A BILL FOR AN ACT
Relating to emergency planning; creating new provisions; amending ORS 97.220, 401.109, 432.158 and 453.392; and prescribing an effective date.

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

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

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

(a) Inter the human remains in the original designated plot;
(b) Temporarily store the human remains in a safe storage location until the cemetery authority can inter the human remains; or
(c) Inter the human remains in another plot in the cemetery.

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

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

SECTION 3. ORS 97.220 is amended to read:

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

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

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

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

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

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

SECTION 4. ORS 432.158 is amended to read:

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

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

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

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

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

(6) A person in charge of a place where interment or other disposition of human remains is made may not inter or allow interment or other disposition of human remains unless the human remains
are accompanied by a permit authorizing disposition.

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

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

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

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

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

(a) Receive briefings on security matters:

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

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

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

(2) The membership of the council consists of:

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

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

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

(b) The Governor;

(c) The Adjutant General;

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

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

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

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

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

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

(6) Members of the council are not entitled to compensation under ORS 292.495. The director, in the director’s discretion, may reimburse members of the council as provided in ORS 292.495 for
actual and necessary travel or other expenses incurred in the performance of their duties as members of the council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) An inventory of all emergency response resources available in this state, including information on:

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

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

(C) Additional resources that are needed to provide for adequate response;
(b) Suggested changes to the structure for the continued coordination between state agencies and industry;

(c) Possible revisions to the response roles or responsibilities of state agencies, local governments and railroads; and

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

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

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

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

(2) The office shall:

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

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

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

SECTION 9. (1) The Office of Emergency Management shall collaborate with the Department of Environmental Quality, the Department of Transportation, the State Fire Marshal, railroad operators that operate in Oregon and transport oil, as defined in ORS 468B.300, and any other relevant state agencies to review the programs established by the States of California and Washington, and the federal Pipeline and Hazardous Materials Safety Administration, related to oil spill prevention, preparedness and response.

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

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

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

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


(2) The Office of Emergency Management may take any action before the operative date specified in subsection (1) of this section that is necessary for the Office of Emergency Management to exercise, on and after the operative date specified in subsection (1) of this section, any of the duties, functions and powers conferred on the Office of Emergency Management by the amendments to ORS 453.392 by section 6 of this 2018 Act.
SECTION 14. This 2018 Act takes effect on the 91st day after the date on which the 2018 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.