

SB 288-5  
(LC 471)  
3/12/21 (DJ/ps)

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 “401.109, 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**  
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, access and functional needs communities or**  
16 **older Oregonians.**

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

1 “(2) The notification system shall be managed by the Office of Emergency  
2 Management as a continuously available communications network and a  
3 component of the state’s emergency operations center.

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

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

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

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

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

21 “401.358. As used in ORS 401.358 to 401.368:

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

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

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

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

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

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

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

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

7 **“(e) Any other volunteer from a nonprofit organization who is pro-**  
8 **viding emergency service activities at the direction of a public body.**

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

10 **“401.368. (1) Except as provided in subsection (2) of this section,** the  
11 Office of Emergency Management shall provide workers’ compensation cov-  
12 erage for qualified emergency service volunteers who are injured in the  
13 course and scope of performing emergency service activities under the di-  
14 rection of a public body if the injury occurs:

15 “(a) While the volunteer is performing emergency service activities under  
16 the direction of the public body during a state of emergency declared under  
17 this chapter, or during a state of public health emergency proclaimed under  
18 ORS 433.441; or

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

22 **“(2) The Oregon Health Authority shall provide workers’ compen-**  
23 **sation coverage for emergency health care providers registered under**  
24 **ORS 401.654 who are injured while performing emergency service ac-**  
25 **tivities under the direction of the authority and within the course and**  
26 **scope of that direction:**

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

28 **“(b) During a state of public health emergency declared under ORS**  
29 **433.441;**

30 **“(c) While rendering assistance pursuant to a request pursuant to**

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

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

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

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

10 “401.667. (1) If the Governor declares a state of emergency under ORS  
11 401.165, or proclaims a state of public health emergency under ORS 433.441,  
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 are agents of the state under ORS 30.260 to 30.300 for  
15 the purposes of any claims arising out of services that are provided under  
16 ORS 401.651 to 401.670 pursuant to directions from a public body and that  
17 are within the course and scope of the health care provider’s duties, without  
18 regard to whether the health care provider is compensated for the services.

19 “(2) If the Governor declares a state of emergency under ORS 401.165, or  
20 proclaims a state of public health emergency under ORS 433.441, health care  
21 facilities designated under ORS 401.657 and other persons operating emer-  
22 gency health care centers designated under ORS 401.657 are agents of the  
23 state under ORS 30.260 to 30.300 for the purposes of any claims arising out  
24 of services that are provided through those centers or facilities under ORS  
25 401.651 to 401.670 pursuant to directions from a public body and that are  
26 within the course and scope of the duties of the health care facility or other  
27 person, without regard to whether the health care facility or other person  
28 is compensated for the services.

29 “(3) An emergency health care provider registered under ORS 401.654  
30 participating in training authorized by the Oregon Health Authority under

1 ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to 30.300  
2 for the purposes of any claims arising out of that training.

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

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

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

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

21 “401.913. (1) The office of State Resilience Officer is created in the office  
22 of the Governor. The office of State Resilience Officer shall direct, implement  
23 and coordinate [*seismic*] **hazard** safety and resilience goal setting and state  
24 agency planning and preparation to improve [*seismic*] **hazard** safety and  
25 resilience, **including but not limited to planning and preparation for**  
26 **safety and resilience during and after earthquake, tsunami, wildfire,**  
27 **flooding and other natural or manmade events.**

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

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

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

7       **“[(3)] (5) The legislative branch of government and the judicial branch**  
8 **of government shall each select an individual to monitor the effectiveness**  
9 **of [seismic] hazard safety and resilience planning in their branch.**

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

12       **“SECTION 9. (1) The Office of Emergency Management shall es-**  
13 **tablish an outreach program to work directly with nonprofit organ-**  
14 **izations that represent Native American, Black, African American,**  
15 **Latin, Asian or Pacific Islander communities, members of the lesbian,**  
16 **gay, bisexual, transgender, queer or questioning (LGBTQ) communi-**  
17 **ties, immigrants, refugees, members of tribal communities, linguis-**  
18 **tically diverse populations, persons with disabilities, access and**  
19 **functional needs communities or older Oregonians, to facilitate en-**  
20 **hancement of volunteer organization capabilities to provide emergency**  
21 **service activities.**

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

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

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

27       **“(i) Retrofitting of similar architectural finishes, work on electrical,**  
28 **plumbing and mechanical systems and other direct structural costs**  
29 **of seismic retrofitting; and**

30       **“(ii) Architectural, engineering, project management, insurance,**

1 testing and other service costs related to seismic retrofitting.

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

3 “(i) Remodeling or refurbishing costs intended to enhance aesthet-  
4 ics, functionality or marketability without extending seismic life  
5 safety; or

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

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

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

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

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

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

22 “(2) The Oregon Business Development Department shall adminis-  
23 ter a program, to be known as the Unreinforced Masonry Seismic  
24 Safety Program, for the purpose of awarding grants on an annual  
25 competitive basis from the Oregon Unreinforced Masonry Seismic  
26 Safety Fund established under section 11 of this 2021 Act. The depart-  
27 ment shall award and disburse grants under the program for the pur-  
28 poses of:

29 “(a) Improving, on a statewide basis, the seismic safety, stability  
30 and resiliency of eligible properties; and

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

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

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

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

15       **“(b) Categories of eligible property identified by the department by**  
16 **rule.**

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

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

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

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

28       **“(7) The department shall adopt a formula for making grants under**  
29 **the program that reserves a minimum of 50 percent of available grant**  
30 **funds for projects outside of the Portland metropolitan area urban**



1 **growth boundary.**

2 **“(8) The department shall:**

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

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

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

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

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

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

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

21 **“SECTION 11. The Oregon Unreinforced Masonry Seismic Safety**  
22 **Fund is established in the State Treasury, separate and distinct from**  
23 **the General Fund. Interest earned by the Oregon Unreinforced**  
24 **Masonry Seismic Safety Fund shall be credited to the fund. Moneys in**  
25 **the fund are continuously appropriated to the Oregon Business De-**  
26 **velopment Department for the purpose of carrying out the Unrein-**  
27 **forced Masonry Seismic Safety Program described in section 10 of this**  
28 **2021 Act. The fund shall consist of any moneys designated for deposit**  
29 **in the fund or for carrying out the program, including but not limited**  
30 **to appropriations or other provisions of moneys by the Legislative**

1 Assembly, bond proceeds and public or private moneys from gifts,  
2 grants or donations.

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

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

17 **“(3)** The Legislative Assembly finds that the use of lottery bond  
18 proceeds for the purpose of carrying out the Unreinforced Masonry  
19 Seismic Safety Program described in section 10 of this 2021 Act will  
20 create jobs, further economic development and enhance the economic  
21 vitality of Oregon communities, and is authorized based on the fol-  
22 lowing findings:

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

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

30 **“SECTION 13.** This 2021 Act takes effect on the 91st day after the

1 **date on which the 2021 regular session of the Eighty-first Legislative**  
2 **Assembly adjourns sine die.”**

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