

SB 1518-11  
(LC 179)  
2/13/18 (SCT/ps)

Requested by SENATE COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS

**PROPOSED AMENDMENTS TO  
SENATE BILL 1518**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest  
2 of the line and insert “amending ORS 97.220, 401.109, 432.158 and 453.392; and  
3 prescribing an effective date.”.

4 On page 3, after line 2, insert:

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

6 “401.109. (1) The Oregon Homeland Security Council is created within the  
7 Office of Emergency Management. The council shall:

8 “(a) Receive briefings on security matters:

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

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

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

17 “(2) The membership of the council consists of:

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

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

21 “(B) Two members from the House of Representatives appointed by the

1 Speaker of the House of Representatives;

2 “(b) The Governor;

3 “(c) The Adjutant General;

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

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

6 **“(f) The Department of Justice.**

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

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

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

14 “(6) Members of the council are not entitled to compensation under ORS  
15 292.495. The director, in the director’s discretion, may reimburse members  
16 of the council as provided in ORS 292.495 for actual and necessary travel or  
17 other expenses incurred in the performance of their duties as members of the  
18 council.

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

20 “453.392. (1) As part of the plan for the effective implementation of a  
21 statewide hazardous material emergency response system established by rule  
22 under ORS 453.374, the State Fire Marshal shall adopt by rule a plan for the  
23 coordinated response to oil or hazardous material spills or releases that oc-  
24 cur during rail transport. The plan adopted under this subsection:

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

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

30 “(c) Shall provide a system for identifying where hazardous material re-

1 sponse [*materials*] **resources** owned by railroads are located throughout this  
2 state and how access to those [*materials*] **resources** is to be coordinated;  
3 [*and*]

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

9 “(e) **Shall plan, prepare and conduct a biennial full-scale, multia-**  
10 **gency, multijurisdictional and multidisciplinary oil or hazardous ma-**  
11 **terial spill or release training exercise that:**

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

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

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

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

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

29 “(a) **Make the report available as an appendix to the Office of Emergency**  
30 **Management’s oil and hazardous material response emergency operations**

1 plan developed pursuant to ORS 401.092; and

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

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

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

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

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

11 “(C) Additional resources that are needed to provide for adequate re-  
12 sponse;

13 “(b) Suggested changes to the structure for the continued coordination  
14 between state agencies and industry;

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

17 “(d) Strategies for ensuring adequate funding at the state and local gov-  
18 ernment levels to cover the training, equipment and administrative costs  
19 associated with providing comprehensive response and equipment.

20 **“SECTION 7. (1) The Office of Emergency Management shall pre-  
21 pare a quarterly report on the office’s progress in advancing statewide  
22 plans and preparedness for natural disasters and similar emergencies,  
23 and in addressing any errors or inconsistencies in the handling of  
24 emergency grant moneys by the office.**

25 **“(2) Once each quarter, the office shall submit in the manner pro-  
26 vided in ORS 192.245 the report on the previous quarter to the interim  
27 committees of the Legislative Assembly related to emergency  
28 preparedness.**

29 **“SECTION 8. (1) The Office of Emergency Management shall meet  
30 and collaborate with marine and railroad operators that operate in**

1 Oregon and transport hazardous material, as defined in ORS 466.605,  
2 to determine the role of those operators during a natural disaster or  
3 catastrophic emergency event.

4 “(2) The office shall:

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

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

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

13 **“SECTION 9. (1) The Office of Emergency Management shall col-**  
14 **laborate with the Department of Environmental Quality, the Depart-**  
15 **ment of Transportation, the State Fire Marshal, railroad operators**  
16 **that operate in Oregon and transport oil, as defined in ORS 468B.300,**  
17 **and any other relevant state agencies to review the programs estab-**  
18 **lished by the States of California and Washington, and the federal**  
19 **Pipeline and Hazardous Materials Safety Administration, related to oil**  
20 **spill prevention, preparedness and response.**

21 “(2) Not later than September 15, 2018, the office shall submit a re-  
22 port of its findings, in the manner provided in ORS 192.245, to the in-  
23 terim committees of the Legislative Assembly related to emergency  
24 planning and shall include in the report recommendations for legis-  
25 lation.

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

29 **“SECTION 11. Section 8 of this 2018 Act is repealed on January 2,**  
30 **2020.**

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

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

5       **“(2) The Office of Emergency Management may take any action**  
6       **before the operative date specified in subsection (1) of this section that**  
7       **is necessary for the Office of Emergency Management to exercise, on**  
8       **and after the operative date specified in subsection (1) of this section,**  
9       **any of the duties, functions and powers conferred on the Office of**  
10       **Emergency Management by the amendments to ORS 453.392 by section**  
11       **6 of this 2018 Act.**

12       **SECTION 14. This 2018 Act takes effect on the 91st day after the**  
13       **date on which the 2018 regular session of the Seventy-ninth Legislative**  
14       **Assembly adjourns sine die.”.**

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