

D R A F T

SUMMARY

Transfers Oregon Homeland Security Council to Oregon Department of Emergency Management.

Transfers Oregon Pre-Disaster Mitigation Fund to department.

Requires certain government officials and management employees to complete education on incident command, National Incident Management System and emergency response.

Directs department to create, fill and utilize six positions in support of emergency notification system.

Directs certain public bodies to conduct periodic emergency response exercises.

Directs Oregon Homeland Security Council to establish program to ensure robust stock of emergency supplies and equipment.

Directs Oregon Business Development Department to establish and administer Oregon Resiliency Partnership. Limits civil liability in certain circumstances.

Modifies law relating to membership of Emergency Preparedness Advisory Council.

Authorizes Governor and Department of Transportation to issue and extend commercial driver licenses in certain emergency circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to emergency preparedness; creating new provisions; amending ORS
3 401.109 and 401.532 and section 151, chapter 539, Oregon Laws 2021; re-
4 pealing section 148, chapter 539, Oregon Laws 2021; and declaring an
5 emergency.

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

7 8 OREGON HOMELAND SECURITY COUNCIL

1 **SECTION 1.** ORS 401.109 is amended to read:

2 401.109. (1) The Oregon Homeland Security Council is established within
3 the [*Office of the Governor*] **Oregon Department of Emergency Manage-**
4 **ment.** The mission of the council is to assess risks to the safety and security
5 of the State of Oregon with special emphasis on matters related to domestic
6 terrorism and other major threats to the people of Oregon, including to
7 critical infrastructure, and to make formal recommendations to the Governor
8 with respect to homeland security policy.

9 (2) The council may:

10 (a) Recommend strategies to the Governor for the effective coordination
11 of information gathering and dissemination on subjects associated with the
12 mission.

13 (b) Request and receive briefings from state agencies or other entities for
14 development of reports and recommendations for the Governor on subjects
15 associated with the mission.

16 (c) Facilitate interagency collaboration, cooperation and coordination on
17 operational issues associated with the mission.

18 (d) Recommend policies to the Emergency Preparedness Advisory Council
19 on subjects associated with the mission.

20 (3) The membership of the council consists of:

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

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

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

26 (b) The Governor;

27 (c) The Adjutant General;

28 (d) The Superintendent of State Police;

29 (e) The Director of the Oregon Department of Emergency Management;

30 (f) A representative of the Department of Justice appointed by the Attor-
31 ney General;

- 1 (g) The State Resilience Officer;
- 2 (h) The State Fire Marshal;
- 3 (i) The Director of the Department of Public Safety Standards and
4 Training;
- 5 (j) The Director of the Oregon Health Authority;
- 6 (k) The Director of Transportation;
- 7 (L) The State Forester;
- 8 (m) The Director of the Department of Corrections;
- 9 (n) The Superintendent of State Police;
- 10 (o) One member appointed by the Governor to act as a senior policy ad-
11 visor for emergency operations;
- 12 (p) A representative of the Oregon TITAN Fusion Center with the ability
13 to organize and explain mission critical information, appointed by the At-
14 torney General; and
- 15 (q) Additional members appointed by the [Governor] **Director of the**
16 **Oregon Department of Emergency Management** as the [Governor] **di-**
17 **rector** may deem necessary.
- 18 (4) Each member appointed to the council under subsection (3) of this
19 section serves at the pleasure of the appointing authority. The membership
20 of a public official ceases upon termination of the office held by the official
21 at the time of appointment to the council.
- 22 (5) The [Governor] **director** is the chairperson of the council.
- 23 (6) The [*Director of the Oregon Department of Emergency Management*]
24 **Governor** is the vice chairperson of the council and serves as the chair-
25 person in the absence of the [Governor] **director**.
- 26 (7) Members of the council are not entitled to compensation under ORS
27 292.495. The [Governor] **director**, in the [Governor's] **director's** discretion,
28 may reimburse members of the council as provided in ORS 292.495 for actual
29 and necessary travel or other expenses incurred in the performance of their
30 duties as members of the council.
- 31 (8) A majority of the members of the council constitutes a quorum for the

1 transaction of business.

2 (9) Official action by the council requires the approval of a majority of
3 the members of the council.

4 (10) If there is a vacancy for any cause, the appointing authority shall
5 make an appointment to become immediately effective.

6 (11) The council shall meet as needed to carry out the mission of the
7 council, at times and places specified by the call of the chairperson or of a
8 majority of the members of the council.

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

11 (13) The council may employ and fix the compensation of such profes-
12 sional assistants and clerical and other employees as the council deems
13 necessary for the effective conduct of its work.

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

19 **SECTION 2. Section 148, chapter 539, Oregon Laws 2021, is repealed.**

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21 **OREGON PRE-DISASTER MITIGATION FUND**

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23 **SECTION 3.** ORS 401.532 is amended to read:

24 401.532. (1) The Oregon Pre-Disaster Mitigation Fund is established in the
25 State Treasury, separate and distinct from the General Fund. Moneys re-
26 ceived from federal grants for pre-disaster mitigation efforts shall be depos-
27 ited into the Oregon Pre-Disaster Mitigation Fund. Moneys in the fund are
28 continuously appropriated to the [*Oregon Military Department*] **Oregon De-**
29 **partment of Emergency Management** to be used to:

30 (a) Help state agencies and local government units with Federal Emer-
31 gency Management Agency approved mitigation plans in this state prior to

1 the occurrence of natural disasters; and

2 (b) Ensure, to the extent possible, that state and local agencies and offi-
3 cials are prepared to respond to threats of human-caused disaster, including
4 but not limited to acts of terrorism.

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

8 (3) The [*Oregon Military Department*] **Oregon Department of Emer-**
9 **gency Management** shall adopt rules for the disbursement of moneys from
10 the Oregon Pre-Disaster Mitigation Fund.

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EMERGENCY INCIDENT TRAINING

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14 **SECTION 4. (1) All elected officials in this state, all administrative**
15 **heads of state agencies and all persons in the management service of**
16 **state government as defined in ORS 240.212 shall complete introduc-**
17 **tory courses offered or approved by the Federal Emergency Manage-**
18 **ment Agency on incident command and the National Incident**
19 **Management System.**

20 (2) All officials of a local government, as defined in ORS 174.116,
21 who have or could reasonably be expected to have emergency or dis-
22 aster response responsibility shall complete education on emergency
23 response as recommended by the emergency program manager ap-
24 pointed by the local government under ORS 401.305 or the chief ad-
25 ministrative officer of the local government.

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EMERGENCY NOTIFICATION SYSTEM PERSONNEL

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29 **SECTION 5. The Oregon Department of Emergency Management**
30 **shall create, fill and utilize six positions to provide support for the**
31 **emergency notification system established under ORS 401.094.**

EMERGENCY RESPONSE EXERCISES

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SECTION 6. (1) The Oregon Department of Emergency Management shall develop and administer a program for periodic emergency response exercises as described in this section.

(2) Once per year, the department shall coordinate a multidisciplinary, all-hazards emergency response exercise. The exercise must involve at least 10 percent of the public or private safety agencies in this state. The department shall ensure that each public or private safety agency in this state participates in at least one exercise under this subsection in each 10-year period.

(3)(a) At least once per year, each state agency shall conduct an internal exercise that tests at least one element of the state agency’s emergency preparedness. Each state agency may determine the nature and focus of the exercise required under this subsection. Once per year, each state agency shall submit a written report to the department describing the nature of the exercise, the metrics used by the state agency to analyze the state agency’s performance and the outcome of the exercise.

(b) The department shall provide advice and recommendations to state agencies regarding the requirements of this subsection.

(4)(a) At least once per quarter, each county shall conduct a tabletop, scenario-based learning exercise related to emergency response. An exercise conducted by a county under this subsection must involve the majority of public or private safety agencies operating in the county.

(b) The department shall provide advice and recommendations to counties regarding the requirements of this subsection.

(5) The department shall consult with the Oregon Homeland Security Council to determine priorities for subjects of exercises conducted under this section.

1 (6) The department may issue grants to local governments to pay
2 for some or all of the costs of the exercises required under this sec-
3 tion.

4 (7) The department may solicit and accept gifts, grants or donations
5 from public or private sources to fund the exercises required under
6 this section.

7 (8) As used in this section:

8 (a) "Public or private safety agency" has the meaning given that
9 term in ORS 181A.355.

10 (b) "State agency" means an agency, entity or official listed in ORS
11 401.054.

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13 **OREGON CRITICAL DISASTER PREPAREDNESS STOCKPILE**

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15 **SECTION 7.** (1) The Oregon Homeland Security Council shall es-
16 tablish by rule a program to create the Oregon Critical Disaster
17 Preparedness Stockpile.

18 (2) The purpose of the program is to ensure that Oregonians have
19 access to a robust stock of supplies and equipment for use in an
20 emergency, including personal protective equipment and raw materials
21 for the sustained manufacture thereof, communicable disease testing
22 equipment and all-hazards emergency surge supplies, that can be de-
23 ployed on a regional basis.

24 (3) The program shall:

25 (a) Be administered by the council in cooperation with county
26 emergency management agencies and the Oregon Department of
27 Emergency Management or its predecessor office; and

28 (b) Draw upon lessons learned from the COVID-19 pandemic, the
29 2020 Oregon wildfire season and work of the Seismic Safety Policy
30 Advisory Commission.

31 **SECTION 8.** (1) No later than June 30, 2022, the Oregon Homeland

1 Security Council shall, in consultation with the Oregon Health Au-
2 thority and other relevant state agencies:

3 (a) Develop a comprehensive list of essential equipment, materials,
4 supplies, distribution channels and manufacturing capabilities neces-
5 sary to accomplish the purpose of the Oregon Critical Disaster
6 Preparedness Stockpile described in section 7 of this 2022 Act;

7 (b) Determine a statewide standard of availability, sufficient to ad-
8 equately protect public health and safety, for each article of personal
9 protective equipment and each element of communicable disease test-
10 ing equipment on the list;

11 (c) Establish metrics and processes for real-time, transparent re-
12 porting of materials, supplies, distribution channels and manufactur-
13 ing capabilities for each type of equipment or supply on the list that
14 the council deems to be critical in an emergency; and

15 (d) Collaborate with hospitals, long term care facilities, provider
16 groups and health care organizations to obtain information on the
17 extent to which each entity is able to provide personal protective
18 equipment to personnel who are in contact with patients, including
19 usage rates of personal protective equipment during normal business
20 operations and any additional personal protective equipment each en-
21 tity may maintain for emergency purposes.

22 (2) Entities described in subsection (1)(d) of this section shall report
23 the information to the council as expeditiously as practicable in ac-
24 cordance with timelines and parameters established by the council.

25 (3) The council may subpoena any witnesses or documents neces-
26 sary to obtain the information described in subsection (1)(d) of this
27 section.

28 (4) If an entity or witness fails to comply with a subpoena issued
29 by the council under subsection (3) of this section, a court of compe-
30 tent jurisdiction, upon application by the council, shall compel obedi-
31 ence by proceedings for contempt as in the case of disobedience of the

1 requirements of a subpoena issued by the court.

2 (5) The list must, at a minimum, include personal protective
3 equipment and raw materials for the sustained manufacture thereof,
4 communicable disease testing equipment and all-hazards emergency
5 surge supplies.

6 **SECTION 9.** The Oregon Homeland Security Council shall provide,
7 no later than September 31, 2022, to the standing or interim commit-
8 tees of the Legislative Assembly related to emergency preparedness a
9 report on the progress made and actions taken pursuant to section 8
10 of this 2022 Act, including an implementation strategy for achieving
11 the robust stock of supplies and equipment described in section 8 of
12 this 2022 Act.

13 **SECTION 10.** Following the development of the list by the Oregon
14 Homeland Security Council under section 8 of this 2022 Act, the
15 council shall, in consultation with the Oregon Department of Emer-
16 gency Management or its predecessor office, the Oregon Business De-
17 velopment Department, the Oregon Health Authority and the Oregon
18 Department of Administrative Services, adopt rules to implement and
19 achieve as expeditiously as practicable the program and objectives de-
20 scribed in section 7 of this 2022 Act, including, without limitation:

21 (1) Establishment of a rotation schedule for supplies, equipment and
22 materials in the Oregon Critical Disaster Preparedness Stockpile; and

23 (2) Establishment of quality standards for elements of the Oregon
24 Critical Disaster Preparedness Stockpile, utilizing guidance from the
25 Centers for Disease Control and Prevention and other public health
26 organizations.

27 **SECTION 11.** (1) Following the development of the list by the
28 Oregon Homeland Security Council under section 8 of this 2022 Act,
29 the Oregon Business Development Department shall establish and ad-
30 minister the Oregon Resiliency Partnership Program.

31 (2) The program may, to the extent necessary to create and main-

1 **tain the Oregon Critical Disaster Preparedness Stockpile described in**
2 **section 7 of this 2022 Act, provide to any eligible and participating**
3 **person:**

4 **(a) Guaranteed purchase contracts or nonguaranteed purchase**
5 **contracts with the State of Oregon for supplies or equipment included**
6 **on the list described in section 8 of this 2022 Act;**

7 **(b) Economic incentives to encourage participation in the program;**
8 **and**

9 **(c) Technical assistance to navigate requirements under local, state**
10 **or federal law.**

11 **(3) Each person that participates in the program must demonstrate**
12 **to the department on an annual basis that:**

13 **(a) The person has the capacity to manufacture supplies or equip-**
14 **ment included on the list described in section 8 of this 2022 Act, in-**
15 **cluding access to all the necessary equipment, materials, tools,**
16 **supplies and training needed to sustain manufacturing during emer-**
17 **gency surge events; and**

18 **(b) The person has existing contractual relationships sufficient to**
19 **enable the person to expand production of one or more types of sup-**
20 **plies or equipment included on the list described in section 8 of this**
21 **2022 Act during a state of emergency declared by the Governor.**

22 **SECTION 12. (1) As used in this section, “qualified good” means an**
23 **item:**

24 **(a) Manufactured pursuant to a contract with the State of Oregon**
25 **under section 11 of this 2022 Act;**

26 **(b) Manufactured during a state of emergency declared by the**
27 **Governor under ORS 401.165;**

28 **(c) Manufactured by a person that did not manufacture the type**
29 **of item prior to the state of emergency;**

30 **(d) Sold at a price:**

31 **(A) Not exceeding 115 percent of the cost of manufacturing if**

1 **manufactured under a guaranteed purchase contract; or**

2 **(B) Negotiated by the person and the state under a nonguaranteed**
3 **purchase contract; and**

4 **(e) Meeting the specifications for use and manufacturing estab-**
5 **lished by the contract with the State of Oregon.**

6 **(2) Except as provided in subsection (3) of this section, a person that**
7 **manufactures, distributes, dispenses or otherwise prescribes use of a**
8 **qualified good is immune from civil liability for injuries or damages**
9 **resulting from use of the qualified good.**

10 **(3) Subsection (2) of this section does not apply to a person that:**

11 **(a) Engages in gross negligence or reckless, wanton or intentional**
12 **misconduct, and that gross negligence or misconduct is a cause of the**
13 **injury or damage;**

14 **(b) Commits an act or omission that constitutes negligence or**
15 **willful or wanton disregard for safety, and that act or omission is a**
16 **cause of the injury or damage;**

17 **(c) Fails to make reasonable inspection of a qualified good, and that**
18 **failure is a cause of the injury or damage; or**

19 **(d) Knows or reasonably should have known of a dangerous condi-**
20 **tion about a qualified good, does not make the danger known and that**
21 **danger is a cause of the injury or damage.**

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EMERGENCY PREPAREDNESS

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ADVISORY COUNCIL

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26 **SECTION 13.** Section 151, chapter 539, Oregon Laws 2021, is amended to
27 read:

28 (1) The Emergency Preparedness Advisory Council is established within
29 the Office of the Governor. The mission of the council is to facilitate policy
30 recommendations for catastrophic disaster preparedness, mitigation and re-
31 sponse and recovery planning, procedures and protocols with special empha-

1 sis on outreach to representatives of designated state and federal emergency
2 support functions.

3 (2) The council consists of:

4 (a) One member appointed by the Adjutant General to represent the
5 Oregon Military Department;

6 (b) One member appointed by the Director of the Oregon Department of
7 Emergency Management to represent the Oregon Department of Emergency
8 Management;

9 (c) One member appointed by the State Fire Marshal to represent the
10 Department of the State Fire Marshal;

11 (d) One member appointed by the Superintendent of State Police to rep-
12 resent the Department of State Police;

13 (e) One member appointed by the Director of the Department of Public
14 Safety Standards and Training to represent the Department of Public Safety
15 Standards and Training;

16 (f) One member appointed by the Director of the Oregon Health Authority
17 to represent the Oregon Health Authority;

18 (g) One member appointed by the Director of Transportation to represent
19 the Department of Transportation;

20 (h) One member appointed by the Attorney General to represent the De-
21 partment of Justice;

22 (i) One member appointed by the State Forester to represent the State
23 Forestry Department;

24 (j) Seven members appointed by the Governor as follows:

25 (A) One member to represent counties;

26 (B) One member to represent cities;

27 (C) One member with experience in emergency preparedness to represent
28 regional organizations;

29 (D) One member with experience in emergency preparedness to represent
30 local organizations;

31 (E) One member representing the private sector;

1 (F) One member representing the nonprofit community with a designated
2 emergency support function responsibility; and

3 (G) One member to represent Indian tribes in Oregon; and

4 (k) Additional members appointed by the Governor as the Governor may
5 deem necessary.

6 **(3) In making appointments under this section, the Governor shall,**
7 **to the extent possible, ensure that for each federal emergency support**
8 **function, there is at least one member of the council with experience**
9 **or knowledge relating to that function.**

10 [(3)] (4) (a) The council may research international and national best
11 practices and make formal recommendations to the State Resilience Officer
12 or the Governor as needed, with special emphasis given to connecting state-
13 wide policy recommendations with state and federal emergency support
14 function capabilities.

15 (b) The council shall advise and make policy recommendations to the
16 Oregon Homeland Security Council regarding federal emergency support
17 functions.

18 [(4)] (5) A majority of the members of the Emergency Preparedness Advi-
19 sory Council constitutes a quorum for the transaction of business.

20 [(5)] (6) Official action by the council requires the approval of a majority
21 of the members of the council.

22 [(6)] (7) The council shall elect one of its members to serve as chair-
23 person.

24 [(7)] (8) If there is a vacancy for any cause, the appointing authority shall
25 make an appointment to become immediately effective.

26 [(8)] (9) The council shall meet at least once quarterly at the place spec-
27 ified by the call of the chairperson or of a majority of the members of the
28 council.

29 [(9)] (10) The council may adopt rules necessary for the operation of the
30 council.

31 [(10)] (11) The Oregon Department of Emergency Management shall pro-

1 vide staff support to the council.

2 [(11)] (12) Members of the council are not entitled to compensation or
3 reimbursement for expenses and serve as volunteers on the council.

4 [(12)] (13) All agencies of state government, as defined in ORS 174.111,
5 are directed to assist the council in the performance of the duties of the
6 council and, to the extent permitted by laws relating to confidentiality, to
7 furnish information and advice the members of the council consider neces-
8 sary to perform their duties.

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**EMERGENCY POWERS RELATING TO
COMMERCIAL DRIVER LICENSES**

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13 **SECTION 14. Section 15 of this 2022 Act is added to and made a part**
14 **of ORS 401.165 to 401.236.**

15 **SECTION 15. (1) During a state of emergency declared under ORS**
16 **401.165, notwithstanding contrary provisions of the Oregon Vehicle**
17 **Code:**

18 (a) The Department of Transportation, at the direction of the Gov-
19 ernor, may issue a commercial driver license to an individual with
20 experience operating a military motor vehicle equivalent to a com-
21 mercial motor vehicle. A commercial driver license issued under this
22 subsection expires upon the termination of the state of emergency.

23 (b) The department, at the direction of the Governor, may provide
24 that a commercial driver license that expires during the state of
25 emergency remains valid and grants driving privileges until the ter-
26 mination of the state of emergency.

27 (2) The department shall adopt rules necessary to carry out the
28 provisions of this section.

29 (3) As used in this section, “commercial driver license” has the
30 meaning given that term in ORS 801.207.

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OPERATIVE DATES

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SECTION 16. Sections 5 and 6 and the amendments to ORS 401.109 and 401.532 by sections 1 and 3 of this 2022 Act become operative on July 1, 2022.

UNIT CAPTIONS

SECTION 17. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

EMERGENCY CLAUSE

SECTION 18. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.
