

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
B-ENGROSSED HOUSE BILL 2927**

1 On page 1 of the printed B-engrossed bill, line 14, after “2019;” insert
2 “repealing section 3, chapter ___, Oregon Laws 2021 (Enrolled House Bill
3 2426);”.

4 On page 18, after line 33, insert:

5 **“SECTION 34a. If Senate Bill 104 becomes law, section 34 of this 2021**
6 **Act (amending ORS 401.239) is repealed and ORS 401.239, as amended**
7 **by section 1, chapter ___, Oregon Laws 2021 (Enrolled Senate Bill 104),**
8 **is amended to read:**

9 “401.239. (1) As used in this section, ‘critical service provider’ means an
10 individual:

11 “(a) Who has received credentials under this section and who is employed
12 by, or is acting pursuant to a contract under the direction of, an organiza-
13 tion deemed by the [*Office*] **Oregon Department** of Emergency Management
14 to be critical to emergency response operations in Oregon; and

15 “(b) Who is:

16 “(A) Maintaining, including repairing or resupplying, critical
17 infrastructure equipment or systems;

18 “(B) Maintaining continuity of operations of the individual’s organiza-
19 tion;

20 “(C) Supporting emergency response activities; or

21 “(D) Providing technical support services to another critical service pro-

1 vider.

2 “(2) Unless prohibited by state or federal law or in the discretion of the
3 incident commander during *[an]* **a state of** emergency declared under ORS
4 401.165, a critical service provider may:

5 “(a) Travel on public roads within a geographic area subject to a decla-
6 ration of **a state of** emergency under ORS 401.165;

7 “(b) Access the geographic area for a purpose described in subsection
8 (1)(b) of this section; and

9 “(c) Access the distribution of fuel, food, water, supplies, equipment and
10 any other materials necessary to carry out a purpose described in subsection
11 (1)(b) of this section.

12 “(3) An emergency service agency may not seize a vehicle, fuel, food,
13 water or other essential materials in the possession of a critical service
14 provider.

15 “(4) The *[office]* **department** may establish sector-specific programs for
16 the credentialing of individuals as critical service providers. Such programs
17 must inform critical service providers about:

18 “(a) Risks associated with entering a geographic area subject to a decla-
19 ration of *[an]* **a state of** emergency under ORS 401.165;

20 “(b) Best practices for working safely in the geographic area; and

21 “(c) Best practices for working in a geographic area without hindering
22 or interfering with the conduct of emergency services by an emergency ser-
23 vice agency.

24 “(5) The *[office]* **department** may authorize one or more private entities
25 organized under the laws of this state to establish sector-specific programs
26 for the credentialing of individuals as critical service providers, subject to
27 the following requirements:

28 “(a) The *[office]* **department** may authorize a private entity under this
29 subsection only if the entity represents a majority of owners and operators
30 in the sector for which the entity will establish a credentialing program.

1 “(b) A program established under this subsection must meet the require-
2 ments set forth in subsection (4) of this section.

3 “(c) An entity authorized by the [*office*] **department** under this section
4 to establish a credentialing program shall annually submit to the [*office*]
5 **department** a report regarding the operation of the program, including any
6 changes to the program.

7 “(6) The [*office*] **department** may adopt rules to administer and imple-
8 ment the provisions of this section.”.

9 On page 22, after line 16, insert:

10 **“SECTION 38a. If House Bill 2426 becomes law, section 38 of this**
11 **2021 Act (amending ORS 401.551) is repealed and ORS 401.551, as**
12 **amended by section 2, chapter __, Oregon Laws 2021 (Enrolled House**
13 **Bill 2426), is amended to read:**

14 “401.551. (1) As used in this section:

15 “(a) ‘Emergency’ has the meaning given that term in ORS 401.025.

16 “(b) ‘Maintain’ means to repair, perform upkeep on and otherwise keep
17 in good working condition.

18 “(c) ‘Preparedness equipment’ means equipment, vehicles or other per-
19 sonal property that:

20 “(A) May be used to decrease the risk to life and property resulting from
21 an emergency; and

22 “(B) Qualifies as a capital asset eligible for financing with tax-exempt
23 bonds.

24 “(d) ‘Qualified applicant’ means an entity that has responsibility for or
25 expertise in emergency preparedness and that is a local government, a spe-
26 cial government body, a federally recognized Indian tribe in Oregon or a
27 private organization qualified for federal tax-exempt status under section
28 501(c)(3) of the Internal Revenue Code.

29 “(e) ‘Recipient’ means an entity that applies for and receives preparedness
30 equipment, or funds to purchase preparedness equipment, under the grant

1 program described in subsection (3) of this section.

2 “(f) ‘Tax-exempt bond’ means a bond, as defined in ORS 286A.001, the re-
3 ceipt of interest on which is excluded from gross income under the Internal
4 Revenue Code or that is eligible for a federal interest subsidy payment or
5 other tax-advantaged status.

6 “(2)(a) The Oregon Homeland Security Council shall develop a list of
7 preparedness equipment that is needed throughout this state to address de-
8 ficiencies in the ability of the state to respond to local and regional emer-
9 gencies.

10 “(b) In developing, **updating and revising** the list, the council shall
11 consult and coordinate with the [*Office*] **Oregon Department** of Emergency
12 Management and with county officials who are responsible for emergency
13 management.

14 “(c) The council shall assign a priority level to each type of preparedness
15 equipment on the list as described in this paragraph:

16 “(A) Preparedness equipment that is necessary, in the determination of
17 the council, to equip urban search and rescue teams must be included in the
18 highest priority level.

19 “(B) In assigning priority levels to other types of preparedness equipment,
20 the council shall take into consideration, without limitation, the types of
21 emergency that are most likely to occur in different regions of this state and
22 the types of preparedness equipment that offer the highest ratio of utility to
23 cost.

24 “(d) The council shall periodically update and revise the list, including
25 the assigned priority levels.

26 “(3) The [*Office*] **Oregon Department** of Emergency Management shall
27 develop and administer a grant program to distribute preparedness equip-
28 ment, or funds to purchase preparedness equipment, to recipients throughout
29 this state. Pursuant to the grant program:

30 “(a) Qualified applicants may request preparedness equipment that is

1 identified on the list described in subsection (2) of this section. Applicants
2 must demonstrate a need for the specific preparedness equipment requested,
3 the ability to maintain the preparedness equipment and the ability to use the
4 preparedness equipment to address deficiencies in local or regional emer-
5 gency preparedness.

6 “(b) The [office] **department** shall identify which requests from appli-
7 cants, if fulfilled, will maximize the state’s ability to respond to an emer-
8 gency, taking into account considerations that include but are not limited
9 to:

10 “(A) The level of priority assigned to the requested preparedness equip-
11 ment pursuant to subsection (2) of this section;

12 “(B) The level of need for the requested preparedness equipment as dem-
13 onstrated by the applicant;

14 “(C) The ability to use and maintain the preparedness equipment as
15 demonstrated by the applicant;

16 “(D) The types of emergency most likely to occur in the region where the
17 applicant is located; and

18 “(E) Whether the applicant has an alternative means of acquiring the
19 requested preparedness equipment.

20 “(c)(A) Subject to subparagraph (B) of this paragraph, the [office] **de-**
21 **partment** shall issue grants to applicants identified under paragraph (b) of
22 this subsection after entering into grant agreements with the applicants as
23 provided in paragraph (e) of this subsection. The [office] **department** may
24 either purchase the requested preparedness equipment for distribution to a
25 recipient or disburse funds to the recipient for the purchase of the requested
26 preparedness equipment.

27 “(B) For the purpose of equipping urban search and rescue teams, the
28 [office] **department** shall prioritize requests made by applicants that are
29 capable, at the time of application, of deploying urban search and rescue
30 teams.

1 “(d) The Public Contracting Code does not apply to the acquisition of
2 preparedness equipment by the [office] **department** or by a recipient pursu-
3 ant to this section. When acquiring preparedness equipment pursuant to this
4 section, the [office] **department** and recipients shall use procurement meth-
5 ods that are impartial and transparent to the greatest extent feasible and are
6 designed to maximize value to the State of Oregon.

7 “(e) The [office] **department** may not disburse preparedness equipment
8 or funds under this section unless the [office] **department** and the intended
9 recipient first enter into a grant agreement. The grant agreement:

10 “(A) Shall require the recipient to maintain the preparedness equipment.

11 “(B) Shall provide that, if a recipient fails to adequately maintain
12 preparedness equipment, the recipient must relinquish possession of the
13 preparedness equipment or reimburse the [office] **department** for the cost
14 of the preparedness equipment.

15 “(C) Shall specify that the [office] **department** may conduct periodic in-
16 spections of the preparedness equipment as described in paragraph (f) of this
17 subsection.

18 “(D) Shall specify that preparedness equipment distributed to the recipi-
19 ent remains the property of the [office] **department** until it is fully depre-
20 ciated under governmental accounting principles, after which the [office]
21 **department** may offer the preparedness equipment for sale to the recipient
22 at its fair market value at the time of sale.

23 “(E) May permit the recipient to use the preparedness equipment for any
24 purpose, governmental or otherwise, that is permissible for assets financed
25 with tax-exempt bonds, including nonemergency purposes.

26 “(F) Shall require private organizations to obtain approval from the
27 [office] **department** before making any use of preparedness equipment that
28 is outside the scope of the purpose of the private organization as stated in
29 the formation documents or bylaws of the organization.

30 “(G) Shall require the recipient to take action or refrain from action as

1 necessary to maintain federal tax benefits related to any tax-exempt bonds
2 that are used to fund the grant and to indemnify the State of Oregon for any
3 costs, expenses or liability due to loss of such federal tax benefits caused by
4 action or inaction of the recipient.

5 “(f) The [office] **department** shall conduct periodic inspections of
6 preparedness equipment distributed or purchased through the grant program
7 to ensure that recipients are adequately maintaining the preparedness
8 equipment. If the [office] **department** finds that any preparedness equipment
9 is not adequately maintained, the [office] **department** may take possession
10 of the preparedness equipment or require the recipient to reimburse the [of-
11 fice] **department** for the cost of the preparedness equipment.

12 “(g) The [office] **department** may transfer between recipients, dispose of
13 or otherwise manage the preparedness equipment as [it] **the department**
14 determines is in the best interests of meeting the emergency preparedness
15 needs of the State of Oregon. If the [office] **department** disposes of
16 preparedness equipment for any reason, including sale to a recipient as pro-
17 vided in paragraph (e)(D) of this subsection, the [office] **department** shall
18 deposit any moneys it receives from the disposal in the Resiliency Grant
19 Fund established under ORS 401.552.

20 “(4) On or before December 31 of each year, the [office] **department** shall
21 submit a report to the Legislative Assembly and to the Oregon Homeland
22 Security Council that describes the administration and effectiveness of the
23 grant program established under this section and the current prioritized list
24 of preparedness equipment types.

25 “(5) The [office] **department** shall adopt rules to administer and imple-
26 ment the provisions of this section.”.

27 On page 24, after line 33, insert:

28 “**SECTION 41a. If House Bill 2426 becomes law, section 3, chapter**
29 **___, Oregon Laws 2021 (Enrolled House Bill 2426) (amending ORS**
30 **401.552), is repealed.”.**

1 On page 31, after line 6, insert:

2 **“SECTION 55a. If Senate Bill 103 becomes law, section 55 of this 2021**
3 **Act (amending ORS 401.977) is repealed and ORS 401.977, as amended**
4 **by section 3, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 103),**
5 **is amended to read:**

6 “401.977. (1) As used in this section:

7 “(a) ‘Companion animal’ means a domestic animal commonly kept as a
8 household pet.

9 “(b) ‘Service animal’ means an animal that assists or performs tasks for
10 a person with a sensory, emotional, mental or physical disability.

11 “(2) The State Department of Agriculture, in cooperation with the
12 [*Office*] **Oregon Department** of Emergency Management, the Department
13 of Human Services and local governments, shall prepare a written animal
14 emergency operations plan that provides for the evacuation, transport and
15 temporary sheltering of companion animals and service animals during a
16 major disaster or an emergency.

17 “(3) The State Department of Agriculture, in developing the plan, shall
18 emphasize the protection of human life and shall consider:

19 “(a) Allowing owners of service animals to be evacuated, transported and
20 sheltered with their service animals;

21 “(b) Establishing a sufficient number of evacuation shelters equipped to
22 temporarily shelter companion animals and service animals in close proxim-
23 ity to a human sheltering facility;

24 “(c) Allowing owners and their companion animals to be evacuated to-
25 gether whenever possible;

26 “(d) Establishing an identification system to ensure that owners who are
27 separated from their companion animals or service animals during an evac-
28 uation are provided with all information necessary to locate and reclaim
29 their animals;

30 “(e) Transporting companion animals or service animals, in cages or car-

1 riers that safely and securely confine the animals, in an impending major
2 disaster or emergency;

3 “(f) Recommending that animal shelters, humane societies, veterinary of-
4 fices, boarding kennels, breeders, grooming facilities, animal testing facilities
5 and any other entity that normally houses companion animals or service
6 animals create evacuation plans for the animals housed at their facilities;

7 “(g) Establishing recommended minimum holding periods for companion
8 animals or service animals that are sheltered during a major disaster or an
9 emergency; and

10 “(h) Creating and promoting an educational campaign for owners of
11 companion animals or service animals that will:

12 “(A) Encourage owners to plan for and incorporate their animals in the
13 owners’ personal plans in the event of a major disaster or an emergency; and

14 “(B) Inform owners of companion animals or service animals about the
15 animal emergency operations plan prepared under this section.”.

16 On page 38, after line 42, insert:

17 **“SECTION 71a. If House Bill 2119 becomes law, section 71 of this
18 2021 Act (amending ORS 403.425) is repealed.”.**

19 On page 39, after line 5, insert:

20 **“SECTION 72a. If House Bill 2119 becomes law, section 72 of this
21 2021 Act (amending ORS 403.430) is repealed.”.**

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