

# House Bill 2730

Sponsored by Representative EVANS

## 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 **as introduced**.

Renames Office of Emergency Management as Oregon Department of Emergency Management. Establishes department as state agency independent from Oregon Military Department.

Provides that Director of Oregon Department of Emergency Management is appointed by Governor. Provides that current Director of Office of Emergency Management serves as initial director of department.

Becomes operative on July 1, 2020.

## A BILL FOR AN ACT

Relating to the Office of Emergency Management; creating new provisions; and amending ORS 401.052, 401.054, 401.062, 401.072, 401.076, 401.082, 401.088, 401.092, 401.165, 401.534 and 401.536.

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

### RENAMING AND REORGANIZATION OF OFFICE OF EMERGENCY MANAGEMENT

**SECTION 1.** (1) The amendments to ORS 401.052, 401.054, 401.062, 401.072, 401.076, 401.082, 401.088 and 401.092 by sections 2 to 9 of this 2019 Act are intended to change the name of the "Office of Emergency Management" to the "Oregon Department of Emergency Management" and to establish that entity as a state agency independent from the Oregon Military Department.

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Office of Emergency Management," wherever they occur in statutory law, other words designating the "Oregon Department of Emergency Management."

**SECTION 2.** ORS 401.052 is amended to read:

401.052. (1) The [*Office*] **Oregon Department** of Emergency Management is established [*in the Oregon Military Department*].

(2) The [*office*] **department** shall be responsible for:

(a) Coordinating and facilitating private sector and governmental efforts to prevent, prepare for, respond to and recover from emergencies; and

(b) Coordinating exercises and training, planning, preparedness, response, mitigation and recovery activities with state and local emergency services agencies and organizations.

(3) The [*office*] **department** shall prepare a statewide emergency management plan and update the plan from time to time as necessary.

**SECTION 3.** ORS 401.054 is amended to read:

401.054. (1) Each of the following agencies, entities and officials shall designate an individual to act as a liaison with the [*Office*] **Oregon Department** of Emergency Management:

**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 (a) The Department of Consumer and Business Services;
- 2 (b) The Department of Corrections;
- 3 (c) The Department of Education;
- 4 (d) The Department of Environmental Quality;
- 5 (e) The Department of Human Services;
- 6 (f) The Department of Justice;
- 7 (g) The Department of Land Conservation and Development;
- 8 (h) The Department of Public Safety Standards and Training;
- 9 (i) The Department of State Lands;
- 10 (j) The Department of State Police;
- 11 (k) The Department of Transportation;
- 12 (L) The Department of Veterans' Affairs;
- 13 (m) The Employment Department;
- 14 (n) The Housing and Community Services Department;
- 15 (o) The Judicial Department;
- 16 (p) The Oregon Business Development Department;
- 17 (q) The Oregon Department of Administrative Services;
- 18 (r) The Oregon Department of Aviation;
- 19 (s) The Oregon Health Authority;
- 20 (t) The Oregon Military Department;
- 21 (u) The Oregon Tourism Commission;
- 22 (v) The Public Utility Commission of Oregon;
- 23 (w) The Secretary of State;
- 24 (x) The State Department of Agriculture;
- 25 (y) The State Department of Energy;
- 26 (z) The State Department of Fish and Wildlife;
- 27 (aa) The State Department of Geology and Mineral Industries;
- 28 (bb) The State Fire Marshal;
- 29 (cc) The State Forestry Department;
- 30 (dd) The State Marine Board;
- 31 (ee) The State Parks and Recreation Department;
- 32 (ff) The Travel Information Council; and
- 33 (gg) The Water Resources Department.

34 (2) Each agency, entity and official required to designate a liaison under this section shall des-  
35 ignate an individual who has authority during an emergency to allocate resources and assets of the  
36 agency, entity or official.

37 (3) Each individual designated as a liaison under subsection (1) of this section shall assist in the  
38 coordination of the functions of the agency, entity or official that designated the individual that  
39 relate to emergency preparedness and response with similar functions of the [Office] **Oregon De-**  
40 **partment** of Emergency Management.

41 **SECTION 4.** ORS 401.062 is amended to read:

42 401.062. (1) The [Office] **Oregon Department** of Emergency Management is under the super-  
43 vision and control of a director, who is responsible for the performance of the duties, functions and  
44 powers of the [office] **department**.

45 (2) The [Adjutant General, with the approval of the Governor,] **Governor** shall appoint the Di-

1 rector of the [Office] **Oregon Department** of Emergency Management, who holds office at the  
2 pleasure of the [Adjutant General] **Governor**.

3 (3) The director shall be paid a salary as provided by law or, if not so provided, as prescribed  
4 by [the Adjutant General, with the approval of] the Governor.

5 (4) For purposes of administration, subject to the approval of the [Adjutant General] **Governor**,  
6 the director may organize and reorganize the [office] **department** as the director considers neces-  
7 sary to properly conduct the work of the [office] **department**.

8 (5) The director may divide the functions of the [office] **department** into administrative divi-  
9 sions. Subject to the approval of the [Adjutant General] **Governor**, the director may appoint an in-  
10 dividual to administer each division. The administrator of each division serves at the pleasure of the  
11 director and is not subject to the provisions of ORS chapter 240. Each individual appointed under  
12 this subsection must be well qualified by technical training and experience in the functions to be  
13 performed by the individual.

14 (6) **The appointment of the director is subject to confirmation by the Senate in the**  
15 **manner prescribed by ORS 171.562 and 171.565.**

16 **SECTION 5.** ORS 401.072 is amended to read:

17 401.072. (1) The Director of the [Office] **Oregon Department** of Emergency Management may,  
18 by written order filed with the Secretary of State, appoint a deputy director. The deputy director  
19 serves at the pleasure of the director, has authority to act for the director in the absence of the  
20 director and is subject to the control of the director at all times.

21 (2) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all sub-  
22 ordinate officers and employees of the [Office] **Oregon Department** of Emergency Management,  
23 prescribe their duties and fix their compensation.

24 **SECTION 6.** ORS 401.076 is amended to read:

25 401.076. In accordance with applicable provisions of ORS chapter 183, the Director of the  
26 [Office] **Oregon Department** of Emergency Management may adopt rules necessary for the admin-  
27 istration of the laws that the [Office] **Oregon Department** of Emergency Management is charged  
28 with administering.

29 **SECTION 7.** ORS 401.082 is amended to read:

30 401.082. (1) To aid and advise the Director of the [Office] **Oregon Department** of Emergency  
31 Management in the performance of the functions of the [Office] **Oregon Department** of Emergency  
32 Management, the director may establish such advisory and technical committees as the director  
33 considers necessary. The committees may be continuing or temporary. The director shall determine  
34 the representation, membership, terms and organization of the committees and shall appoint their  
35 members. The director is an ex officio member of each committee.

36 (2) Members of the committees are not entitled to compensation, but in the discretion of the  
37 director may be reimbursed from funds available to the [office] **department** for actual and necessary  
38 travel and other expenses incurred by them in the performance of their official duties in the manner  
39 and amount provided in ORS 292.495.

40 **SECTION 8.** ORS 401.088 is amended to read:

41 401.088. The Director of the [Office] **Oregon Department** of Emergency Management may enter  
42 into interagency agreements with other state agencies that the director determines are necessary  
43 to carry out the duties of the [Office] **Oregon Department** of Emergency Management.

44 **SECTION 9.** ORS 401.092 is amended to read:

45 401.092. (1) The Director of the [Office] **Oregon Department** of Emergency Management is re-

1 sponsible for coordinating and facilitating exercises and training, emergency planning, preparedness,  
 2 response, mitigation and recovery activities with the state and local emergency services agencies  
 3 and organizations, and shall[, *with the approval of the Adjutant General or as directed by the Gover-*  
 4 *nor*]:

5 (a) Make rules that are necessary and proper for the administration and implementation of this  
 6 chapter;

7 (b) Coordinate the activities of all public and private organizations specifically related to pro-  
 8 viding emergency services within this state;

9 (c) Maintain a cooperative liaison with emergency management agencies and organizations of  
 10 local governments, other states and the federal government;

11 (d) Have such additional authority, duties and responsibilities authorized by this chapter or as  
 12 may be directed by the Governor;

13 (e) Administer grants relating to emergency program management under ORS 401.305, emer-  
 14 gency services for the state and the statewide 2-1-1 system as provided in ORS 403.430;

15 (f) Provide for and staff a State Emergency Operations Center to aid the Governor and the  
 16 [Office] **Oregon Department** of Emergency Management in the performance of duties under this  
 17 chapter;

18 (g) Serve as the Governor’s authorized representative for coordination of certain response ac-  
 19 tivities and managing the recovery process;

20 (h) Establish training and professional standards for local emergency program management per-  
 21 sonnel;

22 (i) Establish task forces and advisory groups to assist the [office] **department** in achieving  
 23 mandated responsibilities;

24 (j) Enforce compliance requirements of federal and state agencies for receiving funds and con-  
 25 ducting designated emergency functions;

26 (k) Oversee the design, implementation and support of a statewide 2-1-1 system as provided un-  
 27 der ORS 403.415; and

28 (L) Coordinate the activities of state and local governments to enable state and local govern-  
 29 ments to work together during domestic incidents as provided in the National Incident Management  
 30 System established by the Homeland Security Presidential Directive 5 of February 28, 2003.

31 (2) Notwithstanding subsection (1) of this section, the State Forester shall serve as the  
 32 Governor’s authorized representative for the purpose of initiating the fire management assistance  
 33 declaration process with the Federal Emergency Management Agency and administering Federal  
 34 Emergency Management Agency fire management assistance grants.

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 36 **FINANCE**

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 38 **SECTION 10. (1) The unexpended balances of amounts authorized to be expended by the**  
 39 **Oregon Military Department for purposes of the Office of Emergency Management for the**  
 40 **biennium beginning July 1, 2019, from revenues dedicated, continuously appropriated, appro-**  
 41 **priated or otherwise made available to the department, are transferred to and are available**  
 42 **for expenditure by the Oregon Department of Emergency Management for the biennium be-**  
 43 **ginning July 1, 2019.**

44 **(2) The expenditure classifications, if any, established by Acts authorizing or limiting**  
 45 **expenditures by the Office of Emergency Management remain applicable to expenditures by**

1 the Oregon Department of Emergency Management under this section.

2  
3 ACTION, PROCEEDING, PROSECUTION  
4

5 SECTION 11. The amendments to ORS 401.052, 401.054, 401.062, 401.072, 401.076, 401.082,  
6 401.088 and 401.092 by sections 2 to 9 of this 2019 Act do not affect any action, proceeding or  
7 prosecution involving or with respect to any duties, functions and powers of the Office of  
8 Emergency Management begun before and pending as of the operative date specified in sec-  
9 tion 19 of this 2019 Act, except that the Oregon Department of Emergency Management is  
10 substituted for the Office of Emergency Management in any such action, proceeding or  
11 prosecution.

12  
13 LIABILITY, DUTY, OBLIGATION  
14

15 SECTION 12. (1) Nothing in the amendments to ORS 401.052, 401.054, 401.062, 401.072,  
16 401.076, 401.082, 401.088 and 401.092 by sections 2 to 9 of this 2019 Act relieves a person of a  
17 liability, duty or obligation accruing under or with respect to the duties, functions and pow-  
18 ers conferred by those statutes prior to the operative date specified in section 19 of this 2019  
19 Act. The Oregon Department of Emergency Management may undertake the collection or  
20 enforcement of any such liability, duty or obligation.

21 (2) The rights and obligations of the Office of Emergency Management legally incurred  
22 under contracts, leases and business transactions executed, entered into or begun before the  
23 operative date specified in section 19 of this 2019 Act are transferred to the Oregon Depart-  
24 ment of Emergency Management. For the purpose of succession to these rights and obli-  
25 gations, the Oregon Department of Emergency Management is a continuation of the Office  
26 of Emergency Management and not a new authority.

27  
28 RULES, REFERENCES  
29

30 SECTION 13. The rules of the Office of Emergency Management in effect on the opera-  
31 tive date specified in section 19 of this 2019 Act continue in effect until superseded or re-  
32 pealed by rules of the Oregon Department of Emergency Management. References in rules  
33 of the Office of Emergency Management to the Office of Emergency Management or an of-  
34 ficer or employee of the Office of Emergency Management are considered to be references  
35 to the Oregon Department of Emergency Management or an officer or employee of the  
36 Oregon Department of Emergency Management.

37 SECTION 14. Whenever, in any statutory law or resolution of the Legislative Assembly  
38 or in any rule, document, record or proceeding authorized by the Legislative Assembly, ref-  
39 erence is made to the Office of Emergency Management or an officer or employee of the  
40 Office of Emergency Management, the reference is considered to be a reference to the  
41 Oregon Department of Emergency Management or an officer or employee of the Oregon  
42 Department of Emergency Management.

43  
44 INITIAL DIRECTOR  
45



1 recovery efforts related to federally declared disasters in this state; and

2 (b) Implement long-term hazard mitigation measures after a federally declared disaster in this  
3 state during the period of immediate recovery from the disaster.

4 (2) The Oregon Disaster Response Fund may receive gifts, grants, bequests, endowments and  
5 donations from public and private sources for purposes related to the fund.

6 (3) The [*Office of Emergency Management of the Oregon Military Department*] **department** shall  
7 adopt rules for the disbursement of moneys from the Oregon Disaster Response Fund.

8 (4) If there are expenditures from the Oregon Disaster Response Fund, the [*Adjutant General of*  
9 *the Oregon Military Department*] **Director of the Oregon Department of Emergency Manage-**  
10 **ment** shall report to the Emergency Board, or to the Legislative Assembly if it is in session, on:

11 (a) The nature and severity of the disaster;

12 (b) The actual and projected deposits into the fund;

13 (c) The sources of actual and projected expenditures from the fund;

14 (d) The nature of in-kind donations received; and

15 (e) The rationale for expenditures and allocation of payments to state agencies and local gov-  
16 ernment units.

17 (5) Following the final expenditure for a particular disaster, the [*Adjutant General of the Oregon*  
18 *Military Department*] **director** shall issue a final report to the Emergency Board, or to the Legisla-  
19 tive Assembly if it is in session. The report must include an aggregate description of the factors  
20 described in subsection (4) of this section.

21 **SECTION 18.** ORS 401.536 is amended to read:

22 401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Account is established as an  
23 account in the Oregon Disaster Response Fund. The account consists of moneys appropriated by the  
24 Legislative Assembly and any other moneys deposited into the account pursuant to law.

25 (2) Moneys in the account are continuously appropriated to the [*Oregon Military Department*]  
26 **Oregon Department of Emergency Management** for:

27 (a) Providing loans to local governments, as defined in ORS 174.116, and school districts to  
28 match, either in full or in part, moneys from federal programs for federally declared disaster relief  
29 that require a match;

30 (b) Providing loans and grants to local governments, as defined in ORS 174.116, and school dis-  
31 tricts, for the purpose of paying costs incurred by local governments and school districts in response  
32 to federally declared disasters;

33 (c) Providing loans and grants to local governments, as defined in ORS 174.116, and school dis-  
34 tricts for the purposes of paying costs incurred by local governments and school districts in re-  
35 sponse to disasters that are not federally declared disasters, as determined by the Legislative  
36 Assembly, if all loans and grants provided under paragraphs (a) and (b) of this subsection have been  
37 repaid, fulfilled or otherwise satisfied and moneys remain in the account; and

38 (d) Subject to subsection (5) of this section, paying the department's expenses for administering  
39 loans made from the account under paragraph (a) of this subsection.

40 (3) Loans made under subsection (2)(b) or (c) of this section shall be repaid pursuant to such  
41 terms and conditions as may be established by the Oregon Department of Administrative Services.  
42 Loans made under subsection (2)(b) or (c) of this section may be interest free, or bear interest at a  
43 rate established by the Oregon Department of Administrative Services. Amounts repaid on loans  
44 made under subsection (2)(b) or (c) of this section shall be deposited in the General Fund.

45 (4) The [*Oregon Military Department*] **Oregon Department of Emergency Management** shall

1 deposit into the account any amounts repaid on loans made under subsection (2)(a) of this section.

2 (5) The [*Oregon Military Department*] **department** may not charge the account more than five  
 3 percent of the maximum amount in the account during a biennium for administrative expenses at-  
 4 tributable to a loan made under subsection (2)(a) of this section.

5 (6) An applicant may apply to the [*Oregon Military Department*] **department** for a loan under  
 6 subsection (2)(a) of this section. The department shall consider the application, make a recommen-  
 7 dation and submit the application and recommendation to the Local Disaster Assistance Review  
 8 Board established under subsection (7) of this section.

9 (7) The [*Oregon Military Department*] **department** shall establish a Local Disaster Assistance  
 10 Review Board to:

11 (a) Review the recommendations of the department regarding loans under subsection (2)(a) of  
 12 this section;

13 (b) Approve, by a majority vote of members, the amount of any loan under subsection (2)(a) of  
 14 this section; and

15 (c) Approve, by a majority vote of members, the terms and conditions of any loan under sub-  
 16 section (2)(a) of this section.

17 (8) The review board shall include:

18 (a) Three members of county governing bodies, with at least one member representing a county  
 19 from east of the crest of the Cascade Mountains, with membership determined by the Association  
 20 of Oregon Counties;

21 (b) Three members of city governing bodies, with at least one member representing a city from  
 22 east of the crest of the Cascade Mountains, with membership determined by the League of Oregon  
 23 Cities;

24 (c) A representative of the office of the State Treasurer;

25 (d) A representative of the [*Oregon Military*] department;

26 (e) A representative of school districts, with membership determined by the Oregon School  
 27 Boards Association;

28 (f) A representative of special districts, with membership determined by the Special Districts  
 29 Association of Oregon;

30 (g) A representative of the Oregon Department of Administrative Services; and

31 (h) Two additional members determined jointly by the department, the Association of Oregon  
 32 Counties and the League of Oregon Cities.

33 (9) The [*Office*] **Oregon Department** of Emergency Management [*of the Oregon Military De-*  
 34 *partment*] shall adopt rules establishing:

35 (a) A loan application process and application forms for loans under subsection (2)(a) of this  
 36 section;

37 (b) Reasonable financial terms and conditions for loans under subsection (2)(a) of this section,  
 38 including interest and the repayment of the loans;

39 (c) Eligibility requirements for applicants for loans under subsection (2)(a) of this section;

40 (d) The maximum amount an applicant for a loan under subsection (2)(a) of this section may  
 41 receive;

42 (e) The methodology the department will use for charging the account for administrative ex-  
 43 penses; and

44 (f) Procedures for submission of recommendations to the review board for loans under subsection  
 45 (2)(a) of this section.



1 (10) The [*Oregon Military Department*] **department** shall provide staff support for the review  
2 board.

3  
4 **OPERATIVE DATE**

5  
6 **SECTION 19. The amendments to ORS 401.052, 401.054, 401.062, 401.072, 401.076, 401.082,**  
7 **401.088, 401.092, 401.165, 401.534 and 401.536 by sections 2 to 9 and 16 to 18 of this 2019 Act**  
8 **become operative on July 1, 2020.**

9  
10 **UNIT CAPTIONS**

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12 **SECTION 20. The unit captions used in this 2019 Act are provided only for the conven-**  
13 **ience of the reader and do not become part of the statutory law of this state or express any**  
14 **legislative intent in the enactment of this 2019 Act.**