

HB 4041-9
(LC 197)
2/6/20 (DFY/ps)

Requested by HOUSE COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS (at the request of Representative Paul Evans)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4041**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and lines 3 through 15 and insert “amending ORS 401.062; and
3 declaring an emergency.”.

4 Delete lines 17 through 21 and delete pages 2 through 80.

5 On page 81, delete lines 1 through 5 and insert:

6 “**NOTE:** Sections 1 through 3 were deleted by amendment. Subsequent
7 sections were not renumbered.

8

9 **“DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT**

10

11 **“SECTION 4.** ORS 401.062 is amended to read:

12 “401.062. (1) The Office of Emergency Management is under the super-
13 vision and control of a director, who is responsible for the performance of
14 the duties, functions and powers of the office.

15 “(2) [*The Adjutant General, with the approval of*] The Governor[,] shall
16 appoint the Director of the Office of Emergency Management, who holds of-
17 fice at the pleasure of the [*Adjutant General.*] **Governor. The appointment**
18 **of the director is subject to confirmation by the Senate in the manner**
19 **prescribed by ORS 171.562 and 171.565.**

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

1 Governor.

2 “(4) For purposes of administration, subject to the approval of the [*Ad-*
3 *jutant General*] **Governor**, the director may organize and reorganize the of-
4 fice as the director considers necessary to properly conduct the work of the
5 office.

6 “(5) The director may divide the functions of the office into administra-
7 tive divisions. Subject to the approval of the [*Adjutant General*] **Governor**,
8 the director may appoint an individual to administer each division. The ad-
9 ministrator of each division serves at the pleasure of the director and is not
10 subject to the provisions of ORS chapter 240. Each individual appointed un-
11 der this subsection must be well qualified by technical training and experi-
12 ence in the functions to be performed by the individual.

13 “**NOTE:** Sections 5 through 14 were deleted by amendment. Subsequent
14 sections were not renumbered.

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

19 “**NOTE:** Sections 16 through 150 were deleted by amendment. Subsequent
20 sections were not renumbered.”.

21 In line 13, delete “Oregon Department” and insert “Office”.

22 In line 14, delete “Oregon Department” and insert “Office”.

23 In line 15, delete “Department” and insert “office”.

24 Delete lines 36 and 37 and insert:

25 “(3) The council shall advise and make policy recommendations to the
26 State Resilience Officer regarding resiliency at state, regional, local and
27 tribal levels, in alignment with federal emergency support functions.”.

28 On page 82, line 3, delete “Oregon Department” and insert “Office”.

29 In line 28, delete “Oregon Department” and insert “Office”.

30 In line 40, delete “department” and insert “office”.

1 On page 83, delete lines 2 through 31 and insert:

2
3 **“EMERGENCY VOLUNTEER LEAVE**

4
5 **“SECTION 152a. (1) Upon request of an employee who volunteers**
6 **with an emergency response organization, an employer shall grant the**
7 **employee a leave of absence to provide disaster relief services or other**
8 **emergency response services. The employer may require the employee**
9 **to provide written documentation from the organization with which**
10 **the employee volunteers before granting a leave of absence under this**
11 **section. An employee is entitled to no more than 30 days of leave per**
12 **calendar year under this section.**

13 **“(2) The regular employment position of an employee on a leave of**
14 **absence under this section shall be considered vacant only for the pe-**
15 **riod of the leave of absence. The employee may not be subject to re-**
16 **moval or discharge from such position as a consequence of the leave**
17 **of absence.**

18 **“(3) Upon the termination of a leave of absence under this section,**
19 **the employee shall be restored to the employee’s position or an**
20 **equivalent position by the employer without loss of seniority, vacation**
21 **credits, sick leave credits, service credits under a pension plan or any**
22 **other employee benefit or right that had been earned at the time of**
23 **the leave of absence.**

24 **“(4)(a) Except as provided in paragraph (b) of this subsection, and**
25 **unless otherwise provided by the terms of an agreement between the**
26 **employee and the employer, a collective bargaining agreement or an**
27 **employer policy, an employer is not required to pay wages or other**
28 **monetary compensation to an employee during a leave of absence un-**
29 **der subsection (1) of this section.**

30 **“(b) An employee taking a leave of absence under this section is**

1 entitled to use any paid accrued sick leave, any paid accrued vacation
2 leave or any other paid leave offered by the employer during the leave
3 of absence.

4 “(c) Subject to the terms of any agreement between the employee
5 and the employer or the terms of a collective bargaining agreement,
6 the employer may determine the particular order in which accrued
7 leave is to be used in circumstances in which more than one type of
8 accrued leave is available to the employee.

9 “(5) The Office of Emergency Management shall maintain a list of
10 organizations that qualify as emergency response organizations under
11 this section. The office shall add an organization to the list if the of-
12 fice verifies that the organization is capable of providing competent
13 emergency response services in this state. The office may adopt rules
14 for the administration of this subsection.

15 “(6) As used in this section:

16 “(a) ‘Emergency response organization’ means an organization
17 identified by the office under subsection (5) of this section.

18 “(b) ‘Employee’ means any individual, other than a copartner of the
19 employer or an independent contractor, who renders personal services
20 in this state to an employer who pays or agrees to pay wages or other
21 compensation to the individual for those services.

22 “(c) ‘Employer’ means any person who employs one or more em-
23 ployees in this state. ‘Employer’ includes the State of Oregon or any
24 county, city, district, authority, public corporation or entity and any
25 of their instrumentalities organized and existing under law or charter,
26 but does not include the federal government.

27 “SECTION 152b. (1) Any violation of section 152a of this 2020 Act
28 by an employer is an unlawful employment practice.

29 “(2) Complaints alleging a violation of section 152a of this 2020 Act
30 may be filed by employees with the Commissioner of the Bureau of

1 Labor and Industries. The commissioner shall enforce section 152a of
2 this 2020 Act in the manner provided in ORS chapter 659A for the
3 enforcement of other unlawful employment practices.

4 “(3) Any person claiming to be aggrieved by a violation of section
5 152a of this 2020 Act may bring a civil action in the manner provided
6 in ORS 659A.885.

7 “SECTION 152c. Sections 152a and 152b of this 2020 Act become op-
8 erative on January 2, 2021.

9 “SECTION 152d. The Office of Emergency Management may take
10 any action before the operative date specified in section 152c of this
11 2020 Act that is necessary for the office to exercise, on or after the
12 operative date specified in section 152c of this 2020 Act, all of the du-
13 ties, functions and powers conferred on the office by sections 152a and
14 152b of this 2020 Act.

15

16 “EMERGENCY MANAGEMENT RESTRUCTURING TASK FORCE

17

18 “SECTION 153. (1) The Emergency Management Restructuring Task
19 Force is established.

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

21 “(a) Two members from the Senate appointed by the President of
22 the Senate;

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

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

26 “(A) One member to represent local governments;

27 “(B) One member to represent tribal interests;

28 “(C) One member to represent emergency management organiza-
29 tions; and

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

1 **management.**

2 **“(3)(a) The task force shall perform a study of emergency manage-**
3 **ment resources and capabilities available in this state, including re-**
4 **sources and capabilities available within state government, local**
5 **government and the private sector.**

6 **“(b) The task force shall prepare recommendations for a compre-**
7 **hensive restructuring of emergency management systems in this state,**
8 **with the goals of:**

9 **“(A) Maximizing the emergency management abilities of state, local**
10 **and private resources; and**

11 **“(B) Aligning state, local and private emergency management abil-**
12 **ities with federal emergency management priorities.**

13 **“(c) No later than January 31, 2022, the task force shall submit a**
14 **report on its findings and recommendations, which may include rec-**
15 **ommendations for legislation, to an appropriate standing or interim**
16 **committee of the Legislative Assembly.**

17 **“(4) A majority of the members of the task force constitutes a**
18 **quorum for the transaction of business.**

19 **“(5) Official action by the task force requires the approval of a**
20 **majority of the members of the task force.**

21 **“(6) The task force shall elect one of its members to serve as**
22 **chairperson.**

23 **“(7) If there is a vacancy for any cause, the appointing authority**
24 **shall make an appointment to become immediately effective.**

25 **“(8) The task force shall meet at times and places specified by the**
26 **call of the chairperson or of a majority of the members of the task**
27 **force.**

28 **“(9) The task force may adopt rules necessary for the operation of**
29 **the task force.**

30 **“(10) The Office of Emergency Management shall provide staff sup-**

1 port to the task force.

2 “(11) Members of the task force are not entitled to compensation
3 or reimbursement for expenses and serve as volunteers on the task
4 force.

5 “(12) All agencies of state government, as defined in ORS 174.111,
6 are directed to assist the task force in the performance of the duties
7 of the task force and, to the extent permitted by laws relating to
8 confidentiality, to furnish information and advice the members of the
9 task force consider necessary to perform their duties.

10 “SECTION 153a. Section 153 of this 2020 Act is repealed on June 30,
11 2022.”.

12 In line 35, delete “156” and insert “154”.

13 After line 37, insert:

14

15 **“EMERGENCY CLAUSE**

16

17 **“SECTION 155. This 2020 Act being necessary for the immediate
18 preservation of the public peace, health and safety, an emergency is
19 declared to exist, and this 2020 Act takes effect on its passage.”.**

20
