  
 3 tual and necessary travel and other expenses incurred by them in the performance of their official  
 4 duties in the manner and amount provided in ORS 292.495.

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

7 **SECTION 63.** ORS 401.872 is amended to read:

8 401.872. The State Interoperability Executive Council created under ORS 401.871 shall:

9 (1) Work with public safety agencies in the state to develop a Public Safety Wireless  
 10 Infrastructure Replacement Plan as provided under section 2, chapter 825, Oregon Laws 2005.

11 (2) Develop an Oregon Interoperable Communication Plan. The goal of the plan shall be to  
 12 achieve statewide interoperability within six years of September 2, 2005. In developing the plan, the  
 13 council shall:

14 (a) Recommend strategies to improve wireless interoperability among state and local public  
 15 safety agencies;

16 (b) Develop standards to promote consistent development of existing and future wireless com-  
 17 munications infrastructures;

18 (c) Identify immediate short-term technological and policy solutions to tie existing wireless  
 19 communications infrastructures together into an interoperable communications system;

20 (d) Develop long-term technological and policy recommendations to establish a statewide public  
 21 safety radio system to improve emergency response and day-to-day public safety operations; and

22 (e) Develop recommendations for legislation and for the development of state and local policies  
 23 to promote wireless interoperability in Oregon.

24 (3) Approve, subject to approval by the [*Director of the Office of Emergency Management*] **Su-  
 25 perintendent of State Police**, investments by the State of Oregon in public safety communications  
 26 systems.

27 (4) Coordinate state and local activities related to obtaining federal grants for support of inter-  
 28 operability.

29 (5) Develop and provide technical assistance, training and, if requested, appropriate dispute re-  
 30 solution services to state and local agencies responsible for implementation of the Oregon Interop-  
 31 erable Communication Plan.

32 (6) Report, in the manner required by ORS 192.245, to the Legislative Assembly on or before  
 33 February 1 of each odd-numbered year on the development of the Oregon Interoperable Communi-  
 34 cation Plan and the council's other activities.

35 (7) Adopt rules necessary to carry out its duties and powers.

36 **SECTION 64.** ORS 401.874 is amended to read:

37 401.874. (1) The [*Director of the Office of Emergency Management*] **Superintendent of State  
 38 Police** shall advise the State Interoperability Executive Council on the implementation of the  
 39 Oregon Interoperable Communication Plan and coordinate interoperability among all state agencies.

40 (2) State agencies that own or operate public safety communications systems shall coordinate  
 41 their efforts and investments to achieve the statewide interoperability goal set by the council and  
 42 implement the Oregon Interoperable Communication Plan approved by the [*director*]  
 43 **superintendent**.

44 **SECTION 65.** ORS 401.881 is amended to read:

45 401.881. (1) The Oregon Homeland Security Council is created within the [*Office of Emergency*

1 *Management*] **Office of Homeland Security and Emergency Management.** The council shall:

2 (a) Receive briefings on security matters for which the office is responsible at least annually  
3 from state agencies and organizations as determined by the council; and

4 (b) Advise state agencies with responsibility for security matters on the future direction of the  
5 office’s planning, preparedness, response and recovery activities.

6 (2) The membership of the council shall consist of:

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

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

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

11 (b) The Governor;

12 (c) The Adjutant General;

13 (d) The Superintendent of State Police;

14 (e) The Director of the [*Office of Emergency Management*] **Office of Homeland Security and  
15 Emergency Management;** and

16 (f) Additional members appointed by the Governor who the Governor determines necessary to  
17 fulfill the functions of the council, including state agency heads, elected state officials, local gov-  
18 ernment officials, a member of the governing body of an Indian tribe and representatives from the  
19 private sector.

20 (3) Each member appointed to the council under subsection (2)(a) and (f) of this section serves  
21 at the pleasure of the appointing authority. The membership of a public official ceases upon termi-  
22 nation of the office held by the official at the time of appointment to the council.

23 (4) The Governor shall be chairperson of the council.

24 (5) Members of the council are not entitled to compensation but, at the discretion of the direc-  
25 tor, may be reimbursed, in the manner and amount provided in ORS 292.495, from funds available  
26 to the office for actual and necessary travel and other expenses incurred in the performance of their  
27 duties as members of the council.

28 **SECTION 66.** ORS 182.122 is amended to read:

29 182.122. (1) As used in this section:

30 (a) “Executive department” has the meaning given that term in ORS 174.112.

31 (b) “Information systems” means computers, hardware, software, storage media, networks, oper-  
32 ational procedures and processes used in the collection, processing, storage, sharing or distribution  
33 of information within, or with any access beyond ordinary public access to, the state’s shared com-  
34 puting and network infrastructure.

35 (2) The Oregon Department of Administrative Services has responsibility for and authority over  
36 information systems security in the executive department, including taking all measures reasonably  
37 necessary to protect the availability, integrity or confidentiality of information systems or the in-  
38 formation stored in information systems. The Oregon Department of Administrative Services shall,  
39 after consultation and collaborative development with agencies, establish a state information sys-  
40 tems security plan and associated standards, policies and procedures.

41 (3) The Oregon Department of Administrative Services, in its sole discretion, shall:

42 (a) Review and verify the security of information systems operated by or on behalf of agencies;

43 (b) Monitor state network traffic to identify and react to security threats; and

44 (c) Conduct vulnerability assessments of agency information systems for the purpose of evalu-  
45 ating and responding to the susceptibility of information systems to attack, disruption or any other

1 event that threatens the availability, integrity or confidentiality of information systems or the in-  
2 formation stored in information systems.

3 (4) The Oregon Department of Administrative Services shall contract with qualified, independent  
4 consultants for the purpose of conducting vulnerability assessments under subsection (3) of this  
5 section.

6 (5) In collaboration with agencies, the Oregon Department of Administrative Services shall de-  
7 velop and implement policies for responding to events that damage or threaten the availability, in-  
8 tegrity or confidentiality of information systems or the information stored in information systems,  
9 whether those systems are within, interoperable with or outside the state's shared computing and  
10 network infrastructure. In the policies, the department shall prescribe actions reasonably necessary  
11 to:

12 (a) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodol-  
13 ogies required to prevent or mitigate the damage caused or threatened by an event;

14 (b) Promptly alert other persons of the event and of the actions reasonably necessary to prevent  
15 or mitigate the damage caused or threatened by the event;

16 (c) Implement forensic techniques and controls developed under subsection (6) of this section;

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

19 (e) Communicate and share information with agencies, using preexisting incident response ca-  
20 pabilities.

21 (6) After consultation and collaborative development with agencies, the Oregon Department of  
22 Administrative Services shall implement forensic techniques and controls for the security of infor-  
23 mation systems, whether those systems are within, interoperable with or outside the state's shared  
24 computing and network infrastructure. The techniques and controls must include the use of spe-  
25 cialized expertise, tools and methodologies, to investigate events that damage or threaten the  
26 availability, integrity or confidentiality of information systems or the information stored in infor-  
27 mation systems. The department shall consult with the Oregon State Police, the [*Office of Emergency*  
28 *Management*] **Office of Homeland Security and Emergency Management**, the Governor and oth-  
29 ers as necessary in developing forensic techniques and controls under this section.

30 (7) The Oregon Department of Administrative Services shall ensure that reasonably appropriate  
31 remedial actions are undertaken when the department finds that such actions are reasonably nec-  
32 essary by reason of vulnerability assessments of information systems under subsection (3) of this  
33 section, evaluation of events under subsection (5) of this section and other evaluations and audits.

34 (8)(a) Agencies are responsible for the security of computers, hardware, software, storage media,  
35 networks, operational procedures and processes used in the collection, processing, storage, sharing  
36 or distribution of information outside the state's shared computing and network infrastructure fol-  
37 lowing information security standards, policies and procedures established by the Oregon Depart-  
38 ment of Administrative Services and developed collaboratively with agencies. Agencies may  
39 establish plans, standards and measures that are more stringent than the standards established by  
40 the department to address specific agency needs if those plans, standards and measures do not  
41 contradict or contravene the state information systems security plan. Independent agency security  
42 plans shall be developed within the framework of the state information systems security plan.

43 (b) An agency shall report the results of any vulnerability assessment, evaluation or audit con-  
44 ducted by the agency to the department for the purposes of consolidating statewide security re-  
45 porting and, when appropriate, to prompt a state incident response.

(9) This section does not apply to:

(a) Research and student computer systems used by or in conjunction with the State Board of Higher Education or any state institution of higher education within the Oregon University System; and

(b)(A) Gaming systems and networks operated by the Oregon State Lottery or its contractors; or

(B) The results of Oregon State Lottery reviews, evaluations and vulnerability assessments of computer systems outside the state’s shared computing and network infrastructure.

(10) The Oregon Department of Administrative Services shall adopt rules to carry out its responsibilities under this section.

**SECTION 67.** ORS 195.260 is amended to read:

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

(a) Shall exercise all available authority to protect the public during emergencies, consistent with ORS 401.015.

(b) May require a geotechnical report and, if a report is required, shall provide for a coordinated review of the geotechnical report by the State Department of Geology and Mineral Industries or the State Forestry Department, as appropriate, before issuing a building permit for a site in a further review area.

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

(d) May deny a request to issue a building permit if a geotechnical report discloses that the entire parcel is subject to a rapidly moving landslide or that the subject lot or parcel does not contain sufficient buildable area that is not subject to a rapidly moving landslide.

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

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

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

(b) Record in the deed records for the county where the lot or parcel is located a nonrevocable deed restriction that the landowner signs and acknowledges, that contains a legal description complying with ORS 93.600 and that prohibits any present or future owner of the property from bringing any action against an adjacent landowner about the effects of rapidly moving landslides on or adjacent to the property.

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

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

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

4 (A) Identify and map further review areas selected in cooperation with local governments and  
 5 in coordination with the State Forestry Department, and provide technical assistance to local gov-  
 6 ernments to facilitate the use and application of this information pursuant to subsection (1)(b) of this  
 7 section; and

8 (B) Provide public education regarding landslide hazards.

9 (b) The State Forestry Department shall regulate forest operations to reduce the risk of serious  
 10 bodily injury or death from rapidly moving landslides directly related to forest operations, and assist  
 11 local governments in the siting review of permanent dwellings on and adjacent to forestlands in  
 12 further review areas pursuant to subsection (1)(b) of this section.

13 (c) The Land Conservation and Development Commission may take steps under its existing au-  
 14 thority to assist local governments to appropriately apply the requirements of subsection (1)(c) of  
 15 this section.

16 (d) The Department of Transportation shall provide warnings to motorists during periods deter-  
 17 mined to be of highest risk of rapidly moving landslides along areas on state highways with a history  
 18 of being most vulnerable to rapidly moving landslides.

19 (e) The [*Office of Emergency Management of the Department of State Police*] **Office of Homeland**  
 20 **Security and Emergency Management** shall coordinate state resources for rapid and effective  
 21 response to landslide-related emergencies.

22 (5) Notwithstanding any other provision of law, any state or local agency adopting rules related  
 23 to the risk of serious bodily injury or death from rapidly moving landslides shall do so only in con-  
 24 formance with the policies and provisions of ORS 195.250 to 195.260.

25 (6) No state or local agency may adopt or enact any rule or ordinance for the purpose of re-  
 26 ducing risk of serious bodily injury or death from rapidly moving landslides that limits the use of  
 27 land that is in addition to land identified as a further review area by the State Department of  
 28 Geology and Mineral Industries or the State Forestry Department pursuant to subsection (4) of this  
 29 section.

30 (7) Except as provided in ORS 527.710 or in Oregon’s ocean and coastal land use planning goals,  
 31 no state agency may adopt criteria regulating activities for the purpose of reducing risk of serious  
 32 bodily injury or death from rapidly moving landslides on lands subject to the provisions of ORS  
 33 195.250 to 195.260 that are more restrictive than the criteria adopted by a local government pursu-  
 34 ant to subsection (1)(c) of this section.

35 **SECTION 68.** ORS 286.760 is amended to read:

36 286.760. As used in ORS 286.760 to 286.772, unless the context requires otherwise:

37 (1) “Article XI-M bonds” means general obligation bonds or other general obligation indebt-  
 38 edness issued or incurred under the authority of Article XI-M of the Oregon Constitution.

39 (2) “Bond administration fund” means the Article XI-M Bond Administration Fund established  
 40 under ORS 286.766.

41 (3) “Bond fund” means the Article XI-M Bond Fund established under ORS 286.764.

42 (4) “Bond-related costs” means:

43 (a) The costs of paying the principal of, the interest on and the premium, if any, on Article XI-M  
 44 bonds;

45 (b) The costs and expenses of issuing, administering and maintaining Article XI-M bonds in-

1 cluding, but not limited to, redeeming Article XI-M bonds and paying amounts due in connection  
 2 with bond insurance, other credit enhancements or the administrative costs and expenses of the  
 3 State Treasurer and the Oregon Department of Administrative Services, including costs of consult-  
 4 ants or advisers retained by the State Treasurer or the department for the purpose of issuing, ad-  
 5 ministering or maintaining Article XI-M bonds;

6 (c) Capitalized interest on Article XI-M bonds;

7 (d) Costs of funding reserves for Article XI-M bonds, including costs of surety bonds and similar  
 8 instruments;

9 (e) Rebates or penalties due the United States Government in connection with Article XI-M  
 10 bonds; and

11 (f) Other costs or expenses that the Director of the Oregon Department of Administrative Ser-  
 12 vices determines are necessary or desirable in connection with issuing, administering or maintaining  
 13 Article XI-M bonds.

14 (5) "Seismic fund" means the Education Seismic Fund established under ORS 286.768.

15 (6) "State share of costs" means the total costs and related expenses of the seismic rehabili-  
 16 tation of public education buildings, minus contributions for seismic rehabilitation from the appli-  
 17 cants as required by the [*Office of Emergency Management*] **Office of Homeland Security and**  
 18 **Emergency Management**.

19 **SECTION 69.** ORS 286.762 is amended to read:

20 286.762. (1) Article XI-M bonds are a general obligation of the State of Oregon and must contain  
 21 a direct promise on behalf of the State of Oregon to pay the principal of, the interest on and the  
 22 premium, if any, on the Article XI-M bonds. The State of Oregon shall pledge its full faith and credit  
 23 and taxing power to pay Article XI-M bonds, except that the ad valorem taxing power of the State  
 24 of Oregon may not be pledged to pay Article XI-M bonds.

25 (2) The State Treasurer, with the concurrence of the Director of the Oregon Department of  
 26 Administrative Services, may issue Article XI-M bonds:

27 (a) Subject to the limit on bond issuance established for the particular biennium in ORS 286.505  
 28 to 286.545 and at the request of the Director of the [*Office of Emergency Management*] **Office of**  
 29 **Homeland Security and Emergency Management**, for the purpose of financing all or a portion  
 30 of the state share of costs to plan and implement seismic rehabilitation of public education buildings  
 31 in the amount of the state share of costs, plus an amount determined by the State Treasurer to pay  
 32 estimated bond-related costs.

33 (b) To refund Article XI-M bonds. The amount of Article XI-M bonds issued under this paragraph  
 34 may not exceed the estimated costs of paying, redeeming or defeasing the refunded bonds, plus an  
 35 amount determined by the State Treasurer to pay estimated bond-related costs.

36 (3) The State Treasurer shall transfer the net proceeds of Article XI-M bonds issued for the  
 37 purpose described in subsection (2)(a) of this section to the [*Office of Emergency Management*] **Office**  
 38 **of Homeland Security and Emergency Management** for deposit in the Education Seismic Fund  
 39 established under ORS 286.768.

40 **SECTION 70.** ORS 286.766 is amended to read:

41 286.766. (1) The Article XI-M Bond Administration Fund is established in the State Treasury,  
 42 separate and distinct from the General Fund. Amounts in the bond administration fund may be in-  
 43 vested as provided in ORS 293.701 to 293.820, and interest earned on the bond administration fund  
 44 must be credited to the bond administration fund. Amounts credited to the bond administration fund  
 45 are continuously appropriated to the Oregon Department of Administrative Services for payment of

1 bond-related costs. The department shall credit to the bond administration fund:

2 (a) Proceeds of Article XI-M bonds that were issued to pay bond-related costs;

3 (b) Amounts appropriated or otherwise provided by the Legislative Assembly for deposit in the  
4 bond administration fund; and

5 (c) Amounts transferred from the Education Seismic Fund by the [*Office of Emergency Manage-*  
6 *ment*] **Office of Homeland Security and Emergency Management** as provided in ORS 286.768.

7 (2) The department may create separate accounts in the bond administration fund.

8 **SECTION 71.** ORS 286.768 is amended to read:

9 286.768. (1) The Education Seismic Fund is established in the State Treasury, separate and dis-  
10 tinct from the General Fund. Amounts in the seismic fund may be invested as provided in ORS  
11 293.701 to 293.820, and interest earned on the seismic fund must be credited to the seismic fund.  
12 Amounts credited to the seismic fund are continuously appropriated to the [*Office of Emergency*  
13 *Management*] **Office of Homeland Security and Emergency Management** for the purpose de-  
14 scribed in ORS 286.762 (2)(a) and for the purpose of paying bond-related costs. The office shall de-  
15 posit in the seismic fund:

16 (a) The net proceeds of Article XI-M bonds transferred pursuant to ORS 286.762 (3);

17 (b) Amounts appropriated or otherwise provided by the Legislative Assembly for deposit in the  
18 seismic fund;

19 (c) Gifts, grants or contributions received by the office for the purpose described in ORS 286.762  
20 (2)(a); and

21 (d) Moneys received as repayment of, as a return on or in exchange for the grant or loan of net  
22 proceeds of Article XI-M bonds.

23 (2) The office may create separate accounts in the seismic fund as appropriate for the manage-  
24 ment of moneys in the seismic fund.

25 (3) The office and any other state agency or other entity receiving or holding net proceeds of  
26 Article XI-M bonds shall, at the direction of the Oregon Department of Administrative Services, take  
27 action necessary to maintain the excludability of interest on Article XI-M bonds from gross income  
28 under the Internal Revenue Code.

29 (4) The office shall transfer to the Article XI-M Bond Administration Fund the unexpended and  
30 uncommitted amounts remaining in the seismic fund if:

31 (a) Unexpended funds that are not contractually committed to a particular purpose remain in  
32 the seismic fund on the last day of the biennium; and

33 (b) Article XI-M bonds will be outstanding in the next biennium.

34 (5) The office may adopt rules to carry out this section including, but not limited to, establish-  
35 ing:

36 (a) Required contributions from applicants;

37 (b) Fees;

38 (c) Standards, terms and conditions under which moneys in the seismic fund may be granted,  
39 loaned or otherwise made available; and

40 (d) Procedures for distributing and monitoring the use of moneys from the seismic fund.

41 **SECTION 72.** ORS 286.780 is amended to read:

42 286.780. As used in ORS 286.780 to 286.792, unless the context requires otherwise:

43 (1) "Article XI-N bonds" means general obligation bonds or other general obligation indebt-  
44 edness issued or incurred under the authority of Article XI-N of the Oregon Constitution.

45 (2) "Bond administration fund" means the Article XI-N Bond Administration Fund established

1 under ORS 286.786.

2 (3) “Bond fund” means the Article XI-N Bond Fund established under ORS 286.784.

3 (4) “Bond-related costs” means:

4 (a) The costs of paying the principal of, the interest on and the premium, if any, on Article XI-N  
5 bonds;

6 (b) The costs and expenses of issuing, administering and maintaining Article XI-N bonds in-  
7 cluding, but not limited to, redeeming Article XI-N bonds and paying amounts due in connection  
8 with bond insurance, other credit enhancements or the administrative costs and expenses of the  
9 State Treasurer and the Oregon Department of Administrative Services, including costs of consult-  
10 ants or advisers retained by the State Treasurer or the department for the purpose of issuing, ad-  
11 ministering or maintaining Article XI-N bonds;

12 (c) Capitalized interest on Article XI-N bonds;

13 (d) Costs of funding reserves for Article XI-N bonds, including costs of surety bonds and similar  
14 instruments;

15 (e) Rebates or penalties due the United States Government in connection with Article XI-N  
16 bonds; and

17 (f) Other costs or expenses that the Director of the Oregon Department of Administrative Ser-  
18 vices determines are necessary or desirable in connection with issuing, administering or maintaining  
19 Article XI-N bonds.

20 (5) “Seismic fund” means the Emergency Services Seismic Fund established under ORS 286.788.

21 (6) “State share of costs” means the total costs and related expenses of the seismic rehabili-  
22 tation of emergency services buildings, minus contributions for seismic rehabilitation from the ap-  
23 plicants as required by the [*Office of Emergency Management*] **Office of Homeland Security and**  
24 **Emergency Management**.

25 **SECTION 73.** ORS 286.782 is amended to read:

26 286.782. (1) Article XI-N bonds are a general obligation of the State of Oregon and must contain  
27 a direct promise on behalf of the State of Oregon to pay the principal of, the interest on and the  
28 premium, if any, on the Article XI-N bonds. The State of Oregon shall pledge its full faith and credit  
29 and taxing power to pay Article XI-N bonds, except that the ad valorem taxing power of the State  
30 of Oregon may not be pledged to pay Article XI-N bonds.

31 (2) The State Treasurer, with the concurrence of the Director of the Oregon Department of  
32 Administrative Services, may issue Article XI-N bonds:

33 (a) Subject to the limit on bond issuance established for the particular biennium in ORS 286.505  
34 to 286.545 and at the request of the Director of the [*Office of Emergency Management*] **Office of**  
35 **Homeland Security and Emergency Management**, for the purpose of financing all or a portion  
36 of the state share of costs to plan and implement seismic rehabilitation of emergency services  
37 buildings in the amount of the state share of costs, plus an amount determined by the State Treas-  
38 urer to pay estimated bond-related costs.

39 (b) To refund Article XI-N bonds. The amount of Article XI-N bonds issued under this paragraph  
40 may not exceed the estimated costs of paying, redeeming or defeasing the refunded bonds, plus an  
41 amount determined by the State Treasurer to pay estimated bond-related costs.

42 (3) The State Treasurer shall transfer the net proceeds of Article XI-N bonds issued for the  
43 purpose described in subsection (2)(a) of this section to the [*Office of Emergency Management*] **Office**  
44 **of Homeland Security and Emergency Management** for deposit in the Emergency Services Seis-  
45 mic Fund established under ORS 286.788.



1        **SECTION 74.** ORS 286.786 is amended to read:

2        286.786. (1) The Article XI-N Bond Administration Fund is established in the State Treasury,  
3 separate and distinct from the General Fund. Amounts in the bond administration fund may be in-  
4 vested as provided in ORS 293.701 to 293.820, and interest earned on the bond administration fund  
5 must be credited to the bond administration fund. Amounts credited to the bond administration fund  
6 are continuously appropriated to the Oregon Department of Administrative Services for payment of  
7 bond-related costs. The department shall credit to the bond administration fund:

8        (a) Proceeds of Article XI-N bonds that were issued to pay bond-related costs;

9        (b) Amounts appropriated or otherwise provided by the Legislative Assembly for deposit in the  
10 bond administration fund; and

11        (c) Amounts transferred from the Emergency Services Seismic Fund by the [*Office of Emergency*  
12 *Management*] **Office of Homeland Security and Emergency Management** as provided in ORS  
13 286.788.

14        (2) The department may create separate accounts in the bond administration fund.

15        **SECTION 75.** ORS 286.788 is amended to read:

16        286.788. (1) The Emergency Services Seismic Fund is established in the State Treasury, separate  
17 and distinct from the General Fund. Amounts in the seismic fund may be invested as provided in  
18 ORS 293.701 to 293.820, and interest earned on the seismic fund must be credited to the seismic fund.  
19 Amounts credited to the seismic fund are continuously appropriated to the [*Office of Emergency*  
20 *Management*] **Office of Homeland Security and Emergency Management** for the purpose de-  
21 scribed in ORS 286.782 (2)(a) and for the purpose of paying bond-related costs. The office shall de-  
22 posit in the seismic fund:

23        (a) The net proceeds of Article XI-N bonds transferred pursuant to ORS 286.782 (3);

24        (b) Amounts appropriated or otherwise provided by the Legislative Assembly for deposit in the  
25 seismic fund;

26        (c) Gifts, grants or contributions received by the office for the purpose described in ORS 286.782  
27 (2)(a); and

28        (d) Moneys received as repayment of, as a return on or in exchange for the grant or loan of net  
29 proceeds of Article XI-N bonds.

30        (2) The office may create separate accounts in the seismic fund as appropriate for the manage-  
31 ment of moneys in the seismic fund.

32        (3) The office and any other state agency or other entity receiving or holding net proceeds of  
33 Article XI-N bonds shall, at the direction of the Oregon Department of Administrative Services, take  
34 action necessary to maintain the excludability of interest on Article XI-N bonds from gross income  
35 under the Internal Revenue Code.

36        (4) The office shall transfer to the Article XI-N Bond Administration Fund the unexpended and  
37 uncommitted amounts remaining in the seismic fund if:

38        (a) Unexpended funds that are not contractually committed to a particular purpose remain in  
39 the seismic fund on the last day of the biennium; and

40        (b) Article XI-N bonds will be outstanding in the next biennium.

41        (5) The office may adopt rules to carry out this section including, but not limited to, establish-  
42 ing:

43        (a) Required contributions from applicants;

44        (b) Fees;

45        (c) Standards, terms and conditions under which moneys in the seismic fund may be granted,

1 loaned or otherwise made available; and

2 (d) Procedures for distributing and monitoring the use of moneys from the seismic fund.

3 **SECTION 76.** ORS 453.342 is amended to read:

4 453.342. Any fire department, emergency service personnel or law enforcement agency respondi-  
5 ng to an incident of injury to a human, wildlife, domestic animal or property resulting from a haz-  
6 ardous substance emergency shall make a report of the incident, in writing, to the office of the State  
7 Fire Marshal. The State Fire Marshal annually shall summarize all incidents reported to the State  
8 Fire Marshal and the information received as a result of the survey conducted under ORS 453.317.  
9 The State Fire Marshal shall submit a copy of the summary to:

10 (1) The Governor;

11 (2) The Legislative Assembly;

12 (3) The Department of Environmental Quality;

13 (4) The Department of Consumer and Business Services;

14 (5) The Department of Transportation;

15 (6) The Department of Human Services;

16 (7) The Environmental Health Sciences Center at Oregon State University;

17 (8) The [*Office of Emergency Management of the Department of State Police*] **Office of Homeland**  
18 **Security and Emergency Management**; and

19 (9) Every public library as defined in ORS 357.400.

20 **SECTION 77.** Section 1, chapter 763, Oregon Laws 2005, is amended to read:

21 **Sec. 1.** (1) The State Department of Geology and Mineral Industries, in consultation with the  
22 Seismic Safety Policy Advisory Commission, the [*Office of Emergency Management*] **Office of**  
23 **Homeland Security and Emergency Management**, the Department of Human Services, the State  
24 Board of Education, the State Board of Higher Education and any grant committee established  
25 pursuant to a statewide grant program for seismic rehabilitation, shall develop a statewide seismic  
26 needs assessment that includes seismic safety surveys of:

27 (a) Buildings that have a capacity of 250 or more persons and are routinely used for student  
28 activities by kindergarten through grade 12 public schools, community colleges and education ser-  
29 vice districts;

30 (b) Hospital buildings that contain an acute inpatient care facility;

31 (c) Fire stations; and

32 (d) Police stations, sheriffs' offices and similar facilities used by state, county, district and mu-  
33 nicipal law enforcement agencies.

34 (2) The statewide seismic needs assessment shall consist of:

35 (a) Rapid visual screenings of the buildings specified in this section, conducted in accordance  
36 with the standards for rapid visual screening procedures established in "Rapid Visual Screening of  
37 Buildings for Potential Seismic Hazards: A Handbook," FEMA-154, 2002 Edition, or an equivalent  
38 standard adopted by the State Department of Geology and Mineral Industries;

39 (b) The ranking of the rapid visual screening results in risk categories based on need, impor-  
40 tance of the building to the community, risk to the building posed by its location, risk posed to the  
41 community by the collapse of the building during a seismic event, projected cost of the necessary  
42 seismic rehabilitation and other categories determined necessary by the State Department of  
43 Geology and Mineral Industries; and

44 (c) The development of geographic information system (GIS) databases of survey data and the  
45 sharing of that data with interested parties.

1 (3) The statewide seismic needs assessment may include:

2 (a) Rapid visual screenings conducted by entities or persons other than the State Department  
3 of Geology and Mineral Industries;

4 (b) Questionnaires or other information gathering techniques to supplement the rapid visual  
5 screening and aid in the ranking of rapid visual screening results in risk categories; and

6 (c) Training for persons interested in conducting rapid visual screenings.

7 **SECTION 78.** ORS 465.505 is amended to read:

8 465.505. (1) In addition to any other applicable federal or state law and regulation, the following  
9 waste minimization requirements shall apply to dry cleaning facilities:

10 (a) All wastes meeting the state and federal criteria for hazardous waste, excluding wastewater,  
11 generated at any dry cleaning facility and containing dry cleaning solvents, including residues and  
12 filters, shall be managed and disposed of, regardless of quantity generated, as hazardous wastes in  
13 accordance with federal and state laws otherwise applicable to management of hazardous wastes,  
14 except that, as to the cleanup of releases of dry cleaning solvents, ORS 465.503 shall apply rather  
15 than ORS 466.205;

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

19 (c) Dry cleaning operators shall manage solvent contaminated wastewater generated in the wa-  
20 ter separation process in accordance with rules adopted by the Environmental Quality Commission;

21 (d) A dry cleaning facility may not include operation of transfer-type dry cleaning equipment  
22 using perchloroethylene;

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

26 (f) All existing dry cleaning systems using perchloroethylene shall install refrigerated  
27 condensers, or an equivalent;

28 (g) Every dry cleaning facility shall install secondary containment systems capable of containing  
29 dry cleaning solvent under and around each machine or item of equipment in which any dry cleaning  
30 solvent is used, treated or stored; and

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

33 (2) The Department of Environmental Quality may authorize the use of alternative measures at  
34 a dry cleaning facility in lieu of one or more of the measures described under subsection (1) of this  
35 section upon proof satisfactory to the department that the alternative measures can provide equiv-  
36 alent protection for public health and the environment, can achieve equivalent waste minimization  
37 and are consistent with other applicable laws and regulations.

38 (3) Every dry cleaning and dry store operator shall provide annually to the department on forms  
39 to be supplied by the department, information regarding compliance with the waste minimization  
40 requirements set forth in subsection (1) of this section and any other information as the department  
41 considers necessary for carrying out the purposes of ORS 465.200 and 465.500 to 465.545.

42 (4) Notwithstanding any law to the contrary, a dry cleaning operator for a facility having a re-  
43 lease of dry cleaning solvents shall immediately report any release exceeding one pound to the no-  
44 tification system managed by the *[Office of Emergency Management]* **Office of Homeland Security**  
45 **and Emergency Management** pursuant to ORS 401.275.

1 (5) The Environmental Quality Commission shall adopt rules necessary to implement ORS  
2 465.200 and 465.500 to 465.545, including but not limited to rules implementing the recommendations  
3 of the advisory group established under ORS 465.507 or requiring the implementation of new waste  
4 minimization technologies.

5 **SECTION 79.** ORS 466.635 is amended to read:

6 466.635. Any person owning or having control over any oil or hazardous material who has  
7 knowledge of a spill or release shall immediately notify the [*Office of Emergency Management of the*  
8 *Department of State Police*] **Office of Homeland Security and Emergency Management** as soon  
9 as that person knows the spill or release is a reportable quantity.

10 **SECTION 80.** ORS 469.533 is amended to read:

11 469.533. Notwithstanding ORS chapter 401, the State Department of Energy in cooperation with  
12 the Department of Human Services and the [*Office of Emergency Management*] **Office of Homeland**  
13 **Security and Emergency Management** shall establish rules for the protection of health and pro-  
14 cedures for the evacuation of people and communities who would be affected by radiation in the  
15 event of an accident or a catastrophe in the operation of a nuclear power plant or nuclear instal-  
16 lation.

17 **SECTION 81.** ORS 824.088 is amended to read:

18 824.088. (1) Each railroad that gives notice to the United States Department of Transportation  
19 of an incident that occurs during the course of transporting hazardous materials as defined by fed-  
20 eral regulations shall also give notice of the incident to the Director of the [*Office of Emergency*  
21 *Management of the Department of State Police*] **Office of Homeland Security and Emergency**  
22 **Management**.

23 (2) As soon as reasonably practicable, each railroad shall notify the director [*of the Office of*  
24 *Emergency Management of the Department of State Police*] by telephone or similar means of commu-  
25 nication of any derailment or fire involving or affecting hazardous material.

26 (3) To facilitate expedited and accurate notice to the director under this section, each train  
27 transporting hazardous materials in this state shall be equipped with at least two radio  
28 transmitter-receivers in good working order. In addition, 18 months after October 4, 1977, trains  
29 over 2,000 feet in length that are transporting hazardous materials shall be equipped with a radio  
30 handset in good working order capable of communicating with the radio transmitter-receivers. If the  
31 equipment required under this section does not function while the train is en route, the train may  
32 proceed to the next point of crew change where the equipment shall be replaced or repaired.

33 **SECTION 82.** ORS 837.035 is amended to read:

34 837.035. All moneys received by the Oregon Department of Aviation for the registration of pilot  
35 licenses as prescribed in ORS 837.020 shall be paid by the department to the State Treasurer, who  
36 shall deposit it in the General Fund to a special account to be known as the Aviation Search and  
37 Rescue Account. The money in the account established under this section shall be used by the [*Of-*  
38 *fice of Emergency Management of the Department of State Police*] **Office of Homeland Security and**  
39 **Emergency Management** only for the following purposes or as otherwise provided by law:

40 (1) Such amount as may be necessary shall be used for the payment of all expenses incurred by  
41 the [*Office of Emergency Management*] **Office of Homeland Security and Emergency Management**  
42 in conducting activities authorized under ORS 401.555 to search for lost planes and lost persons, the  
43 rescue of lost persons, pilot survival education and training and all other expenses directly attrib-  
44 utable to the search and rescue program and for the payment of expenses of the Oregon Department  
45 of Aviation relating to the registration of pilot licenses. The Oregon Department of Administrative

1 Services, after approval of claims for the expenses referred to in this subsection, shall draw war-  
 2 rants on the State Treasurer for the payment thereof, payable out of the Aviation Search and Rescue  
 3 Account.

4 (2) The [*Office of Emergency Management*] **Office of Homeland Security and Emergency**  
 5 **Management** may use money from the Aviation Search and Rescue Account to provide insurance  
 6 to compensate any member of a volunteer air search and rescue organization for injuries or loss of  
 7 life sustained in the scope of performing air search and rescue operations while under the direction  
 8 of the office [*of Emergency Management*]. The insurance may be obtained from a public or private  
 9 insurer. The scope, coverage and benefits provided under the insurance shall not exceed those pro-  
 10 vided for persons under ORS chapter 656. If the insurance is provided, the coverage provided by the  
 11 insurance:

12 (a) Shall include all volunteer members accepted by the [*Office of Emergency Management*] **Of-**  
 13 **ice of Homeland Security and Emergency Management**.

14 (b) Regardless of negligence, is the exclusive remedy of a member of the [*Office of Emergency*  
 15 *Management*] **Office of Homeland Security and Emergency Management** air search and rescue  
 16 organization against the State of Oregon, the [*Office of Emergency Management*] **office** or any other  
 17 person acting under the authority or direction of the [*Office of Emergency Management*] **office** for  
 18 those injuries or losses resulting from the air search and rescue activities.

19 **SECTION 83. ORS 401.260 is repealed.**

20 **SECTION 84. This 2007 Act being necessary for the immediate preservation of the public**  
 21 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
 22 **on its passage.**

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