

Senate Bill 136

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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**.

Establishes Oregon Wireless Interoperability Network Department. Transfers State Interoperability Executive Council and duties, functions and powers related to council from Office of Emergency Management to department. Establishes executive committee of council to direct activities of department.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Oregon Wireless Interoperability Network; creating new provisions; amending ORS
3 401.871, 401.872 and 401.874; and declaring an emergency.

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

OREGON WIRELESS INTEROPERABILITY NETWORK DEPARTMENT

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9 **SECTION 1. (1) The Oregon Wireless Interoperability Network Department is established**
10 **to:**

11 **(a) Provide statewide wireless public safety communications services for the primary**
12 **benefit and use of state, local, tribal and federal public safety agencies; and**

13 **(b) Enhance the protection of Oregonians and their property by improving the interoper-**
14 **ability of wireless public safety communications.**

15 **(2) The department shall establish, operate and maintain the Oregon Wireless Interop-**
16 **erability Network developed pursuant to the Oregon Interoperable Communication Plan de-**
17 **scribed in ORS 401.872 and 401.874.**

18 **(3) The department consists of the State Interoperability Executive Council, the Execu-**
19 **tive Committee of the State Interoperability Executive Council, the Director of the Oregon**
20 **Wireless Interoperability Network Department and their subordinate officers and employees.**

TRANSFER OF STATE INTEROPERABILITY EXECUTIVE COUNCIL

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24 **SECTION 2. (1) The State Interoperability Executive Council established pursuant to ORS**
25 **401.871 is transferred from the Office of Emergency Management to the Oregon Wireless**
26 **Interoperability Network Department established under section 1 of this 2007 Act.**

27 **(2) Members serving on the council prior to the operative date of this section continue**
28 **in office. Notwithstanding the term of office specified in ORS 401.871 (2), on the operative**

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 **date of this section, the members serving are deemed to begin new terms of office as follows:**

2 (a) **Members serving under ORS 401.871 (1)(b)(A) to (C) and (c)(A) and (B) serve for four**
 3 **years.**

4 (b) **Members serving under ORS 401.871 (1)(b)(D) to (F) and (c)(C) and (D) serve for three**
 5 **years.**

6 (c) **Members serving under ORS 401.871 (1)(b)(G) to (I) and (c)(E) and (F) serve for two**
 7 **years.**

8 (d) **Members serving under ORS 401.871 (1)(a) and (b)(J) to (L) serve for one year.**

9 (3) **On the operative date of this section, the duties, functions and powers of the office**
 10 **with respect to the council are imposed upon, transferred to and vested in the department.**

11
 12 **EXECUTIVE COMMITTEE OF THE STATE**
 13 **INTEROPERABILITY EXECUTIVE COUNCIL**
 14

15 **SECTION 3. (1) There is established the Executive Committee of the State Interoperability**
 16 **Executive Council, consisting of the chairperson of the State Interoperability Executive**
 17 **Council and six additional members of the council selected, subject to subsection (2) of this**
 18 **section, as determined by rule of the council.**

19 (2) **Three members of the executive committee must be employed by or representatives**
 20 **of agencies of the State of Oregon. Four members of the executive committee must not be**
 21 **employed by or representatives of agencies of the State of Oregon.**

22 (3) **The council may provide by rule for representatives of the federal government to**
 23 **serve as nonvoting advisory members of the executive committee.**

24 (4) **The executive committee shall:**

25 (a) **Direct the performance of the functions of the Oregon Wireless Interoperability**
 26 **Network Department, the Director of the Oregon Wireless Interoperability Network De-**
 27 **partment and the director's staff under this section and sections 1, 4, 5 and 6 of this 2007**
 28 **Act and ORS 401.871, 401.872 and 401.874.**

29 (b) **Authorize and control access to the Oregon Wireless Interoperability Network.**

30 (c) **Establish fees for access to the Oregon Wireless Interoperability Network by various**
 31 **categories of users of or subscribers to the network. Fees must be based on a funding for-**
 32 **mula calculated to recover the costs of establishing, operating and maintaining the network.**

33 (d) **Oversee department budget requests to the Governor.**

34 (e) **Evaluate annually the performance of the director.**

35 (f) **In accordance with applicable provisions of ORS chapter 183, adopt rules that are**
 36 **necessary or appropriate for the performance of the duties imposed upon the executive**
 37 **committee and the department.**

38
 39 **DIRECTOR**
 40

41 **SECTION 4. (1) The Oregon Wireless Interoperability Network Department is under the**
 42 **supervision and control of a director, who is responsible to the Executive Committee of the**
 43 **State Interoperability Executive Council for the performance of the duties, functions and**
 44 **powers of the department.**

45 (2) **The Governor shall appoint the Director of the Oregon Wireless Interoperability**

1 Network Department from a list of three candidates recommended by the executive com-
 2 mittee, and the director holds office at the pleasure of the Governor.

3 (3) The director shall be paid a salary as provided by law or, if not so provided, as pre-
 4 scribed by the executive committee.

5 (4) For purposes of administration, subject to the approval of the executive committee,
 6 the director may:

7 (a) Establish one or more user service boards, in addition to the State Wireless
 8 Infrastructure Investment Group established in section 6 of this 2007 Act, consisting of rep-
 9 resentatives of state, local, tribal or federal agencies that provide infrastructure or repre-
 10 sentatives of subscribers to the Oregon Wireless Interoperability Network, for the purpose
 11 of advising the department on issues related to the network including, but not limited to,
 12 infrastructure planning, technical capabilities and new technology, service quality, rates for
 13 service and training;

14 (b) Organize and reorganize the department as the director considers necessary to
 15 properly conduct the work of the department; and

16 (c) Adopt temporary rules pursuant to ORS 183.335 (5).

17 (5) The director may divide the functions of the department among administrative divi-
 18 sions. Subject to the approval of the executive committee, the director may appoint an indi-
 19 vidual to administer each division. The administrator of each division serves at the pleasure
 20 of the director and is not subject to the provisions of ORS chapter 240. Each individual ap-
 21 pointed under this subsection must be well qualified by technical training and experience in
 22 the functions to be performed by the individual.

23
 24 **EMPLOYEES**

25
 26 **SECTION 5.** (1) The Director of the Oregon Wireless Interoperability Network Depart-
 27 ment shall, by written order filed with the Secretary of State, appoint a deputy director. The
 28 deputy director serves at the pleasure of the director, has authority to act for the director
 29 in the absence of the director and is subject to the control of the director at all times.

30 (2) Subject to the applicable provisions of ORS chapter 240, the director may appoint
 31 subordinate officers and employees of the department, prescribe their duties and fix their
 32 compensation.

33
 34 **OREGON WIRELESS INTEROPERABILITY**
 35 **NETWORK USER SERVICE BOARDS**

36
 37 **SECTION 6.** (1) The State Wireless Infrastructure Investment Group is established as a
 38 user service board in the Oregon Wireless Interoperability Network Department and consists
 39 of representatives of state agencies that own wireless public safety communications systems
 40 and representatives of other public safety agencies with interagency agreements authorizing
 41 use of state-owned wireless public safety communications systems.

42 (2) The infrastructure investment group:

43 (a) Shall advise the department on coordination and cooperation among state public
 44 safety agencies during the consolidation of state-owned wireless public safety communi-
 45 cations systems and during ongoing management of the Oregon Wireless Interoperability

1 Network to ensure service quality; and

2 (b) May advise the department on issues identified in section 4 (4)(a) of this 2007 Act.

3 (3) Representation on the infrastructure investment group does not prohibit a state
4 agency from having representation on other user service boards established pursuant to
5 section 4 of this 2007 Act.

6
7 **RECORDS, PROPERTY, EMPLOYEES**

8
9 **SECTION 7.** (1) The Director of the Office of Emergency Management shall:

10 (a) Deliver to the Director of the Oregon Wireless Interoperability Network Department
11 the records and property within the jurisdiction of the Director of the Office of Emergency
12 Management that relate to the State Interoperability Executive Council and the duties,
13 functions and powers transferred by section 2 of this 2007 Act; and

14 (b) Transfer to the Oregon Wireless Interoperability Network Department those em-
15 ployees engaged primarily in the exercise of the duties, functions and powers transferred by
16 section 2 of this 2007 Act.

17 (2) The Director of the Oregon Wireless Interoperability Network Department shall:

18 (a) Take possession of the records and property; and

19 (b) Take charge of the employees and employ them in the exercise of the duties, func-
20 tions and powers transferred by section 2 of this 2007 Act, without reduction of compensation
21 but subject to change or termination of employment or compensation as provided by law.

22 (3) The Governor shall resolve disputes between the Office of Emergency Management
23 and the Oregon Wireless Interoperability Network Department relating to transfers of re-
24 cords, property and employees under this section, and the Governor’s decision is final.

25
26 **UNEXPENDED REVENUES**

27
28 **SECTION 8.** (1) The unexpended balances of amounts authorized to be expended by the
29 Office of Emergency Management for the biennium beginning July 1, 2007, from revenues
30 dedicated, continuously appropriated, appropriated or otherwise made available for the pur-
31 pose of administering and enforcing the duties, functions and powers transferred by section
32 2 of this 2007 Act are transferred to and are available for expenditure by the Oregon Wireless
33 Interoperability Network Department for the biennium beginning July 1, 2007, for the pur-
34 pose of administering and enforcing the duties, functions and powers transferred by section
35 2 of this 2007 Act.

36 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
37 expenditures by the office remain applicable to expenditures by the department under this
38 section.

39
40 **ACTION, PROCEEDING, PROSECUTION**

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42 **SECTION 9.** The transfer of duties, functions and powers to the Oregon Wireless Inter-
43 operability Network Department by section 2 of this 2007 Act does not affect an action, pro-
44 ceeding or prosecution involving or with respect to the duties, functions and powers begun
45 before and pending at the time of the transfer, except that the department is substituted for

1 the Office of Emergency Management in the action, proceeding or prosecution.

2
3 **LIABILITY, DUTY, OBLIGATION**

4
5 **SECTION 10.** (1) Nothing in sections 1 to 9 of this 2007 Act relieves a person of a liability,
6 duty or obligation accruing under or with respect to the duties, functions and powers
7 transferred by section 2 of this 2007 Act. The Oregon Wireless Interoperability Network De-
8 partment may undertake the collection or enforcement of the liability, duty or obligation.

9 (2) The rights and obligations of the Office of Emergency Management relating to the
10 duties, functions and powers transferred by section 2 of this 2007 Act and legally incurred
11 under contracts, leases and business transactions executed, entered into or begun before the
12 operative date of section 2 of this 2007 Act are transferred to the department. For the pur-
13 pose of succession to these rights and obligations, the department is a continuation of the
14 office and not a new authority.

15
16 **RULES**

17
18 **SECTION 11.** Notwithstanding the transfer of duties, functions and powers by section 2
19 of this 2007 Act, the rules of the State Interoperability Executive Council in effect on the
20 operative date of section 2 of this 2007 Act continue in effect until superseded, amended or
21 repealed by new rules of the council. References in rules of the council to the Office of
22 Emergency Management or an officer or employee of the office are considered to be refer-
23 ences to the Oregon Wireless Interoperability Network Department or an officer or employee
24 of the department.

25
26 **NEW EXECUTIVE COMMITTEE AND DIRECTOR**

27
28 **SECTION 12.** (1) Before the operative date of section 1 of this 2007 Act:

29 (a) The State Interoperability Executive Council may adopt rules to establish the com-
30 position of the Executive Committee of the State Interoperability Executive Council and may
31 establish the executive committee.

32 (b) Notwithstanding the requirements for appointment under section 4 (2) of this 2007
33 Act, the Governor may appoint the first Director of the Oregon Wireless Interoperability
34 Network Department.

35 (2) The executive committee and the director may take action before the operative date
36 of section 1 of this 2007 Act that is necessary to enable the Oregon Wireless Interoperability
37 Network Department to exercise, on and after the operative date of section 1 of this 2007
38 Act, the duties, functions and powers of the department pursuant to sections 1 to 6 of this
39 2007 Act and ORS 401.871, 401.872 and 401.874.

40
41 **AGENCY NAME CHANGE**

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43 **SECTION 13.** For the purpose of harmonizing and clarifying statute sections published
44 in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the
45 “Office of Emergency Management” or its officers, where they occur in Oregon Revised

1 **Statutes and relate to a duty, function or power transferred pursuant to section 2 of this**
 2 **2007 Act, words designating the “Oregon Wireless Interoperability Network Department” or**
 3 **its officers.**

4 **SECTION 14.** ORS 401.871 is amended to read:

5 401.871. (1) The State Interoperability Executive Council is created within the [*Office of Emer-*
 6 *gency Management*] **Oregon Wireless Interoperability Network Department.** The membership of
 7 the council shall consist of:

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

9 (A) The President of the Senate shall appoint one member from the Senate with an interest in
 10 **wireless** public safety communications infrastructure; and

11 (B) The Speaker of the House of Representatives shall appoint one member from the House of
 12 Representatives with an interest in **wireless** public safety [*and wireless*] communications
 13 infrastructure.

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

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

16 (B) One member from the Office of Emergency Management;

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

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

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

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

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

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

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

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

25 (K) One member from a nonprofit professional organization devoted to the enhancement of
 26 **wireless** public safety communications systems; and

27 (L) One member from the public.

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

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

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

32 (C) One member from the Oregon State Sheriffs’ Association;

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

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

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

36 **(2) Members of the council shall select a chairperson from among the members appointed**
 37 **pursuant to subsection (1)(b) and (c) of this section.**

38 **(3) The term of office of each member is four years, but a member serves at the pleasure**
 39 **of the member’s appointing authority. Before the expiration of the term of a member, the**
 40 **member’s appointing authority shall appoint a successor. A member is eligible for reap-**
 41 **pointment. If there is a vacancy for any cause, the member’s appointing authority shall**
 42 **make an appointment to become immediately effective for the unexpired term.**

43 [(2)] **(4)** Each agency or organization identified in subsection (1)(b)(A) to (I) and (1)(c) of this
 44 section shall recommend a person from the agency or organization for membership on the council.

45 [(3)] **(5)** Members of the council are not entitled to compensation, but in the discretion of the

1 Director of the [*Office of Emergency Management*] **Oregon Wireless Interoperability Network**
 2 **Department** may be reimbursed from funds available to the [*Office of Emergency Management*] **de-**
 3 **partment** for actual and necessary travel and other expenses incurred by them in the performance
 4 of their official duties in the manner and amount provided in ORS 292.495.

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

7 **SECTION 15.** 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
 21 **wireless** public safety [*radio*] **communications** system to improve emergency response and day-to-
 22 day public safety operations; and

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

25 (3) Approve[, *subject to approval by the Director of the Office of Emergency Management,*] invest-
 26 ments by the State of Oregon in **wireless** public safety communications 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 16.** ORS 401.874 is amended to read:

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

40 [(2)] State agencies that own or operate **wireless** public safety communications systems shall
 41 coordinate their efforts and investments to achieve the statewide interoperability goal set by the
 42 **State Interoperability Executive** Council and implement the Oregon Interoperable Communication
 43 Plan [*approved by the director*].
 44
 45

UNIT CAPTIONS

1 **SECTION 17.** The unit captions used in this 2007 Act are provided only for the conven-
2 ience of the reader and do not become part of the statutory law of this state or express any
3 legislative intent in the enactment of this 2007 Act.

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MISCELLANEOUS

7 **SECTION 18.** Whenever, in an uncodified law or a resolution of the Legislative Assembly
8 or in a rule, document, record or proceeding authorized by the Legislative Assembly, a ref-
9 erence that relates to a duty, function or power transferred pursuant to section 2 of this 2007
10 Act is made to the Office of Emergency Management or an officer or employee of the office,
11 the reference is considered to be a reference to the Oregon Wireless Interoperability Net-
12 work Department or an officer or employee of the department.

13 **SECTION 19.** Except as otherwise specifically provided in section 12 of this 2007 Act,
14 sections 1 to 11 of this 2007 Act and the amendments to ORS 401.871, 401.872 and 401.874 by
15 sections 14 to 16 of this 2007 Act become operative on January 1, 2008.

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

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