

A-Engrossed Senate Bill 94

Ordered by the Senate April 28
Including Senate Amendments dated April 28

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim 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.

Directs Land Conservation and Development Commission to require local governments in which there are communities at substantial risk of experiencing severe impact from tsunami inundation to plan for tsunami resilience.

Directs Oregon Homeland Security Council to identify certain energy infrastructure vulnerabilities, determine capacity of necessary emergency generators and make recommendations for emergency response.

Directs Office of Emergency Management to enter into price agreement for heavy-lift helicopter when necessary. Permits office, on behalf of local government, to enter into contract with contractor for services.

Permits state agencies with emergency preparedness responsibilities and local governments to establish public-private partnerships to evaluate, plan and finance projects that evaluate fuel storage and transfer facilities. Authorizes local government to issue revenue bonds and make loans to finance costs associated with projects.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to seismic resilience planning; and declaring an emergency.

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

4 **SECTION 1. (1) Taking into consideration tsunami inundation maps produced by the**
5 **State Department of Geology and Mineral Industries, the Land Conservation and Develop-**
6 **ment Commission shall adopt provisions by goal or rule that require a local government in**
7 **which there are communities at substantial risk of experiencing severe impacts from a**
8 **tsunami to plan and zone to minimize the impacts of tsunami inundation and to implement**
9 **best practices to achieve improved tsunami resilience.**

10 **(2) The Oregon Homeland Security Council shall identify the vulnerabilities of the critical**
11 **energy infrastructure hub on the lower Willamette River to a Cascadia magnitude nine**
12 **earthquake and a resulting tsunami.**

13 **(3) The council shall determine the appropriate capacity of necessary emergency gener-**
14 **ators, recommend the necessary emergency generators to be installed at liquid fuel storage**
15 **and transfer facilities and make any other recommendations necessary to ensure a reliable**
16 **fuel supply for emergency response in this state following a Cascadia earthquake.**

17 **SECTION 2. (1)(a) In preparation for an emergency as defined in ORS 401.025 that is re-**
18 **lated to a seismic event, the Office of Emergency Management shall advertise for, solicit and**
19 **receive bids or proposals for and enter into a price agreement as provided in ORS 279B.140**

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 with a contractor that can provide, when needed, a helicopter that is capable of lifting heavy
2 loads. The office shall enter into the price agreement for the longest term to which the
3 contractor agrees and may renew the price agreement under the existing terms and condi-
4 tions without a further competitive process if the office believes the public interest so re-
5 quires.

6 (b) The office may prequalify prospective bidders or proposers under ORS 279B.120 on the
7 basis of the bidders' or proposers' available equipment, training, expertise and capabilities
8 and on the basis of the types of services the office expects to require.

9 (2)(a) A local contracting agency, as defined in ORS 279A.010, may procure services under
10 the price agreement into which the office enters under subsection (1) of this section by
11 conducting a cooperative procurement with the office under ORS 279A.200 to 279A.225.

12 (b) A local government may request through an intergovernmental agreement under ORS
13 chapter 190 that the office, on the local government's behalf, enter into a contract for ser-
14 vices with a contractor with which the office has a price agreement under subsection (1)(a)
15 of this section and that the office has prequalified under subsection (1)(b) of this section.
16 If a local government makes a request under this paragraph, the local government in the
17 intergovernmental agreement shall agree to reimburse the office for all expenditures that
18 the office makes under the terms of the contract for services.

19 (c) The office, in response to a request from a local government, may conduct an emer-
20 gency procurement in accordance with ORS 279B.080 and under the terms and conditions of
21 a price agreement into which the office enters under subsection (1) of this section if the local
22 contracting agency agrees to reimburse the office for all expenditures the office makes in
23 connection with the emergency procurement.

24 (3) The Office of Emergency Management shall adopt rules to implement the provisions
25 of this section.

26 **SECTION 3.** (1) State agencies with emergency preparedness responsibilities and local
27 governments may establish public-private partnerships to evaluate options, plan and finance
28 projects that evaluate the diversification of liquid fuel storage and transfer facility locations
29 and identify alternative liquid fuel corridors.

30 (2) A local government may issue revenue bonds pursuant to ORS 287A.150 to finance the
31 costs associated with the projects listed in subsection (1) of this section.

32 (3) The Oregon Homeland Security Council may impose requirements to ensure that fi-
33 nancing methods are consistent with the projects listed in subsection (1) of this section.

34 (4) A local government may make loans to private entities financed with the net proceeds
35 and interest earnings of revenue bonds authorized by subsection (2) of this section.

36 **SECTION 4.** (1) Sections 1, 2 and 3 of this 2015 Act become operative January 1, 2016.

37 (2) The Director of the Office of Emergency Management and the Land Conservation and
38 Development Commission may adopt rules and take any other action before the operative
39 date specified in subsection (1) of this section that is necessary to enable the director or the
40 commission, on and after the operative date specified in subsection (1) of this section, to
41 exercise the duties, functions and powers conferred on the director or the commission by
42 sections 1 and 2 of this 2015 Act.

43 **SECTION 5.** This 2015 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
45 on its passage.

