

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2131

By JOINT COMMITTEE ON WAYS AND MEANS

June 29

- 1 On page 1 of the printed A-engrossed bill, line 2, after “453.392,” insert “453.825,”.
- 2 On page 2, line 20, restore “the office of”.
- 3 Delete lines 23 through 43.
- 4 In line 44, restore “(2)” and delete “(3)” and restore “office of the”.
- 5 On page 3, line 7, restore the bracketed material and delete the boldfaced material.
- 6 Delete lines 22 and 23 and insert:
- 7 **“SECTION 2. Section 3 of this 2017 Act is added to and made a part of ORS 453.307 to**
- 8 **453.414.”.**
- 9 In line 41, before “State” insert “office of the”.
- 10 In line 44, before “State” insert “office of the”.
- 11 On page 4, delete lines 6 through 22 and insert:
- 12 “(5) The office of the State Fire Marshal shall make the information received from applicable
- 13 rail carriers under this section available to the Department of Environmental Quality for the pur-
- 14 poses of the department’s administration of those provisions of ORS 468B.300 to 468B.500 that apply
- 15 to high hazard train routes.
- 16 “(6) All information provided to the office of the State Fire Marshal by an applicable rail carrier
- 17 under this section, including any information constituting security sensitive information provided for
- 18 under 49 U.S.C. 11904(b), 49 C.F.R. 15 and 49 C.F.R. 1520 and information otherwise protected under
- 19 federal law, is confidential, is exempt from disclosure under the public records law (ORS 192.410 to
- 20 192.505) and may not be disclosed to any person or entity not specified in this section. No subpoena
- 21 or judicial order may be issued compelling the disclosure of information provided to the office of the
- 22 State Fire Marshal by an applicable rail carrier under this section, except when relevant to a pro-
- 23 ceeding where compliance by an applicable rail carrier with this section is to be adjudicated.
- 24 **“NOTE:** Section 4 was deleted by amendment. Subsequent sections were not renumbered.”.
- 25 On page 6, line 4, delete “Ethanol, biodiesel and”.
- 26 On page 8, line 3, before “State” insert “office of the”.
- 27 Delete lines 35 through 41 and insert:
- 28 “(8)(a) Upon receipt of a contingency plan for a high hazard train route, the department shall
- 29 provide a copy of the contingency plan for review to:
- 30 “(A) The State Department of Fish and Wildlife, the office of the State Fire Marshal, the De-
- 31 partment of Land Conservation and Development, the Department of Transportation and the Office
- 32 of Emergency Management;
- 33 “(B) State and local emergency responders;
- 34 “(C) Local governments having jurisdiction over lands that abut or are traveled over by the high
- 35 hazard train route for which the contingency plan is prepared; and

1 “(D) Any federally recognized Oregon Indian tribes owning property that abuts or is traveled
2 over by the high hazard train route for which the contingency plan is prepared.

3 “(b) Persons and entities that receive copies of a contingency plan under this subsection shall
4 review the plan according to procedures and time limits established by rule by the commission.

5 “(9)(a) Except as provided in paragraph (b) of this subsection, a contingency plan submitted to
6 the Department of Environmental Quality under this section is confidential, is exempt from disclo-
7 sure under the public records law (ORS 192.410 to 192.505) and may not be disclosed to any person
8 or entity not specified in subsection (8) of this section. No subpoena or judicial order may be issued
9 compelling the disclosure of a contingency plan, except when relevant to a proceeding where com-
10 pliance by an owner or operator of a high hazard train route with this section is to be adjudicated.

11 “(b) Specific information contained in a contingency plan may be disclosed by the Department
12 of Environmental Quality or a person or entity specified in subsection (8) of this section if such
13 disclosure is necessary to carry out the duties of the department, person or entity under a state or
14 federal law, except that nothing in this subsection may be construed to:

15 “(A) Authorize the disclosure by any person or entity of information in the contingency plan
16 that constitutes security sensitive information provided for under 49 U.S.C. 11904(b), 49 C.F.R. 15
17 and 49 C.F.R. 1520 or information otherwise protected under federal law; or

18 “(B) Modify the applicability of any other exemption to the public records law (ORS 192.410 to
19 192.505) that may apply to information contained in a contingency plan.”.

20 In line 42, delete “(9)” and insert “(10)”.

21 On page 15, delete lines 3 through 15 and insert:

22
23 **“DEPARTMENT OF TRANSPORTATION PLAN FOR REGULATING**
24 **TRANSPORT OF HAZARDOUS SUBSTANCES AND RADIOACTIVE WASTE**

25
26 **“SECTION 19.** ORS 453.825 is amended to read:

27 “453.825. (1) The Department of Transportation shall coordinate development of a single plan
28 and procedure for the regulation of the transportation of hazardous material and waste and radio-
29 active material and waste in Oregon.

30 “(2) In developing the plan under subsection (1) of this section, the Department of Transporta-
31 tion shall cooperate with the office of the State Fire Marshal **and the Department of Environ-**
32 **mental Quality.**

33 “(3) As used in this section, ‘hazardous waste’ has the meaning given that term in ORS 466.005.
34

35 **“MISCELLANEOUS**

36
37 **“SECTION 20.** (1) **Sections 2, 3, 7 to 9, 16 and 17 of this 2017 Act and the amendments to**
38 **statutes by sections 1, 5, 6, 10 to 15, 18 and 19 of this 2017 Act become operative on January**
39 **1, 2018.**

40 **“(2) The State Fire Marshal, the office of the State Fire Marshal, the Environmental**
41 **Quality Commission and the Department of Environmental Quality may take any action be-**
42 **fore the operative date specified in subsection (1) of this section that is necessary for the**
43 **State Fire Marshal, the office of the State Fire Marshal, the commission or the department**
44 **to exercise, on and after the operative date specified in subsection (1) of this section, any**
45 **of the duties, functions and powers conferred on the State Fire Marshal, the office of the**

1 State Fire Marshal, the commission and the department by sections 2, 3, 7 to 9, 16 and 17
2 of this 2017 Act and the amendments to statutes by sections 1, 5, 6, 10 to 15, 18 and 19 of this
3 2017 Act.

4 “SECTION 21. Notwithstanding any other law limiting expenditures, the amount of
5 \$600,000 is established for the biennium beginning July 1, 2017, as the maximum limit for
6 payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,
7 but excluding lottery funds and federal funds, collected or received by the Department of
8 Environmental Quality, for implementing sections 8, 9 and 17 of this 2017 Act and the
9 amendments to statutes by sections 5, 6, 10 to 15, 18 and 19 of this 2017 Act.

10 “SECTION 22. Notwithstanding any other provision of law, the General Fund appropri-
11 ation made to the Department of State Police by section 1 (4), chapter ____, Oregon Laws
12 2017 (Enrolled House Bill 5031), for the biennium beginning July 1, 2017, is increased by
13 \$318,044 for a full-time training specialist for hazardous material emergency response.”.

14 In line 16, delete “20” and insert “23”.

15 In line 19, delete “21” and insert “24”.

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