

A-Engrossed House Bill 4041

Ordered by the House February 12
Including House Amendments dated February 12

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Preparedness for Representative Paul 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.

[Renames Office of Emergency Management as Oregon Department of Emergency Management. Establishes department as state agency independent from Oregon Military Department. Vests in Oregon Department of Emergency Management emergency authority regarding public health emergencies, emergency quarantines and conflagrations. Transfers rulemaking authority regarding nuclear emergencies from State Department of Energy to Oregon Department of Emergency Management.]

[Transfers Oregon Emergency Response System from Department of State Police to Oregon Department of Emergency Management.]

[Renames office of State Fire Marshal as Department of the State Fire Marshal and establishes department as state agency independent from Department of State Police. Transfers search and rescue functions from Office of Emergency Management to Department of the State Fire Marshal.]

[Transfers Oregon Homeland Security Council from Office of Emergency Management to Office of the Governor. Adds seven members to council and expands duties of council.]

Provides that Director of Office of Emergency Management is appointed by Governor and subject to confirmation by Senate. Transfers oversight of certain aspects of director's duties from Adjutant General to Governor.

Establishes Emergency Preparedness Advisory Council to advise and make policy recommendations to *[Oregon Homeland Security Council]* **State Resilience Officer** regarding **resiliency at state, regional, local and tribal levels, in alignment with** federal emergency support functions.

Establishes Local Government Emergency Management Advisory Council to provide advice and recommendations to *[Oregon Department]* **Office** of Emergency Management regarding *[the department's]* **office's** emergency preparedness and response functions.

Establishes Emergency Management Restructuring Task Force to study available emergency management resources and capabilities, to prepare recommendations for restructuring of emergency management systems and to study and prepare recommendations regarding mandatory leaves of absence for emergency volunteers. Sunsets task force June 30, 2022.

[Becomes operative on July 1, 2023.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to emergency management; creating new provisions; amending ORS 401.062; and declaring
3 an emergency.

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

5 **NOTE:** Sections 1 through 3 were deleted by amendment. Subsequent sections were not re-
6 numbered.

DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT

9
10 **SECTION 4.** ORS 401.062 is amended to read:

11 401.062. (1) The Office of Emergency Management is under the supervision and control of a di-
12 rector, who is responsible for the performance of the duties, functions and powers of the office.

13 (2) *[The Adjutant General, with the approval of]* The Governor[,] shall appoint the Director of the

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 Office of Emergency Management, who holds office at the pleasure of the [*Adjutant General.*] **Gov-**
2 **ernor. The appointment of the director is subject to confirmation by the Senate in the**
3 **manner prescribed by ORS 171.562 and 171.565.**

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

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

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

15 **NOTE:** Sections 5 through 14 were deleted by amendment. Subsequent sections were not re-
16 numbered.

17 **SECTION 15. The Director of the Office of Emergency Management on the effective date**
18 **of this 2020 Act shall continue to serve as director at the pleasure of the Governor and**
19 **without the need for confirmation by the Senate.**

20 **NOTE:** Sections 16 through 150 were deleted by amendment. Subsequent sections were not re-
21 numbered.

22
23 **EMERGENCY PREPAREDNESS ADVISORY COUNCIL**
24

25 **SECTION 151. (1) The Emergency Preparedness Advisory Council is established.**

26 **(2) The council consists of 13 members appointed as follows:**

27 **(a) One member appointed by the Adjutant General to represent the Oregon Military**
28 **Department;**

29 **(b) One member appointed by the Director of the Office of Emergency Management to**
30 **represent the Office of Emergency Management;**

31 **(c) One member appointed by the State Fire Marshal to represent the office of the State**
32 **Fire Marshal;**

33 **(d) One member appointed by the Superintendent of State Police to represent the De-**
34 **partment of State Police;**

35 **(e) One member appointed by the Director of the Department of Public Safety Standards**
36 **and Training to represent the Department of Public Safety Standards and Training;**

37 **(f) One member appointed by the Director of the Oregon Health Authority to represent**
38 **the Oregon Health Authority;**

39 **(g) One member appointed by the Director of Transportation to represent the Depart-**
40 **ment of Transportation;**

41 **(h) One member appointed by the Attorney General to represent the Department of**
42 **Justice;**

43 **(i) One member appointed by the State Forester to represent the State Forestry De-**
44 **partment; and**

45 **(j) Four members appointed by the Governor as follows:**

1 (A) One member to represent counties;

2 (B) One member to represent cities;

3 (C) One member with experience in emergency preparedness to represent regional or-
4 ganizations; and

5 (D) One member with experience in emergency preparedness to represent local organ-
6 izations.

7 (3) The council shall advise and make policy recommendations to the State Resilience
8 Officer regarding resiliency at state, regional, local and tribal levels, in alignment with fed-
9 eral emergency support functions.

10 (4) A majority of the members of the council constitutes a quorum for the transaction
11 of business.

12 (5) Official action by the council requires the approval of a majority of the members of
13 the council.

14 (6) The council shall elect one of its members to serve as chairperson.

15 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
16 ment to become immediately effective.

17 (8) The council shall meet at least once quarterly at the place specified by the call of the
18 chairperson or of a majority of the members of the council.

19 (9) The council may adopt rules necessary for the operation of the council.

20 (10) The Office of Emergency Management shall provide staff support to the council.

21 (11) Members of the council are not entitled to compensation or reimbursement for ex-
22 penses and serve as volunteers on the council.

23 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
24 the council in the performance of the duties of the council and, to the extent permitted by
25 laws relating to confidentiality, to furnish information and advice the members of the council
26 consider necessary to perform their duties.

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28 **LOCAL GOVERNMENT EMERGENCY MANAGEMENT ADVISORY COUNCIL**

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30 **SECTION 152.** (1) The Local Government Emergency Management Advisory Council is
31 established.

32 (2) The council consists of 10 members appointed by the Governor as follows:

33 (a) One member to represent an organization representing Oregon counties;

34 (b) One member to represent an organization representing Oregon cities;

35 (c) One member to represent emergency medical service providers;

36 (d) One member to represent fire departments;

37 (e) One member to represent a statewide association of emergency managers, emergency
38 responders, government agencies and elected officials committed to minimizing the impact
39 of disasters in Oregon;

40 (f) One member to represent county sheriffs;

41 (g) One member to represent volunteer emergency medical service providers; and

42 (h) Three members with experience relating to emergency preparedness or management
43 to represent the public.

44 (3) The council shall provide advice and recommendations to the Office of Emergency
45 Management regarding its emergency preparedness and response functions.

1 (4) A majority of the members of the council constitutes a quorum for the transaction
2 of business.

3 (5) Official action by the council requires the approval of a majority of the members of
4 the council.

5 (6) The council shall elect one of its members to serve as chairperson.

6 (7) If there is a vacancy for any cause, the Governor shall make an appointment to be-
7 come immediately effective.

8 (8) The council shall meet at times and places specified by the call of the chairperson or
9 of a majority of the members of the council.

10 (9) The council may adopt rules necessary for the operation of the council.

11 (10) The office shall provide staff support to the council.

12 (11) Members of the council are not entitled to compensation or reimbursement for ex-
13 penses and serve as volunteers on the council.

14 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
15 the council in the performance of the duties of the council and, to the extent permitted by
16 laws relating to confidentiality, to furnish information and advice the members of the council
17 consider necessary to perform their duties.

18
19 **EMERGENCY MANAGEMENT RESTRUCTURING TASK FORCE**

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21 **SECTION 153.** (1) The Emergency Management Restructuring Task Force is established.

22 (2) The task force consists of 13 members appointed as follows:

23 (a) Two members from the Senate appointed by the President of the Senate;

24 (b) Two members from the House of Representatives appointed by the Speaker of the
25 House of Representatives; and

26 (c) Nine members appointed by the Governor as follows:

27 (A) One member to represent local governments;

28 (B) One member to represent tribal interests;

29 (C) One member to represent emergency management organizations; and

30 (D) Six members who have experience or interest in emergency management.

31 (3)(a) The task force shall perform a study of emergency management resources and
32 capabilities available in this state, including resources and capabilities available within state
33 government, local government and the private sector.

34 (b) The task force shall prepare recommendations for a comprehensive restructuring of
35 emergency management systems in this state, with the goals of:

36 (A) Maximizing the emergency management abilities of state, local and private resources;
37 and

38 (B) Aligning state, local and private emergency management abilities with federal emer-
39 gency management priorities.

40 (c) The task force shall study and prepare recommendations regarding mandatory grants
41 of leaves of absence from employment for emergency volunteers, similar to the leave granted
42 to firefighters under ORS 476.574.

43 (d) No later than January 31, 2022, the task force shall submit a report on its findings
44 and recommendations, which may include recommendations for legislation, to an appropriate
45 standing or interim committee of the Legislative Assembly.

1 (4) A majority of the members of the task force constitutes a quorum for the transaction
2 of business.

3 (5) Official action by the task force requires the approval of a majority of the members
4 of the task force.

5 (6) The task force shall elect one of its members to serve as chairperson.

6 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
7 ment to become immediately effective.

8 (8) The task force shall meet at times and places specified by the call of the chairperson
9 or of a majority of the members of the task force.

10 (9) The task force may adopt rules necessary for the operation of the task force.

11 (10) The Office of Emergency Management shall provide staff support to the task force.

12 (11) Members of the task force are not entitled to compensation or reimbursement for
13 expenses and serve as volunteers on the task force.

14 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
15 the task force in the performance of the duties of the task force and, to the extent permitted
16 by laws relating to confidentiality, to furnish information and advice the members of the task
17 force consider necessary to perform their duties.

18 SECTION 153a. Section 153 of this 2020 Act is repealed on June 30, 2022.

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20 **UNIT CAPTIONS**

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22 SECTION 154. The unit captions used in this 2020 Act are provided only for the conven-
23 ience of the reader and do not become part of the statutory law of this state or express any
24 legislative intent in the enactment of this 2020 Act.

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26 **EMERGENCY CLAUSE**

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28 SECTION 155. This 2020 Act being necessary for the immediate preservation of the public
29 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
30 on its passage.