

A-Engrossed
Senate Bill 1518

Ordered by the Senate February 15
Including Senate Amendments dated February 15

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.

Authorizes cemetery authority to move, temporarily store or reinter human remains dislodged from original cemetery plot by natural disaster or other similar emergency.

Adds Department of Justice to Oregon Homeland Security Council membership.

Directs office of State Fire Marshal to include training in plan for coordinated response to oil or hazardous material spills or releases that occur during rail transport.

Directs Office of Emergency Management to submit quarterly report on progress in preparing for natural disasters and similar emergencies to interim committees of Legislative Assembly related to emergency preparedness.

Directs Office of Emergency Management to collaborate with marine and railroad operators to determine operators' roles in responding to natural disaster or catastrophic emergency event and to report, not later than March 31, 2019, on progress of integrating operators into state planning.

Directs Office of Emergency Management to collaborate with other state agencies to review federal, California and Washington programs related to oil spill prevention, preparedness and response and to submit recommendations for legislation to interim committees of Legislative Assembly related to emergency planning not later than September 15, 2018.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to emergency planning; creating new provisions; amending ORS 97.220, 401.109, 432.158 and
3 453.392; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS 97.110 to 97.450.**

6 **SECTION 2. (1) In the event of a natural disaster or other similar emergency that causes**
7 **interred human remains to be completely or partially removed from their original designated**
8 **plot, the cemetery authority of the cemetery where the plot is located may, as the cemetery**
9 **authority deems fit:**

10 (a) **Inter the human remains in the original designated plot;**

11 (b) **Temporarily store the human remains in a safe storage location until the cemetery**
12 **authority can inter the human remains; or**

13 (c) **Inter the human remains in another plot in the cemetery.**

14 (2) **The cemetery authority shall, before performing an act specified in subsection (1)(b)**
15 **or (c) of section, make a reasonable attempt to identify the human remains and notify the**
16 **person listed in ORS 97.130 (2) who has authority to direct disposition of the remains of the**
17 **deceased person.**

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 **(3) A cemetery authority that performs an act specified in subsection (2) of this section**
2 **may not be held liable for performing that act.**

3 **SECTION 3.** ORS 97.220 is amended to read:

4 97.220. (1) **Except as provided in section 2 of this 2018 Act**, the remains of a deceased person
5 interred in a plot in a cemetery may be removed from the plot with the consent of the cemetery
6 authority and written consent of:

7 (a) The person under ORS 97.130 (2)(a), (b) or (c) who has the authority to direct disposition of
8 the remains of the deceased person; or

9 (b) If the remains are cremated remains, the person who had possession of the cremated remains
10 and authorized the interment of the cremated remains.

11 (2) If the consent of a person described in subsection (1) of this section or of the cemetery au-
12 thority cannot be obtained, permission by the county court of the county where the cemetery is
13 situated is sufficient. Notice of application to the court for such permission must be given at least
14 60 days prior thereto, personally or by mail, to the cemetery authority, to the person not consenting
15 and to every other person or authority on whom service of notice is required by the county court.

16 (3) If the payment for the purchase of an interment space is past due for a period of 90 days or
17 more, this section does not apply to or prohibit the removal of any remains from one plot to another
18 in the same cemetery or the removal of remains by the cemetery authority from a plot to some other
19 suitable place.

20 (4) This section does not apply to the disinterment of remains upon order of court or if ordered
21 under the provisions of ORS 146.045 (3)(e).

22 **SECTION 4.** ORS 432.158 is amended to read:

23 432.158. (1) Human remains shall be disposed of in accordance with ORS chapter 97.

24 (2) The funeral service practitioner or person acting as a funeral service practitioner who first
25 assumes possession of a dead body or fetus shall submit written notice to the county registrar in the
26 county in which death occurred or in which the dead body or fetus was found within 24 hours of
27 taking possession of the dead body or fetus. The notice must be on a form prescribed and furnished
28 by the State Registrar of the Center for Health Statistics.

29 (3) Before the final disposition of a dead body, the funeral service practitioner or person acting
30 as a funeral service practitioner who first assumes custody of the dead body shall obtain written
31 authorization, on a form prescribed and furnished by the state registrar, for final disposition of the
32 dead body from the medical certifier or medical examiner who certifies the cause of death as de-
33 scribed in ORS 432.133. If the funeral service practitioner or person acting as a funeral service
34 practitioner is unable to obtain written authorization before the final disposition of the dead body,
35 the funeral service practitioner or person acting as a funeral service practitioner may authorize,
36 with the oral consent of the medical certifier or medical examiner who is responsible for certifying
37 the cause of death, the final disposition of the dead body on a form prescribed and furnished by the
38 state registrar.

39 (4) Upon request of a parent or the parent's authorized representative, a disposition permit may
40 be issued for a fetus that is not reportable as a fetal death.

41 (5) A permit authorizing final disposition issued under the law of another state that accompanies
42 human remains brought into this state shall have the same force and effect as a permit authorizing
43 final disposition issued by the state registrar.

44 (6) A person in charge of a place where interment or other disposition of human remains is made
45 may not inter or allow interment or other disposition of human remains unless the human remains

1 are accompanied by a permit authorizing disposition.

2 (7) A person in charge of a place where interment or other disposition of human remains is made
3 shall indicate on the permit authorizing disposition the date of disposition and return the completed
4 permit to the county registrar of the county where death occurred. If there is no such person, the
5 funeral service practitioner or person acting as the funeral service practitioner shall complete the
6 permit and return it to the county registrar of the county where death occurred.

7 (8) **Except as provided in section 2 of this 2018 Act**, disinterment of human remains requires
8 authorization for disinterment and reinterment. The state registrar may issue authorization for
9 disinterment and reinterment to a funeral service practitioner or person acting as a funeral service
10 practitioner upon application, as required by the state registrar by rule.

11 (9) Prior to removing a dead body or fetus from this state under ORS 692.270, a funeral service
12 practitioner or a person acting as a funeral service practitioner shall submit a written notice of
13 removal to the country registrar in the county in which death occurred or in which the dead body
14 or fetus was found. The notice shall be on a form prescribed and furnished by the state registrar.
15 A copy of a written notice of removal serves as a permit for transporting the remains of a decedent
16 named on the notice.

17 **SECTION 5.** ORS 401.109 is amended to read:

18 401.109. (1) The Oregon Homeland Security Council is created within the Office of Emergency
19 Management. The council shall:

20 (a) Receive briefings on security matters:

21 (A) For which the office is responsible at least annually from state agencies and organizations
22 as determined by the council; and

23 (B) Relating to catastrophic disasters declared by the Governor pursuant to [*section 1,*] Article
24 X-A, **section 1**, of the Oregon Constitution, or states of emergency declared by the Governor pur-
25 suant to ORS 401.165.

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

28 (2) The membership of the council consists of:

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

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

31 (B) Two members from the House of Representatives appointed by the Speaker of the House of
32 Representatives;

33 (b) The Governor;

34 (c) The Adjutant General;

35 (d) The Superintendent of State Police; [*and*]

36 (e) The Director of the Office of Emergency Management; **and**

37 **(f) The Department of Justice.**

38 (3) Each member appointed to the council under subsection (2)(a) of this section serves at the
39 pleasure of the appointing authority. The membership of a public official ceases upon termination
40 of the office held by the official at the time of appointment to the council.

41 (4) The Governor is the chairperson of the council.

42 (5) The Adjutant General is the vice chairperson of the council and serves as the chairperson
43 in the absence of the Governor.

44 (6) Members of the council are not entitled to compensation under ORS 292.495. The director,
45 in the director's discretion, may reimburse members of the council as provided in ORS 292.495 for

1 actual and necessary travel or other expenses incurred in the performance of their duties as mem-
2 bers of the council.

3 **SECTION 6.** ORS 453.392 is amended to read:

4 453.392. (1) As part of the plan for the effective implementation of a statewide hazardous mate-
5 rial emergency response system established by rule under ORS 453.374, the State Fire Marshal shall
6 adopt by rule a plan for the coordinated response to oil or hazardous material spills or releases that
7 occur during rail transport. The plan adopted under this subsection:

8 (a) Shall address, with a specific focus on oil or hazardous material spills or releases that occur
9 during rail transport, all required provisions under ORS 453.374;

10 (b) May include requirements and incentives for local governments and other responders to
11 participate in ongoing training programs;

12 (c) Shall provide a system for identifying where hazardous material response [*materials*] **re-**
13 **sources** owned by railroads are located throughout this state and how access to those [*materials*]
14 **resources** is to be coordinated; [*and*]

15 (d) **Shall include annual statewide training exercises and tabletop exercises that include**
16 **the Department of Environmental Quality, the Department of Transportation, the Office of**
17 **Emergency Management, state and local responders, federally recognized Indian tribes in**
18 **this state and railroads that operate in this state;**

19 (e) **Shall plan, prepare and conduct a biennial full-scale, multiagency, multijurisdictional**
20 **and multidisciplinary oil or hazardous material spill or release training exercise that:**

21 (A) **Involves training for all manner of personnel necessary to a coordinated response to**
22 **an oil or hazardous material spill or release;**

23 (B) **Is intended to examine or validate the planning, coordination and command and**
24 **control decisions that may be made in the event of an oil or hazardous material spill or re-**
25 **lease and to also examine or validate response-specific capabilities or functions; and**

26 (C) **Involves training that covers the entire sequence of events that take place during an**
27 **oil or hazardous material spill or release incident that occurs during rail transport; and**

28 [*d*] (f) [*May*] **Shall** include any other information deemed necessary by the office of the State
29 Fire Marshal to provide coordinated response to oil or hazardous material spills or releases that
30 occur during rail transport.

31 (2) The office of the State Fire Marshal shall annually coordinate with local governments, other
32 state agencies involved in hazardous material emergency response, other responders and represen-
33 tatives of the railroad industry to prepare a report on the coordinated response plan adopted under
34 this section and shall:

35 (a) Make the report available as an appendix to the Office of Emergency Management's oil and
36 hazardous material response emergency operations plan developed pursuant to ORS 401.092; and

37 (b) No later than February 1 of each year, submit the report to the Legislative Assembly in the
38 manner provided in ORS 192.245.

39 (3) The report required by subsection (2) of this section shall include, but need not be limited
40 to, the following in relation to oil and hazardous material emergency response for rail transport:

41 (a) An inventory of all emergency response resources available in this state, including informa-
42 tion on:

43 (A) The location of, and the means of access to, the resources;

44 (B) Whether the resources are publicly or privately maintained; and

45 (C) Additional resources that are needed to provide for adequate response;

1 (b) Suggested changes to the structure for the continued coordination between state agencies
2 and industry;

3 (c) Possible revisions to the response roles or responsibilities of state agencies, local govern-
4 ments and railroads; and

5 (d) Strategies for ensuring adequate funding at the state and local government levels to cover
6 the training, equipment and administrative costs associated with providing comprehensive response
7 and equipment.

8 **SECTION 7. (1) The Office of Emergency Management shall prepare a quarterly report**
9 **on the office's progress in advancing statewide plans and preparedness for natural disasters**
10 **and similar emergencies, and in addressing any errors or inconsistencies in the handling of**
11 **emergency grant moneys by the office.**

12 (2) Once each quarter, the office shall submit in the manner provided in ORS 192.245 the
13 report on the previous quarter to the interim committees of the Legislative Assembly related
14 to emergency preparedness.

15 **SECTION 8. (1) The Office of Emergency Management shall meet and collaborate with**
16 **marine and railroad operators that operate in Oregon and transport hazardous material, as**
17 **defined in ORS 466.605, to determine the role of those operators during a natural disaster**
18 **or catastrophic emergency event.**

19 (2) The office shall:

20 (a) Meet with the operators described in this section at least biannually; and

21 (b) Not later than March 31, 2019, submit a report, in the manner provided in ORS
22 192.245, on the progress of integrating the operators described in this section into state plans
23 to respond to a Cascadia subduction zone event.

24 (3) The office may adopt rules to carry out the requirements of this section.

25 **SECTION 9. (1) The Office of Emergency Management shall collaborate with the De-**
26 **partment of Environmental Quality, the Department of Transportation, the State Fire Mar-**
27 **shal, railroad operators that operate in Oregon and transport oil, as defined in ORS 468B.300,**
28 **and any other relevant state agencies to review the programs established by the States of**
29 **California and Washington, and the federal Pipeline and Hazardous Materials Safety Admin-**
30 **istration, related to oil spill prevention, preparedness and response.**

31 (2) Not later than September 15, 2018, the office shall submit a report of its findings, in
32 the manner provided in ORS 192.245, to the interim committees of the Legislative Assembly
33 related to emergency planning and shall include in the report recommendations for legis-
34 lation.

35 **SECTION 10. Section 7 of this 2018 Act is repealed on the date of the convening of the**
36 **2019 regular session of the Legislative Assembly as specified in ORS 171.010.**

37 **SECTION 11. Section 8 of this 2018 Act is repealed on January 2, 2020.**

38 **SECTION 12. Section 9 of this 2018 Act is repealed on January 2, 2019.**

39 **SECTION 13. (1) The amendments to ORS 453.392 by section 6 of this 2018 Act become**
40 **operative on January 1, 2019.**

41 (2) The Office of Emergency Management may take any action before the operative date
42 specified in subsection (1) of this section that is necessary for the Office of Emergency
43 Management to exercise, on and after the operative date specified in subsection (1) of this
44 section, any of the duties, functions and powers conferred on the Office of Emergency Man-
45 agement by the amendments to ORS 453.392 by section 6 of this 2018 Act.

