

A-Engrossed
Senate Bill 288

Ordered by the Senate March 23
Including Senate Amendments dated March 23

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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.

Transfers duties to maintain system for notification and interagency coordination of state resources in response to emergencies from Department of State Police to Oregon Department of Administrative Services. Directs [*Department of State Police*] **Oregon Department of Administrative Services** to expand existing interagency coordination efforts for responding to emergencies to include community-based and faith-based organizations that provide emergency response services to specified communities. [*Directs city, county and tribal emergency management agencies to expand emergency management planning activities to enhance emergency and disaster response to specified communities.*]

Expands definition of "qualified emergency service volunteer" who qualifies for indemnification under Oregon Tort Claims Act and workers' compensation benefits. Requires registered emergency health care providers who provide out-of-state service to party state under Emergency Management Assistance Compact to be considered Oregon Health Authority officers or employees for liability purposes under compact.

[*Expands membership of Oregon Homeland Security Council to include State Resilience Officer.*] Expands duties of State Resilience Officer.

Requires Office of Emergency Management to conduct outreach program to specified types of organizations to facilitate enhancement of volunteer capabilities to provide emergency services. [*Requires Housing and Community Services Department to establish grant program to provide funding to nonprofit health and community organization for planning, equipment and training on resiliency during and after disaster and hazard occurrences. Appropriates moneys to fund programs.*]

Establishes Unreinforced Masonry Seismic Safety Program in Oregon Business Development Department to issue grants for improving seismic safety, stability and resiliency of qualifying unreinforced masonry and unreinforced concrete buildings. Specifies limits and conditions for grants. Establishes fund for grant program. Authorizes issuance of lottery bonds during biennium ending June 30, 2023, to finance program. [*Requires department to report to interim committee of Legislative Assembly no later than September 15, 2023, regarding operation of grant program.*]

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to improving resilience in responding to disasters; creating new provisions; amending ORS
3 401.094, 401.358, 401.368, 401.667 and 401.913; and prescribing an effective date.

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

5 **SECTION 1.** ORS 401.094 is amended to read:

6 401.094. (1)(a) The [*Department of State Police*] **Oregon Department of Administrative Ser-**
7 **vices** shall maintain a system for the notification and interagency coordination of state resources
8 in response to emergencies involving multijurisdictional cooperation between the various levels of
9 government, [*and*] private business entities, **community-based organizations and faith-based or-**
10 **ganizations. Multijurisdictional cooperation developed under this paragraph must include or-**
11 **ganizations that represent Native American, Black, African American, Latin, Asian or**
12 **Pacific Islander communities, members of lesbian, gay, bisexual, transgender, queer or**

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 **questioning (LGBTQ) communities, immigrants, refugees, members of tribal communities,**
2 **linguistically diverse populations, persons with disabilities, access and functional needs**
3 **communities or older Oregonians.**

4 (b) The department shall provide the Office of Emergency Management with a service level
5 agreement that describes the continued daily operations and maintenance of the system, the services
6 and supplies needed to maintain the system 24 hours a day, every day of the year, and the policies
7 and procedures that support the overall notification system.

8 (2) The notification system shall be managed by the Office of Emergency Management as a
9 continuously available communications network and a component of the state's emergency oper-
10 ations center.

11 (3) The notification system shall be the primary point of contact by which any public agency
12 provides the state notification of an emergency or disaster, or requests access to state and federal
13 resources.

14 (4) Each department of state government, and those agencies of state government identified in
15 the statewide emergency management plan prepared under ORS 401.052 as having emergency service
16 or administrative responsibilities, shall appoint an emergency management coordinator as their
17 representative to work with the Office of Emergency Management on the development and imple-
18 mentation of emergency plans and procedures.

19 (5) The Office of Emergency Management shall adopt rules relating to the planning, adminis-
20 tration and operation of the notification system maintained under this section.

21 **SECTION 2. The Department of State Police shall assist the Oregon Department of Ad-**
22 **ministrative Services in transitioning responsibilities under ORS 401.094, as amended by**
23 **section 1 of this 2021 Act, to the Oregon Department of Administrative Services.**

24 **SECTION 3.** ORS 401.358 is amended to read:

25 401.358. As used in ORS 401.358 to 401.368:

26 (1) "Emergency service activities" means:

27 (a) The provision of emergency services; and

28 (b) Engaging in training under the direction of a public body, whether by reason of the training
29 being conducted or approved by a public body, for the purpose of preparing qualified emergency
30 service volunteers to perform emergency services.

31 (2) "Qualified emergency service volunteer" means a person who is:

32 (a) Registered with the Office of Emergency Management or other public body to perform
33 emergency service activities;

34 (b) Acknowledged in writing as a qualified emergency service volunteer, at the time the person
35 offers to volunteer during an emergency, by the Office of Emergency Management or by another
36 public body;

37 (c) A member of the Oregon Civil Defense Force; [or]

38 (d) A building evaluator certified under the Oregon Safety Assessment Program established un-
39 der ORS 401.256[.]; or

40 **(e) Any other volunteer from a nonprofit organization who is providing emergency ser-**
41 **vice activities at the direction of a public body.**

42 **SECTION 4.** ORS 401.368 is amended to read:

43 401.368. (1) **Except as provided in subsection (2) of this section,** the Office of Emergency
44 Management shall provide workers' compensation coverage for qualified emergency service volun-
45 teers who are injured in the course and scope of performing emergency service activities under the

1 direction of a public body if the injury occurs:

2 (a) While the volunteer is performing emergency service activities under the direction of the
3 public body during a state of emergency declared under this chapter, or during a state of public
4 health emergency proclaimed under ORS 433.441; or

5 (b) While the volunteer is engaged in training being conducted or approved by a public body for
6 the purpose of preparing the volunteer to perform emergency services.

7 **(2) The Oregon Health Authority shall provide workers' compensation coverage for**
8 **emergency health care providers registered under ORS 401.654 who are injured while per-**
9 **forming emergency service activities under the direction of the authority and within the**
10 **course and scope of that direction:**

11 **(a) During a state of emergency declared under ORS 401.165;**

12 **(b) During a state of public health emergency declared under ORS 433.441;**

13 **(c) While rendering assistance pursuant to a request pursuant to the Emergency Man-**
14 **agement Assistance Compact adopted under ORS 402.105 or the Pacific Northwest Emer-**
15 **gency Management Arrangement adopted under ORS 402.250, including Annexes A and B to**
16 **the Pacific Northwest Emergency Management Arrangement; or**

17 **(d) While engaged in training described in ORS 401.358 (1)(b) that is conducted or ap-**
18 **proved by the authority.**

19 [(2)] (3) Workers' compensation coverage shall be provided under this section in the manner
20 provided by ORS 656.039.

21 **SECTION 5.** ORS 401.667 is amended to read:

22 401.667. (1) If the Governor declares a state of emergency under ORS 401.165, or proclaims a
23 state of public health emergency under ORS 433.441, emergency health care providers registered
24 under ORS 401.654 and other health care providers who volunteer to perform health care services
25 under ORS 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for the purposes
26 of any claims arising out of services that are provided under ORS 401.651 to 401.670 pursuant to
27 directions from a public body and that are within the course and scope of the health care provider's
28 duties, without regard to whether the health care provider is compensated for the services.

29 (2) If the Governor declares a state of emergency under ORS 401.165, or proclaims a state of
30 public health emergency under ORS 433.441, health care facilities designated under ORS 401.657 and
31 other persons operating emergency health care centers designated under ORS 401.657 are agents of
32 the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are
33 provided through those centers or facilities under ORS 401.651 to 401.670 pursuant to directions
34 from a public body and that are within the course and scope of the duties of the health care facility
35 or other person, without regard to whether the health care facility or other person is compensated
36 for the services.

37 (3) An emergency health care provider registered under ORS 401.654 participating in training
38 authorized by the Oregon Health Authority under ORS 401.651 to 401.670 is an agent of the state
39 under ORS 30.260 to 30.300 for the purposes of any claims arising out of that training.

40 (4) The provisions of subsection (2) of this section apply only to emergency health care centers
41 or health care facilities that have adopted emergency operations plans and credentialing plans that
42 govern the use of emergency health care providers registered under ORS 401.654 and other health
43 care providers who volunteer to perform health care services under ORS 401.651 to 401.670. An
44 emergency operations plan and a credentialing plan must comply with rules governing those plans
45 adopted by the authority.

1 (5) If the Governor receives a request for assistance from another party state to the
2 Emergency Management Assistance Compact adopted under ORS 402.105 and the Oregon
3 Health Authority directs an emergency health care provider registered under ORS 401.654 to
4 that state to render assistance, the emergency health care provider is considered an officer
5 or employee of the Oregon Health Authority for purposes of Article VI of the Emergency
6 Management Assistance Compact.

7 NOTE: Section 6 was deleted by amendment. Subsequent sections were not renumbered.

8 SECTION 7. ORS 401.913 is amended to read:

9 401.913. (1) The office of State Resilience Officer is created in the office of the Governor. The
10 office of State Resilience Officer shall direct, implement and coordinate [*seismic*] **hazard** safety and
11 resilience goal setting and state agency planning and preparation to improve [*seismic*] **hazard** safety
12 and resilience, **including but not limited to planning and preparation for safety and resilience**
13 **during and after earthquake, tsunami, wildfire, flooding and other natural or manmade**
14 **events.**

15 (2) The State Resilience Officer shall lead statewide mitigation efforts that address
16 findings from the Oregon Resilience Plan and the state hazard mitigation plan.

17 (3) The State Resilience Officer shall lead executive branch agencies on continuity of
18 operations planning and continuity of government planning training and exercises.

19 [(2)] (4) The Governor shall appoint an individual to serve as the State Resilience Officer, sub-
20 ject to confirmation by the Senate pursuant to Article III, section 4, of the Oregon Constitution.

21 [(3)] (5) The legislative branch of government and the judicial branch of government shall each
22 select an individual to monitor the effectiveness of [*seismic*] **hazard** safety and resilience planning
23 in their branch.

24 SECTION 8. Section 9 of this 2021 Act is added to and made a part of ORS 401.358 to
25 401.368.

26 SECTION 9. (1) The Office of Emergency Management shall establish an outreach pro-
27 gram to work directly with nonprofit organizations that represent Native American, Black,
28 African American, Latin, Asian or Pacific Islander communities, members of the lesbian,
29 gay, bisexual, transgender, queer or questioning (LGBTQ) communities, immigrants, refu-
30 gees, members of tribal communities, linguistically diverse populations, persons with disa-
31 bilities, access and functional needs communities or older Oregonians, to facilitate
32 enhancement of volunteer organization capabilities to provide emergency service activities.

33 (2) The office shall dedicate at least one full-time equivalent position to performing the
34 duties described in subsection (1) of this section.

35 SECTION 10. (1) As used in this section:

36 (a)(A) "Eligible costs" means:

37 (i) Retrofitting of similar architectural finishes, work on electrical, plumbing and me-
38 chanical systems and other direct structural costs of seismic retrofitting; and

39 (ii) Architectural, engineering, project management, insurance, testing and other service
40 costs related to seismic retrofitting.

41 (B) "Eligible costs" does not mean:

42 (i) Remodeling or refurbishing costs intended to enhance aesthetics, functionality or
43 marketability without extending seismic life safety; or

44 (ii) Relocation costs or loss of rent during improvement of the seismic safety, stability
45 or resiliency of an eligible property.

1 (b) "Eligible property" means improvements to real property:

2 (A) Constructed before January 1, 1993;

3 (B) Owned by a nonprofit, public or private entity that houses a community-based or
4 faith-based organization that primarily serves historically underrepresented or underserved
5 communities and as may be further identified by the department by rule;

6 (C) Having load-bearing walls, nonload-bearing walls, chimneys or other structures, and
7 that are made of brick, cinderblock, tile, adobe or other masonry material that is not braced
8 by rebar or other reinforcing material; and

9 (D) Serving or having the capacity to serve as a facility providing food, shelter, health
10 care or other necessary services during an emergency declared under ORS 401.165 or a public
11 health emergency declared under ORS 433.441.

12 (2) The Oregon Business Development Department shall administer a program, to be
13 known as the Unreinforced Masonry Seismic Safety Program, for the purpose of awarding
14 grants on an annual competitive basis from the Oregon Unreinforced Masonry Seismic Safety
15 Fund established under section 11 of this 2021 Act. The department shall award and disburse
16 grants under the program for the purposes of:

17 (a) Improving, on a statewide basis, the seismic safety, stability and resiliency of eligible
18 properties; and

19 (b) Promoting improvements in seismic safety, stability and resiliency that may lead to
20 private investment, job creation or retention, the establishment or expansion of viable busi-
21 nesses or the creation of a stronger tax base.

22 (3) Applications for grants under the program described in subsection (2) of this section
23 must state with specificity the proposed improvements to the seismic safety, stability and
24 resiliency of the eligible property. The proposed improvements must be sufficient to meet
25 or exceed the seismic performance level for eligible properties established by the department
26 by rule.

27 (4) In awarding grants under the program, the department shall give priority to grants
28 for:

29 (a) Eligible property owned by, or primarily benefitting, a nonprofit corporation as de-
30 fined in ORS 65.001; and

31 (b) Categories of eligible property identified by the department by rule.

32 (5) Subject to subsection (6) of this section, a grant awarded to an applicant under this
33 section may not exceed the lesser of:

34 (a) Thirty-five percent of the total eligible costs expended on eligible properties; or

35 (b) \$2.5 million for each eligible property.

36 (6) The department shall reduce the grant for an eligible property by the amount of any
37 tax credits or grants received from Oregon state government, as defined in ORS 174.111, in
38 connection with the property. A grant under this section may not exceed the difference be-
39 tween the eligible cost and the total amount received to pay for the eligible cost from all
40 other sources, such as tax credits or grants.

41 (7) The department shall adopt a formula for making grants under the program that re-
42 serves a minimum of 50 percent of available grant funds for projects outside of the Portland
43 metropolitan area urban growth boundary.

44 (8) The department shall:

45 (a) Develop criteria for determining the eligibility of grant applicants and proposed

1 projects;

2 (b) Provide project oversight and monitoring for grant recipients, except that project
3 oversight does not include construction oversight;

4 (c) Provide regular updates to other state agencies that have an interest in the carrying
5 out of the program;

6 (d) Adopt rules for the purpose of carrying out the program; and

7 (e) Appoint an advisory group of individuals qualified to review grant applications, advise
8 on the carrying out of the program and perform other program-related duties as determined
9 by the department.

10 (9) The department shall require each grant recipient to file upon completion of the eli-
11 gible project a sworn statement identifying the amounts and types of moneys received for
12 the eligible project and the source of those moneys.

13 (10) In adopting rules under this section, the department may consult with other state
14 agencies having an interest in the carrying out of the program.

15 **SECTION 11.** The Oregon Unreinforced Masonry Seismic Safety Fund is established in
16 the State Treasury, separate and distinct from the General Fund. Interest earned by the
17 Oregon Unreinforced Masonry Seismic Safety Fund shall be credited to the fund. Moneys in
18 the fund are continuously appropriated to the Oregon Business Development Department for
19 the purpose of carrying out the Unreinforced Masonry Seismic Safety Program described in
20 section 10 of this 2021 Act. The fund shall consist of any moneys designated for deposit in
21 the fund or for carrying out the program, including but not limited to appropriations or
22 other provisions of moneys by the Legislative Assembly, bond proceeds and public or private
23 moneys from gifts, grants or donations.

24 **SECTION 12.** (1) In addition to and not in lieu of bonds authorized pursuant to ORS
25 286A.035, for the biennium ending June 30, 2023, at the request of the Oregon Department
26 of Administrative Services, after the department consults with the Oregon Business Devel-
27 opment Department, the State Treasurer is authorized to issue lottery bonds pursuant to
28 ORS 286A.560 to 286A.585 in an amount that produces \$50 million in net proceeds and interest
29 earnings for the purposes described in subsection (2) of this section, plus an additional
30 amount estimated by the State Treasurer to be necessary to pay bond-related costs.

31 (2) Net proceeds of lottery bonds issued under this section must be transferred to the
32 Oregon Business Development Department for deposit in the Oregon Unreinforced Masonry
33 Seismic Safety Fund established under section 11 of this 2021 Act.

34 (3) The Legislative Assembly finds that the use of lottery bond proceeds for the purpose
35 of carrying out the Unreinforced Masonry Seismic Safety Program described in section 10
36 of this 2021 Act will create jobs, further economic development and enhance the economic
37 vitality of Oregon communities, and is authorized based on the following findings:

38 (a) Masonry and concrete buildings are an integral part of the commercial, industrial and
39 nonprofit infrastructure of this state. Unreinforced masonry and unreinforced concrete
40 buildings pose a significant risk to that infrastructure in the event of an earthquake.

41 (b) Improvements to the seismic safety, stability and resiliency of unreinforced masonry
42 and unreinforced concrete buildings will create jobs and promote economic development
43 within this state.

44 **SECTION 13.** This 2021 Act takes effect on the 91st day after the date on which the 2021
45 regular session of the Eighty-first Legislative Assembly adjourns sine die.

