

Senate Bill 813

Sponsored by COMMITTEE ON VETERANS AND 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**.

Transfers responsibility for seismic rehabilitation grant program from Director of Office of Emergency Management to Oregon Department of Administrative Services.
Becomes operative on January 1, 2014.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public safety improvements to public buildings; creating new provisions; amending ORS
3 401.092 and 401.910; and declaring an emergency.

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

SEISMIC REHABILITATION

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8 **SECTION 1.** ORS 401.910 is amended to read:

9 401.910. (1) [*The Director of the Office of Emergency Management, pursuant to the authority to*
10 *administer grant programs for seismic rehabilitation provided in ORS 401.092,*] **The Oregon De-**
11 **partment of Administrative Services** shall develop a grant program for the disbursement of funds
12 for the seismic rehabilitation of critical public buildings, including hospital buildings with acute in-
13 patient care facilities, fire stations, police stations, sheriffs' offices, other facilities used by state,
14 county, district or municipal law enforcement agencies and buildings with a capacity of 250 or more
15 persons that are routinely used for student activities by kindergarten through grade 12 public
16 schools, community colleges, education service districts and institutions of higher education. The
17 funds for the seismic rehabilitation of critical public buildings under the grant program are to be
18 provided from the issuance of bonds pursuant to the authority provided in Articles XI-M and XI-N
19 of the Oregon Constitution.

20 (2) The grant program shall include the appointment of a grant committee. The grant committee
21 may be composed of any number of persons with qualifications that the [*director*] **department** de-
22 termines necessary. However, the [*director*] **department** shall include persons with experience in
23 administering state grant programs and representatives of entities with responsibility over critical
24 public buildings. The [*director*] **department** shall also include as permanent members represen-
25 tatives of:

- 26 (a) The Department of Human Services;
27 (b) The State Department of Geology and Mineral Industries;
28 (c) The Seismic Safety Policy Advisory Commission;
29 (d) The [*Oregon Department of Administrative Services*] **Office of Emergency Management**;
30 (e) The Department of Education;

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 (f) The Oregon Health Authority;
- 2 (g) The Oregon Fire Chiefs Association;
- 3 (h) The Oregon Association Chiefs of Police; and
- 4 (i) The Oregon Association of Hospitals and Health Systems.

5 (3) The [*director*] **department** shall determine the form and method of applying for grants from
6 the grant program, the eligibility requirements for grant applicants, and general terms and condi-
7 tions of the grants. The [*director*] **department** shall also provide that the grant committee review
8 grant applications and make a determination of funding based on a scoring system that is directly
9 related to the statewide needs assessment performed by the State Department of Geology and Min-
10 eral Industries. Additionally, the grant process may:

11 (a) Require that the grant applicant provide matching funds for completion of any seismic re-
12 habilitation project.

13 (b) Provide authority to the grant committee to waive requirements of the grant program based
14 on special circumstances such as proximity to fault hazards, community value of the structure,
15 emergency functions provided by the structure and storage of hazardous materials.

16 (c) Allow an applicant to appeal any determination of grant funding to the [*director*] **depart-**
17 **ment** for reevaluation.

18 (d) Provide that applicants release the state, the [*director*] **department** and the grant committee
19 from any claims of liability for providing funding for seismic rehabilitation.

20 (e) Provide separate rules for funding rehabilitation of structural and nonstructural building el-
21 ements.

22 (4) Subject to the grant rules established by the [*director*] **department** and subject to reevalu-
23 ation by the [*director*] **department**, the grant committee has the responsibility to review and make
24 determinations on grant applications under the grant program established pursuant to this section.

25 **SECTION 2.** ORS 401.092 is amended to read:

26 401.092. (1) The Director of the Office of Emergency Management is responsible for coordinating
27 and facilitating exercises and training, emergency planning, preparedness, response, mitigation and
28 recovery activities with the state and local emergency services agencies and organizations, and
29 shall, with the approval of the Adjutant General or as directed by the Governor:

30 (a) Make rules that are necessary and proper for the administration and implementation of this
31 chapter;

32 (b) Coordinate the activities of all public and private organizations specifically related to pro-
33 viding emergency services within this state;

34 (c) Maintain a cooperative liaison with emergency management agencies and organizations of
35 local governments, other states and the federal government;

36 (d) Have such additional authority, duties and responsibilities authorized by this chapter or as
37 may be directed by the Governor;

38 (e) Administer grants relating to emergency program management under ORS 401.305, [*seismic*
39 *rehabilitation,*] emergency services for the state and the statewide 2-1-1 system as provided in ORS
40 403.430;

41 (f) Provide for and staff a State Emergency Operations Center to aid the Governor and the Of-
42 fice of Emergency Management in the performance of duties under this chapter;

43 (g) Serve as the Governor's authorized representative for coordination of certain response ac-
44 tivities and managing the recovery process;

45 (h) Establish training and professional standards for local emergency program management per-

1 sonnel;

2 (i) Establish task forces and advisory groups to assist the office in achieving mandated respon-
3 sibilities;

4 (j) Enforce compliance requirements of federal and state agencies for receiving funds and con-
5 ducting designated emergency functions;

6 (k) Oversee the design, implementation and support of a statewide 2-1-1 system as provided un-
7 der ORS 403.415; and

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

11 (2) Notwithstanding subsection (1) of this section, the State Forester shall serve as the
12 Governor's authorized representative for the purpose of initiating the fire management assistance
13 declaration process with the Federal Emergency Management Agency and administering Federal
14 Emergency Management Agency fire management assistance grants.

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16 **TRANSFER**

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18 **SECTION 3. The duties, functions and powers of the Director of the Office of Emergency**
19 **Management relating to seismic rehabilitation of critical public buildings under the grant**
20 **program described in ORS 401.910 are imposed upon, transferred to and vested in the Oregon**
21 **Department of Administrative Services.**

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23 **RECORDS, PROPERTY, EMPLOYEES**

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25 **SECTION 4. (1) The Director of the Office of Emergency Management shall:**

26 (a) **Deliver to the Oregon Department of Administrative Services all records and property**
27 **within the jurisdiction of the director that relate to the duties, functions and powers trans-**
28 **ferred by section 3 of this 2013 Act; and**

29 (b) **Transfer to the Oregon Department of Administrative Services those employees en-**
30 **gaged primarily in the exercise of the duties, functions and powers transferred by section 3**
31 **of this 2013 Act.**

32 (2) **The Director of the Oregon Department of Administrative Services shall take pos-**
33 **session of the records and property, and shall take charge of the employees and employ them**
34 **in the exercise of the duties, functions and powers transferred by section 3 of this 2013 Act,**
35 **without reduction of compensation but subject to change or termination of employment or**
36 **compensation as provided by law.**

37 (3) **The Governor shall resolve any dispute between the Director of the Office of Emer-**
38 **gency Management and the Oregon Department of Administrative Services relating to**
39 **transfers of records, property or employees under this section, and the Governor's decision**
40 **is final.**

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42 **UNEXPENDED REVENUES**

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44 **SECTION 5. (1) The unexpended balances of amounts authorized to be expended by the**
45 **Director of the Office of Emergency Management for the biennium beginning July 1, 2013,**

1 from revenues dedicated, continuously appropriated, appropriated or otherwise made avail-
 2 able for the purpose of administering and enforcing the duties, functions and powers trans-
 3 ferred by section 3 of this 2013 Act are transferred to and are available for expenditure by
 4 the Oregon Department of Administrative Services for the biennium beginning July 1, 2013,
 5 for the purpose of administering and enforcing the duties, functions and powers transferred
 6 by section 3 of this 2013 Act.

7 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
 8 expenditures by the director remain applicable to expenditures by the department under this
 9 section.

10 ACTION, PROCEEDING, PROSECUTION

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 13 **SECTION 6.** The transfer of duties, functions and powers to the Oregon Department of
 14 Administrative Services by section 3 of this 2013 Act does not affect any action, proceeding
 15 or prosecution involving or with respect to such duties, functions and powers begun before
 16 and pending at the time of the transfer, except that the department is substituted for the
 17 Director of the Office of Emergency Management in the action, proceeding or prosecution.
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19 LIABILITY, DUTY, OBLIGATION

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 21 **SECTION 7.** (1) Nothing in sections 3 to 9 of this 2013 Act and the amendments to ORS
 22 401.092 and 401.910 by sections 1 and 2 of this 2013 Act relieves a person of a liability, duty
 23 or obligation accruing under or with respect to the duties, functions and powers transferred
 24 by section 3 of this 2013 Act. The Oregon Department of Administrative Services may
 25 undertake the collection or enforcement of any such liability, duty or obligation.

26 (2) The rights and obligations of the Director of the Office of Emergency Management
 27 legally incurred under contracts, leases and business transactions executed, entered into or
 28 begun before the operative date of section 3 of this 2013 Act accruing under or with respect
 29 to the duties, functions and powers transferred by section 3 of this 2013 Act are transferred
 30 to the department. For the purpose of succession to these rights and obligations, the de-
 31 partment is a continuation of the director and not a new authority.
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33 RULES

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 35 **SECTION 8.** Notwithstanding the transfer of duties, functions and powers by section 3
 36 of this 2013 Act, the rules of the Director of the Office of Emergency Management with re-
 37 spect to such duties, functions or powers that are in effect on the operative date of section
 38 3 of this 2013 Act continue in effect until superseded or repealed by rules of the Oregon De-
 39 partment of Administrative Services. References in such rules of the director to the director
 40 or the office or to an officer or employee of the office are considered to be references to the
 41 department or to an officer or employee of the department.

42 **SECTION 9.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 43 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
 44 the context of the duties, functions and powers transferred by section 3 of this 2013 Act,
 45 reference is made to the Director of the Office of Emergency Management, to the office or

1 to an officer or employee of the office, whose duties, functions or powers are transferred by
2 section 3 of this 2013 Act, the reference is considered to be a reference to the Oregon De-
3 partment of Administrative Services or to an officer or employee of the department who by
4 this 2013 Act is charged with carrying out such duties, functions and powers.

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6 **OPERATIVE DATE**

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8 **SECTION 10.** Sections 3 to 9 of this 2013 Act and the amendments to ORS 401.092 and
9 401.910 by sections 1 and 2 of this 2013 Act become operative on January 1, 2014.

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11 **UNIT CAPTIONS**

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13 **SECTION 11.** The unit captions used in this 2013 Act are provided only for the conven-
14 ience of the reader and do not become part of the statutory law of this state or express any
15 legislative intent in the enactment of this 2013 Act.

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17 **EMERGENCY CLAUSE**

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19 **SECTION 12.** This 2013 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
21 on its passage.

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