

Requested by SENATE COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS

**PROPOSED AMENDMENTS TO
SENATE BILL 288**

1 On page 1 of the printed bill, line 3, delete “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**
5 **Administrative Services** shall maintain a system for the notification and
6 interagency coordination of state resources in response to emergencies in-
7 volving multijurisdictional cooperation between the various levels of gov-
8 ernment, [*and*] private business entities, **community-based organizations**
9 **and faith-based organizations. Multijurisdictional cooperation devel-**
10 **oped under this paragraph must include organizations that represent**
11 **Native American, Black, African American, Latin, Asian or Pacific**
12 **Islander communities, members of lesbian, gay, bisexual, transgender,**
13 **queer or questioning (LGBTQ) communities, immigrants, refugees,**
14 **members of tribal communities, linguistically diverse populations,**
15 **persons with disabilities or access and functional needs communities.**

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

21 “(2) The notification system shall be managed by the Office of Emergency

1 Management as a continuously available communications network and a
2 component of the state's emergency operations center.

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

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

12 “(5) The Office of Emergency Management shall adopt rules relating to
13 the planning, administration and operation of the notification system main-
14 tained under this section.

15 **“SECTION 2. The Department of State Police shall assist the**
16 **Oregon Department of Administrative Services in transitioning re-**
17 **sponsibilities under ORS 401.094, as amended by section 1 of this 2021**
18 **Act, to the Oregon Department of Administrative Services.**

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

20 “401.358. As used in ORS 401.358 to 401.368:

21 “(1) ‘Emergency service activities’ means:

22 “(a) The provision of emergency services; and

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

27 “(2) ‘Qualified emergency service volunteer’ means a person who is:

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

30 “(b) Acknowledged in writing as a qualified emergency service volunteer,

1 at the time the person offers to volunteer during an emergency, by the Office
2 of Emergency Management or by another public body;

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

4 “(d) A building evaluator certified under the Oregon Safety Assessment
5 Program established under ORS 401.256[.]; or

6 **“(e) Any other volunteer from a nonprofit organization who is pro-**
7 **viding emergency service activities at the direction of a public body**
8 **or at the direction of a community-based or faith-based organization**
9 **that represents Native American, Black, African American, Latin,**
10 **Asian or Pacific Islander communities, members of lesbian, gay,**
11 **bisexual, transgender, queer or questioning (LGBTQ) communities,**
12 **immigrants, refugees, members of tribal communities, linguistically**
13 **diverse populations, persons with disabilities or access and functional**
14 **needs communities.**

15 **“SECTION 4.** ORS 401.368 is amended to read:

16 **“401.368. (1) Except as provided in subsection (2) of this section,** the
17 Office of Emergency Management shall provide workers’ compensation cov-
18 erage for qualified emergency service volunteers who are injured in the
19 course and scope of performing emergency service activities under the di-
20 rection of a public body if the injury occurs:

21 **“(a) While the volunteer is performing emergency service activities under**
22 **the direction of the public body during a state of emergency declared under**
23 **this chapter, or during a state of public health emergency proclaimed under**
24 **ORS 433.441; or**

25 **“(b) While the volunteer is engaged in training being conducted or ap-**
26 **proved by a public body for the purpose of preparing the volunteer to per-**
27 **form emergency services.**

28 **“(2) The Oregon Health Authority shall provide workers’ compen-**
29 **sation coverage for emergency health care providers registered under**
30 **ORS 401.654 who are injured while performing emergency service ac-**

1 **tivities under the direction of the authority and within the course and**
2 **scope of that direction:**

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

4 **“(b) During a state of public health emergency declared under ORS**
5 **433.441;**

6 **“(c) While rendering assistance pursuant to a request pursuant to**
7 **the Emergency Management Assistance Compact adopted under ORS**
8 **402.105 or the Pacific Northwest Emergency Management Arrangement**
9 **adopted under ORS 402.250, including Annexes A and B to the Pacific**
10 **Northwest Emergency Management Arrangement; or**

11 **“(d) While engaged in training described in ORS 401.358 (1)(b) that**
12 **is conducted or approved by the authority.**

13 **“[(2)] (3) Workers’ compensation coverage shall be provided under this**
14 **section in the manner provided by ORS 656.039.**

15 **“SECTION 5. ORS 401.667 is amended to read:**

16 **“401.667. (1) If the Governor declares a state of emergency under ORS**
17 **401.165, or proclaims a state of public health emergency under ORS 433.441,**
18 **emergency health care providers registered under ORS 401.654 and other**
19 **health care providers who volunteer to perform health care services under**
20 **ORS 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for**
21 **the purposes of any claims arising out of services that are provided under**
22 **ORS 401.651 to 401.670 pursuant to directions from a public body and that**
23 **are within the course and scope of the health care provider’s duties, without**
24 **regard to whether the health care provider is compensated for the services.**

25 **“(2) If the Governor declares a state of emergency under ORS 401.165, or**
26 **proclaims a state of public health emergency under ORS 433.441, health care**
27 **facilities designated under ORS 401.657 and other persons operating emer-**
28 **gency health care centers designated under ORS 401.657 are agents of the**
29 **state under ORS 30.260 to 30.300 for the purposes of any claims arising out**
30 **of services that are provided through those centers or facilities under ORS**

1 401.651 to 401.670 pursuant to directions from a public body and that are
2 within the course and scope of the duties of the health care facility or other
3 person, without regard to whether the health care facility or other person
4 is compensated for the services.

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

9 “(4) The provisions of subsection (2) of this section apply only to emer-
10 gency health care centers or health care facilities that have adopted emer-
11 gency operations plans and credentialing plans that govern the use of
12 emergency health care providers registered under ORS 401.654 and other
13 health care providers who volunteer to perform health care services under
14 ORS 401.651 to 401.670. An emergency operations plan and a credentialing
15 plan must comply with rules governing those plans adopted by the authority.

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

24 “**SECTION 6.** ORS 401.109 is amended to read:

25 “401.109. (1) The Oregon Homeland Security Council is created within the
26 Office of Emergency Management. The council shall:

27 “(a) Receive briefings on security matters:

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

30 “(B) Relating to catastrophic disasters declared by the Governor pursuant

1 to Article X-A, section 1, of the Oregon Constitution, or states of emergency
2 declared by the Governor pursuant to ORS 401.165.

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

6 “(2) The membership of the council consists of:

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

8 “(A) Two members from the Senate appointed by the President of the
9 Senate; and

10 “(B) Two members from the House of Representatives appointed by the
11 Speaker of the House of Representatives;

12 “(b) The Governor;

13 “(c) The Adjutant General;

14 “(d) The Superintendent of State Police;

15 “(e) The Director of the Office of Emergency Management; and

16 “(f) A representative of the Department of Justice appointed by the At-
17 torney General.

18 “(3) Each member appointed to the council under subsection (2) 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 “(4) The Governor is the chairperson of the council.

23 “(5) The Adjutant General is the vice chairperson of the council and
24 serves as the chairperson in the absence of the Governor.

25 “(6) Members of the council are not entitled to compensation under ORS
26 292.495. The director, in the director’s discretion, may reimburse members
27 of the council as provided in ORS 292.495 for actual and necessary travel or
28 other expenses incurred in the performance of their duties as members of the
29 council.

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

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

8 “(2) **The State Resilience Officer shall lead statewide mitigation ef-**
9 **forts that address findings from the Oregon Resilience Plan and the**
10 **state hazard mitigation plan.**

11 “(3) **The State Resilience Officer shall lead executive branch agen-**
12 **cies on continuity of operations planning and continuity of govern-**
13 **ment planning training and exercises.**

14 “[2] (4) The Governor shall appoint an individual to serve as the State
15 Resilience Officer, subject to confirmation by the Senate pursuant to Article
16 III, section 4, of the Oregon Constitution.

17 “[3] (5) The legislative branch of government and the judicial branch
18 of government shall each select an individual to monitor the effectiveness
19 of [*seismic*] **hazard** safety and resilience planning in their branch.

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

22 “**SECTION 9. (1) The Office of Emergency Management shall es-**
23 **tablish an outreach program to work directly with nonprofit organ-**
24 **izations that represent Native American, Black, African American,**
25 **Latin, Asian or Pacific Islander communities, members of the lesbian,**
26 **gay, bisexual, transgender, queer or questioning (LGBTQ) communi-**
27 **ties, immigrants, refugees, members of tribal communities, linguis-**
28 **tically diverse populations, persons with disabilities or access and**
29 **functional needs communities, to facilitate enhancement of volunteer**
30 **organization capabilities to provide emergency service activities.**

1 “(2) The office shall dedicate at least one full-time equivalent posi-
2 tion to performing the duties described in subsection (1) of this sec-
3 tion.

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

5 “(a)(A) ‘Eligible costs’ means:

6 “(i) Retrofitting of similar architectural finishes, work on electrical,
7 plumbing and mechanical systems and other direct structural costs
8 of seismic retrofitting; and

9 “(ii) Architectural, engineering, project management, insurance,
10 testing and other service costs related to seismic retrofitting.

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

12 “(i) Remodeling or refurbishing costs intended to enhance aesthet-
13 ics, functionality or marketability without extending seismic life
14 safety; or

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

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

18 “(A) Constructed before January 1, 1993;

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

23 “(C) Having load-bearing walls, nonload-bearing walls, chimneys or
24 other structures, and that are made of brick, cinderblock, tile, adobe
25 or other masonry material that is not braced by rebar or other rein-
26 forcing material; and

27 “(D) Serving or having the capacity to serve as a facility providing
28 food, shelter, health care or other necessary services during an emer-
29 gency declared under ORS 401.165 or a public health emergency de-
30 clared under ORS 433.441.

1 **“(2) The Oregon Business Development Department shall adminis-**
2 **ter a program, to be known as the Unreinforced Masonry Seismic**
3 **Safety Program, for the purpose of awarding grants on an annual**
4 **competitive basis from the Oregon Unreinforced Masonry Seismic**
5 **Safety Fund established under section 11 of this 2021 Act. The depart-**
6 **ment shall award and disburse grants under the program for the pur-**
7 **poses of:**

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

10 **“(b) Promoting improvements in seismic safety, stability and**
11 **resiliency that may lead to private investment, job creation or re-**
12 **tention, the establishment or expansion of viable businesses or the**
13 **creation of a stronger tax base.**

14 **“(3) Applications for grants under the program described in sub-**
15 **section (2) of this section must state with specificity the proposed im-**
16 **provements to the seismic safety, stability and resiliency of the eligible**
17 **property. The proposed improvements must be sufficient to meet or**
18 **exceed the seismic performance level for eligible properties established**
19 **by the department by rule.**

20 **“(4) In awarding grants under the program, the department shall**
21 **give priority to grants for:**

22 **“(a) Eligible property owned by, or primarily benefitting, a**
23 **nonprofit corporation as defined in ORS 65.001; and**

24 **“(b) Categories of eligible property identified by the department by**
25 **rule.**

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

28 **“(a) Thirty-five percent of the total eligible costs expended on eli-**
29 **gible properties; or**

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

1 **“(6) The department shall reduce the grant for an eligible property**
2 **by the amount of any tax credits or grants received from Oregon state**
3 **government, as defined in ORS 174.111, in connection with the prop-**
4 **erty. A grant under this section may not exceed the difference between**
5 **the eligible cost and the total amount received to pay for the eligible**
6 **cost from all other sources, such as tax credits or grants.**

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

11 **“(8) The department shall:**

12 **“(a) Develop criteria for determining the eligibility of grant appli-**
13 **cants and proposed projects;**

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

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

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

19 **“(e) Appoint an advisory group of individuals qualified to review**
20 **grant applications, advise on the carrying out of the program and**
21 **perform other program-related duties as determined by the depart-**
22 **ment.**

23 **“(9) The department shall require each grant recipient to file upon**
24 **completion of the eligible project a sworn statement identifying the**
25 **amounts and types of moneys received for the eligible project and the**
26 **source of those moneys.**

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

30 **“SECTION 11. The Oregon Unreinforced Masonry Seismic Safety**

1 Fund is established in the State Treasury, separate and distinct from
2 the General Fund. Interest earned by the Oregon Unreinforced
3 Masonry Seismic Safety Fund shall be credited to the fund. Moneys in
4 the fund are continuously appropriated to the Oregon Business De-
5 velopment Department for the purpose of carrying out the Unrein-
6 forced Masonry Seismic Safety Program described in section 10 of this
7 2021 Act. The fund shall consist of any moneys designated for deposit
8 in the fund or for carrying out the program, including but not limited
9 to appropriations or other provisions of moneys by the Legislative
10 Assembly, bond proceeds and public or private moneys from gifts,
11 grants or donations.

12 **“SECTION 12. (1) In addition to and not in lieu of bonds authorized**
13 **pursuant to ORS 286A.035, for the biennium ending June 30, 2023, at**
14 **the request of the Oregon Department of Administrative Services, af-**
15 **ter the department consults with the Oregon Business Development**
16 **Department, the State Treasurer is authorized to issue lottery bonds**
17 **pursuant to ORS 286A.560 to 286A.585 in an amount that produces \$50**
18 **million in net proceeds and interest earnings for the purposes de-**
19 **scribed in subsection (2) of this section, plus an additional amount**
20 **estimated by the State Treasurer to be necessary to pay bond-related**
21 **costs.**

22 **“(2) Net proceeds of lottery bonds issued under this section must**
23 **be transferred to the Oregon Business Development Department for**
24 **deposit in the Oregon Unreinforced Masonry Seismic Safety Fund es-**
25 **tablished under section 11 of this 2021 Act.**

26 **“(3) The Legislative Assembly finds that the use of lottery bond**
27 **proceeds for the purpose of carrying out the Unreinforced Masonry**
28 **Seismic Safety Program described in section 10 of this 2021 Act will**
29 **create jobs, further economic development and enhance the economic**
30 **vitality of Oregon communities, and is authorized based on the fol-**

1 **lowing findings:**

2 **“(a) Masonry and concrete buildings are an integral part of the**
3 **commercial, industrial and nonprofit infrastructure of this state. Un-**
4 **reinforced masonry and unreinforced concrete buildings pose a signif-**
5 **icant risk to that infrastructure in the event of an earthquake.**

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

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

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