

Senate Bill 288

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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 **as introduced**.

Directs Department of State Police 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, 401.109, 401.305, 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 shall maintain a system for the notification and
7 interagency coordination of state resources in response to emergencies involving multijurisdictional
8 cooperation between the various levels of government, *[and]* private business entities, **community-**
9 **based organizations and faith-based organizations. Multijurisdictional cooperation developed**
10 **under this paragraph must include organizations that represent black, indigenous and people**
11 **of color (BIPOC) communities, individuals of Middle Eastern descent, members of lesbian,**
12 **gay, bisexual, transgender, queer or questioning (LGBTQ) communities, immigrants, refu-**
13 **gees, members of tribal communities and persons with disabilities.**

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

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

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

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

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

14 **SECTION 2.** ORS 401.305 is amended to read:

15 401.305. (1) As used in this section, "tribal government" means a federally recognized sovereign
16 tribal government operating within the borders of this state or an intertribal organization formed
17 by two or more federally recognized sovereign tribal governments operating within this state.

18 (2) Each county of this state shall, and each city or tribal government may, establish an emer-
19 gency management agency that is directly responsible to the executive officer or governing body of
20 the county, city or tribe.

21 (3) The executive officer or governing body of each county, and any city or tribe that partic-
22 ipates, shall appoint an emergency program manager who is responsible for the organization, ad-
23 ministration and operation of the emergency management agency, subject to the direction and
24 control of the county, city or tribe.

25 (4) When a city or tribal government has an emergency management agency, the city or tribal
26 government, as applicable, and the counties within which the city or tribal government operates
27 shall jointly establish policies that:

28 (a) Provide direction and identify and define the purpose and roles of the individual emergency
29 management programs;

30 (b) Specify the responsibilities of the emergency program managers and staff; and

31 (c) Establish lines of communication, succession and authority of elected officials for an effective
32 and efficient response to emergency conditions.

33 (5) Each emergency management agency shall perform emergency program management func-
34 tions within the territorial limits of the county, city or tribal government and may perform the
35 functions outside the territorial limits as required under any mutual aid or cooperative assistance
36 agreement or as requested and authorized by the county, [or] city **or tribal government** in whose
37 territorial limits the emergency functions are performed.

38 (6) The emergency management functions include, at a minimum:

39 (a) Coordination of the planning activities necessary to prepare and maintain a current emer-
40 gency operations plan, management and maintenance of emergency operating facilities from which
41 elected and appointed officials can direct emergency and disaster response activities, **including**
42 **planning activities designed to enhance emergency and disaster response activities for black,**
43 **indigenous and people of color (BIPOC) communities, individuals of Middle Eastern descent,**
44 **members of lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) communities,**
45 **immigrants, refugees, persons with disabilities and members of tribal communities, whether**

1 **within or outside of tribal governments;**

2 (b) Establishment of an incident command structure for management of a coordinated response
3 by all local emergency service agencies; and

4 (c) Coordination with the Office of Emergency Management to integrate effective practices in
5 emergency preparedness and response as provided in the National Incident Management System es-
6 tablished by the Homeland Security Presidential Directive 5 of February 28, 2003.

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

8 401.358. As used in ORS 401.358 to 401.368:

9 (1) “Emergency service activities” means:

10 (a) The provision of emergency services; and

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

14 (2) “Qualified emergency service volunteer” means a person who is:

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

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

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

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

23 **(e) Any other volunteer from a nonprofit organization who is providing emergency ser-**
24 **vice activities at the direction of a public body or at the direction of a community-based or**
25 **faith-based organization that represents black, indigenous and people of color (BIPOC) com-**
26 **munities, individuals of Middle Eastern descent, members of lesbian, gay, bisexual,**
27 **transgender, queer or questioning (LGBTQ) communities, immigrants, refugees, members**
28 **of tribal communities and persons with disabilities.**

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

30 401.368. (1) **Except as provided in subsection (2) of this section,** the Office of Emergency
31 Management shall provide workers’ compensation coverage for qualified emergency service volun-
32 teers who are injured in the course and scope of performing emergency service activities under the
33 direction of a public body if the injury occurs:

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

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

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

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

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

45 **(c) While rendering assistance pursuant to a request pursuant to the Emergency Man-**

1 **agement Assistance Compact adopted under ORS 402.105 or the Pacific Northwest Emer-**
 2 **gency Management Arrangement adopted under ORS 402.250, including Annexes A and B to**
 3 **the Pacific Northwest Emergency Management Arrangement; or**

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

6 [(2)] (3) Workers' compensation coverage shall be provided under this section in the manner
 7 provided by ORS 656.039.

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

9 401.667. (1) If the Governor declares a state of emergency under ORS 401.165, or proclaims a
 10 state of public health emergency under ORS 433.441, emergency health care providers registered
 11 under ORS 401.654 and other health care providers who volunteer to perform health care services
 12 under ORS 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for the purposes
 13 of any claims arising out of services that are provided under ORS 401.651 to 401.670 pursuant to
 14 directions from a public body and that are within the course and scope of the health care provider's
 15 duties, without regard to whether the health care provider is compensated for the services.

16 (2) If the Governor declares a state of emergency under ORS 401.165, or proclaims a state of
 17 public health emergency under ORS 433.441, health care facilities designated under ORS 401.657 and
 18 other persons operating emergency health care centers designated under ORS 401.657 are agents of
 19 the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are
 20 provided through those centers or facilities under ORS 401.651 to 401.670 pursuant to directions
 21 from a public body and that are within the course and scope of the duties of the health care facility
 22 or other person, without regard to whether the health care facility or other person is compensated
 23 for the services.

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

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

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

39 **SECTION 6.** ORS 401.109 is amended to read:

40 401.109. (1) The Oregon Homeland Security Council is created within the Office of Emergency
 41 Management. The council shall:

42 (a) Receive briefings on security matters:

43 (A) For which the office is responsible at least annually from state agencies and organizations
 44 as determined by the council; and

45 (B) Relating to catastrophic disasters declared by the Governor pursuant to Article X-A, section

1 1, of the Oregon Constitution, or states of emergency declared by the Governor pursuant to ORS
2 401.165.

3 (b) Advise state agencies with responsibility for security matters on the future direction of the
4 office's planning, preparedness, response and recovery activities.

5 (2) The membership of the council consists of:

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

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

8 (B) Two members from the House of Representatives appointed by the Speaker of the House of
9 Representatives;

10 (b) The Governor;

11 (c) The Adjutant General;

12 (d) The Superintendent of State Police;

13 (e) The Director of the Office of Emergency Management; *[and]*

14 (f) A representative of the Department of Justice appointed by the Attorney General; **and**

15 **(g) The State Resilience Officer.**

16 (3) Each member appointed to the council under subsection (2) of this section serves at the
17 pleasure of the appointing authority. The membership of a public official ceases upon termination
18 of the office held by the official at the time of appointment to the council.

19 (4) The Governor is the chairperson of the council.

20 (5) The Adjutant General is the vice chairperson of the council and serves as the chairperson
21 in the absence of the Governor.

22 (6) Members of the council are not entitled to compensation under ORS 292.495. The director,
23 in the director's discretion, may reimburse members of the council as provided in ORS 292.495 for
24 actual and necessary travel or other expenses incurred in the performance of their duties as mem-
25 bers of the council.

26 **SECTION 7.** ORS 401.913 is amended to read:

27 401.913. (1) The office of State Resilience Officer is created in the office of the Governor. The
28 office of State Resilience Officer shall direct, implement and coordinate *[seismic]* **disaster and**
29 **hazard** safety and resilience goal setting and state agency planning and preparation to improve
30 *[seismic]* **disaster and hazard** safety and resilience, **including but not limited to planning and**
31 **preparation for safety and resilience during and after earthquake, tsunami, wildfire, flooding**
32 **and other natural or manmade events.**

33 **(2) The State Resilience Officer shall lead statewide mitigation efforts that address**
34 **findings from the Oregon Resilience Plan.**

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

37 **(4) The State Resilience Officer shall support government response to actual events as**
38 **a member of the Governor's disaster cabinet.**

39 *[(2)]* **(5)** The Governor shall appoint an individual to serve as the State Resilience Officer, sub-
40 ject to confirmation by the Senate pursuant to Article III, section 4, of the Oregon Constitution.

41 *[(3)]* **(6)** The legislative branch of government and the judicial branch of government shall each
42 select an individual to monitor the effectiveness of *[seismic]* **disaster and hazard** safety and
43 resilience planning in their branch.

44 **SECTION 8. Section 9 of this 2021 Act is added to and made a part of ORS 401.358 to**
45 **401.368.**

1 **SECTION 9.** (1) The Office of Emergency Management shall establish an outreach pro-
 2 gram to work directly with nonprofit organizations that represents black, indigenous and
 3 people of color (BIPOC) communities, individuals of Middle Eastern descent, members of the
 4 lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) communities, immigrants,
 5 refugees, members of tribal communities and persons with disabilities, to facilitate en-
 6 hancement of volunteer organization capabilities to provide emergency service activities.

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

9 **SECTION 10.** In addition to and not in lieu of any other appropriation, there is appro-
 10 priated to the Office of Emergency Management, for the biennium beginning July 1, 2021, out
 11 of the General Fund, the amount of \$_____, which may be expended for the purpose of
 12 carrying out the provisions of section 9 of this 2021 Act.

13 **SECTION 11.** The Housing and Community Services Department, in consultation with the
 14 Oregon Health Authority, shall establish a grant program to provide funding to nonprofit
 15 health and community organizations to provide to nonprofit staff and volunteers all-hazard
 16 continuity of operations plan templates and preparedness equipment and training for building
 17 resiliency to support communities during and following disaster and hazard occurrences.

18 **SECTION 12.** In addition to and not in lieu of any other appropriation, there is appro-
 19 priated to the Housing and Community Services Department, for the biennium beginning July
 20 1, 2021, out of the General Fund, the amount of \$_____, which may be expended for the
 21 purpose of carrying out the provisions of section 11 of this 2021 Act.

22 **SECTION 13.** (1) As used in this section:

23 (a)(A) “Eligible costs” means:

24 (i) Demolition, restoration of similar architectural finishes, work on electrical, plumbing
 25 and mechanical systems and other direct structural costs of seismic retrofitting; and

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

28 (B) “Eligible costs” does not mean:

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

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

33 (b) “Eligible property” means improvements to real property:

34 (A) Constructed before January 1, 1993;

35 (B) Having exteriors constructed primarily of unreinforced masonry, unreinforced con-
 36 crete or other building materials declared seismically dangerous by city or county ordinance
 37 or by a city or county governing body resolution; and

38 (C) Serving or having the capacity to serve as a facility providing food, shelter, health
 39 care or other necessary services during an emergency declared under ORS 401.165 or a public
 40 health emergency declared under ORS 433.441.

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

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

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

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

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

13 (a) Eligible property owned by, or primarily benefitting, a nonprofit corporation as de-
14 fined in ORS 65.001 that primarily serves members of black, indigenous and people of color
15 (BIPOC) communities, individuals of Middle Eastern descent, members of lesbian, gay,
16 bisexual, transgender, queer or questioning (LGBTQ) communities, immigrants, refugees,
17 members of tribal communities and persons with disabilities; and

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

19 (5) Subject to subsection (6) of this section, an annual grant awarded to an applicant
20 under this section may not exceed the lesser of:

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

22 (b) \$_____ for each eligible property.

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

28 (7) The department shall adopt a formula for making grants under the program that re-
29 serves a minimum of 25 percent of available grant funds for projects outside of the Portland
30 metropolitan area urban growth boundary.

31 (8) The department shall:

32 (a) Develop criteria for determining the eligibility of grant applicants and proposed
33 projects;

34 (b) Provide project oversight and monitoring for grant recipients;

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

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

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

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

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

1 **SECTION 14.** The Oregon Unreinforced Masonry Seismic Safety Fund is established in
2 the State Treasury, separate and distinct from the General Fund. Interest earned by the
3 Oregon Unreinforced Masonry Seismic Safety Fund shall be credited to the fund. Moneys in
4 the fund are continuously appropriated to the Oregon Business Development Department for
5 the purpose of carrying out the Unreinforced Masonry Seismic Safety Program described in
6 section 13 of this 2021 Act. The fund shall consist of any moneys designated for deposit in
7 the fund or for carrying out the program, including but not limited to appropriations or
8 other provisions of moneys by the Legislative Assembly, bond proceeds and public or private
9 moneys from gifts, grants or donations.

10 **SECTION 15.** (1) In addition to and not in lieu of bonds authorized pursuant to ORS
11 286A.035, for the biennium ending June 30, 2023, at the request of the Oregon Department
12 of Administrative Services, after the department consults with the Oregon Business Devel-
13 opment Department, the State Treasurer is authorized to issue lottery bonds pursuant to
14 ORS 286A.560 to 286A.585 in an amount that produces \$_____ in net proceeds and interest
15 earnings for the purposes described in subsection (2) of this section, plus an additional
16 amount estimated by the State Treasurer to be necessary to pay bond-related costs.

17 (2) Net proceeds of lottery bonds issued under this section must be transferred to the
18 Oregon Business Development Department for deposit in the Oregon Unreinforced Masonry
19 Seismic Safety Fund established under section 14 of this 2021 Act.

20 (3) The Legislative Assembly finds that the use of lottery bond proceeds for the purpose
21 of carrying out the Unreinforced Masonry Seismic Safety Program described in section 13
22 of this 2021 Act will create jobs, further economic development and enhance the economic
23 vitality of Oregon communities, and is authorized based on the following findings:

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

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

30 **SECTION 16.** The Oregon Business Development Department shall report regarding the
31 Unreinforced Masonry Seismic Safety Program to an interim committee of the Legislative
32 Assembly relating to emergency preparedness, in the manner provided by ORS 192.245, no
33 later than September 15, 2023. The report shall include, but need not be limited to, informa-
34 tion concerning applications received and grants issued under the program and concerning
35 the distribution of applications and grants between the Portland metropolitan area urban
36 growth boundary and the rest of this state.

37 **SECTION 17.** This 2021 Act takes effect on the 91st day after the date on which the 2021
38 regular session of the Eighty-first Legislative Assembly adjourns sine die.

39