

SENATE AMENDMENTS TO SENATE BILL 288

By COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS

March 23

1 On page 1 of the printed bill, line 3, delete “401.109, 401.305,”.

2 Delete lines 5 through 17 and delete pages 2 through 8 and insert:

3 “**SECTION 1.** ORS 401.094 is amended to read:

4 “401.094. (1)(a) The [*Department of State Police*] **Oregon Department of Administrative Ser-**
5 **vices** shall maintain a system for the notification and interagency coordination of state resources
6 in response to emergencies involving multijurisdictional cooperation between the various levels of
7 government, [*and*] private business entities, **community-based organizations and faith-based or-**
8 **ganizations. Multijurisdictional cooperation developed under this paragraph must include or-**
9 **ganizations that represent Native American, Black, African American, Latin, Asian or**
10 **Pacific Islander communities, members of lesbian, gay, bisexual, transgender, queer or**
11 **questioning (LGBTQ) communities, immigrants, refugees, members of tribal communities,**
12 **linguistically diverse populations, persons with disabilities, access and functional needs**
13 **communities or older Oregonians.**

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.

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

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

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

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

31 “**SECTION 2. The Department of State Police shall assist the Oregon Department of**
32 **Administrative Services in transitioning responsibilities under ORS 401.094, as amended by**
33 **section 1 of this 2021 Act, to the Oregon Department of Administrative Services.**

34 “**SECTION 3.** ORS 401.358 is amended to read:

35 “401.358. As used in ORS 401.358 to 401.368:

1 “(1) ‘Emergency service activities’ means:
2 “(a) The provision of emergency services; and
3 “(b) Engaging in training under the direction of a public body, whether by reason of the training
4 being conducted or approved by a public body, for the purpose of preparing qualified emergency
5 service volunteers to perform emergency services.
6 “(2) ‘Qualified emergency service volunteer’ means a person who is:
7 “(a) Registered with the Office of Emergency Management or other public body to perform
8 emergency service activities;
9 “(b) Acknowledged in writing as a qualified emergency service volunteer, at the time the person
10 offers to volunteer during an emergency, by the Office of Emergency Management or by another
11 public body;
12 “(c) A member of the Oregon Civil Defense Force; [or]
13 “(d) A building evaluator certified under the Oregon Safety Assessment Program established
14 under ORS 401.256[.]; or
15 “(e) **Any other volunteer from a nonprofit organization who is providing emergency ser-**
16 **vice activities at the direction of a public body.**
17 “**SECTION 4.** ORS 401.368 is amended to read:
18 “401.368. (1) **Except as provided in subsection (2) of this section,** the Office of Emergency
19 Management shall provide workers’ compensation coverage for qualified emergency service volun-
20 teers who are injured in the course and scope of performing emergency service activities under the
21 direction of a public body if the injury occurs:
22 “(a) While the volunteer is performing emergency service activities under the direction of the
23 public body during a state of emergency declared under this chapter, or during a state of public
24 health emergency proclaimed under ORS 433.441; or
25 “(b) While the volunteer is engaged in training being conducted or approved by a public body
26 for the purpose of preparing the volunteer to perform emergency services.
27 “(2) **The Oregon Health Authority shall provide workers’ compensation coverage for**
28 **emergency health care providers registered under ORS 401.654 who are injured while per-**
29 **forming emergency service activities under the direction of the authority and within the**
30 **course and scope of that direction:**
31 “(a) **During a state of emergency declared under ORS 401.165;**
32 “(b) **During a state of public health emergency declared under ORS 433.441;**
33 “(c) **While rendering assistance pursuant to a request pursuant to the Emergency Man-**
34 **agement Assistance Compact adopted under ORS 402.105 or the Pacific Northwest Emer-**
35 **gency Management Arrangement adopted under ORS 402.250, including Annexes A and B to**
36 **the Pacific Northwest Emergency Management Arrangement; or**
37 “(d) **While engaged in training described in ORS 401.358 (1)(b) that is conducted or ap-**
38 **proved by the authority.**
39 “[2] (3) Workers’ compensation coverage shall be provided under this section in the manner
40 provided by ORS 656.039.
41 “**SECTION 5.** ORS 401.667 is amended to read:
42 “401.667. (1) If the Governor declares a state of emergency under ORS 401.165, or proclaims a
43 state of public health emergency under ORS 433.441, emergency health care providers registered
44 under ORS 401.654 and other health care providers who volunteer to perform health care services
45 under ORS 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for the purposes

1 of any claims arising out of services that are provided under ORS 401.651 to 401.670 pursuant to
2 directions from a public body and that are within the course and scope of the health care provider's
3 duties, without regard to whether the health care provider is compensated for the services.

4 “(2) If the Governor declares a state of emergency under ORS 401.165, or proclaims a state of
5 public health emergency under ORS 433.441, health care facilities designated under ORS 401.657 and
6 other persons operating emergency health care centers designated under ORS 401.657 are agents of
7 the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are
8 provided through those centers or facilities under ORS 401.651 to 401.670 pursuant to directions
9 from a public body and that are within the course and scope of the duties of the health care facility
10 or other person, without regard to whether the health care facility or other person is compensated
11 for the services.

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

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

21 “(5) **If the Governor receives a request for assistance from another party state to the**
22 **Emergency Management Assistance Compact adopted under ORS 402.105 and the Oregon**
23 **Health Authority directs an emergency health care provider registered under ORS 401.654 to**
24 **that state to render assistance, the emergency health care provider is considered an officer**
25 **or employee of the Oregon Health Authority for purposes of Article VI of the Emergency**
26 **Management Assistance Compact.**

27 “**NOTE:** Section 6 was deleted by amendment. Subsequent sections were not renumbered.

28 “**SECTION 7.** ORS 401.913 is amended to read:

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

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

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

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

41 “[3] (5) The legislative branch of government and the judicial branch of government shall each
42 select an individual to monitor the effectiveness of [*seismic*] **hazard** safety and resilience planning
43 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 represent Native American, Black,**
3 **African American, Latin, Asian or Pacific Islander communities, members of the lesbian,**
4 **gay, bisexual, transgender, queer or questioning (LGBTQ) communities, immigrants, refu-**
5 **gees, members of tribal communities, linguistically diverse populations, persons with disa-**
6 **bilities, access and functional needs communities or older Oregonians, to facilitate**
7 **enhancement of volunteer organization capabilities to provide emergency service activities.**

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

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

11 **“(a)(A) ‘Eligible costs’ means:**

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

14 **“(ii) Architectural, engineering, project management, insurance, testing and other ser-**
15 **vice costs related to seismic retrofitting.**

16 **“(B) ‘Eligible costs’ does not mean:**

17 **“(i) Remodeling or refurbishing costs intended to enhance aesthetics, functionality or**
18 **marketability without extending seismic life safety; or**

19 **“(ii) Relocation costs or loss of rent during improvement of the seismic safety, stability**
20 **or resiliency of an eligible property.**

21 **“(b) ‘Eligible property’ means improvements to real property:**

22 **“(A) Constructed before January 1, 1993;**

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

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

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

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

37 **“(a) Improving, on a statewide basis, the seismic safety, stability and resiliency of eligible**
38 **properties; and**

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

42 **“(3) Applications for grants under the program described in subsection (2) of this section**
43 **must state with specificity the proposed improvements to the seismic safety, stability and**
44 **resiliency of the eligible property. The proposed improvements must be sufficient to meet**
45 **or exceed the seismic performance level for eligible properties established by the department**

1 by rule.

2 “(4) In awarding grants under the program, the department shall give priority to grants
3 for:

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

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

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

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

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

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

16 “(7) The department shall adopt a formula for making grants under the program that
17 reserves a minimum of 50 percent of available grant funds for projects outside of the
18 Portland metropolitan area urban growth boundary.

19 “(8) The department shall:

20 “(a) Develop criteria for determining the eligibility of grant applicants and proposed
21 projects;

22 “(b) Provide project oversight and monitoring for grant recipients, except that project
23 oversight does not include construction oversight;

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

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

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

30 “(9) The department shall require each grant recipient to file upon completion of the el-
31 igible project a sworn statement identifying the amounts and types of moneys received for
32 the eligible project and the source of those moneys.

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

35 “SECTION 11. The Oregon Unreinforced Masonry Seismic Safety Fund is established in
36 the State Treasury, separate and distinct from the General Fund. Interest earned by the
37 Oregon Unreinforced Masonry Seismic Safety Fund shall be credited to the fund. Moneys in
38 the fund are continuously appropriated to the Oregon Business Development Department for
39 the purpose of carrying out the Unreinforced Masonry Seismic Safety Program described in
40 section 10 of this 2021 Act. The fund shall consist of any moneys designated for deposit in
41 the fund or for carrying out the program, including but not limited to appropriations or
42 other provisions of moneys by the Legislative Assembly, bond proceeds and public or private
43 moneys from gifts, grants or donations.

44 “SECTION 12. (1) In addition to and not in lieu of bonds authorized pursuant to ORS
45 286A.035, for the biennium ending June 30, 2023, at the request of the Oregon Department

1 of Administrative Services, after the department consults with the Oregon Business Devel-
2 opment Department, the State Treasurer is authorized to issue lottery bonds pursuant to
3 ORS 286A.560 to 286A.585 in an amount that produces \$50 million in net proceeds and interest
4 earnings for the purposes described in subsection (2) of this section, plus an additional
5 amount estimated by the State Treasurer to be necessary to pay bond-related costs.

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

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

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

16 “(b) Improvements to the seismic safety, stability and resiliency of unreinforced masonry
17 and unreinforced concrete buildings will create jobs and promote economic development
18 within this state.

19 “SECTION 13. This 2021 Act takes effect on the 91st day after the date on which the 2021
20 regular session of the Eighty-first Legislative Assembly adjourns sine die.”.

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