

A-Engrossed
Senate Bill 1035

Ordered by the Senate April 7
Including Senate Amendments dated April 7

Sponsored by Senator NASH

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells ODEM to take certain actions to improve firefighting resources at certain airports. The Act also changes some laws to make it easier to move fuel. (Flesch Readability Score: 68.7).

Directs the Oregon Department of Emergency Management to procure and maintain vehicles for purposes related to fuel and personnel needs at certain airports.

Provides that the Director of Transportation may exercise the authority to suspend certain statutes when the Emergency Conflagration Act is invoked. Provides that the suspension may apply to geographic areas other than the area where an emergency or conflagration occurs.

Authorizes the Oregon National Guard and the Oregon Civil Defense Force to transport aviation fuel under certain circumstances.

Directs the department to issue grants to increase fuel storage capacity at certain airports.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to augmentation of firefighting capacity of airports; creating new provisions; amending ORS
3 823.012; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) As used in this section, "pilot program airports" means Burns Municipal**
6 **Airport and La Grande/Union County Airport.**

7 **(2) The Oregon Department of Emergency Management shall maintain the following ve-**
8 **hicle fleets for use at pilot program airports:**

9 **(a) A fleet of vehicles capable of transporting aviation fuel, including Jet A and low lead**
10 **fuels, to and between pilot program airports;**

11 **(b) A fleet of vehicles appropriate for transporting aviation personnel, including pilots**
12 **and crew members, to and between pilot program airports; and**

13 **(c) A fleet of airport refuel trucks capable of transferring aviation fuel from storage to**
14 **aircraft.**

15 **(3) The department shall identify and procure vehicles appropriate for the functions de-**
16 **scribed in subsection (2) of this section. The department shall stage the vehicles at appro-**
17 **priate locations throughout this state such that the department can deploy the vehicles when**
18 **necessary to augment existing resources at pilot program airports for firefighting purposes.**
19 **The department shall retain ownership of the vehicles and shall be responsible for ongoing**
20 **maintenance of the vehicles.**

21 **(4) As soon as practicable after procurement of the vehicles, the department shall enter**
22 **into contracts, memoranda of understanding or other agreements with owners or operators**

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 **of pilot program airports that govern the use of the vehicles.**

2 **(5) The department may hire or contract for personnel to manage and operate the vehicle**
3 **fleets described in this section.**

4 **(6) The department may adopt rules necessary for the administration of this section.**

5 **SECTION 2. In addition to and not in lieu of any other appropriation, there is appropri-**
6 **ated to the Oregon Department of Emergency Management, for the biennium beginning July**
7 **1, 2025, out of the General Fund, the amount of \$2,180,000 to carry out the provisions of**
8 **section 1 of this 2025 Act.**

9 **SECTION 3.** ORS 823.012 is amended to read:

10 823.012. (1) If the Director of Transportation determines that an emergency, as defined in ORS
11 401.025, has occurred or is imminent, **or when authority relating to a conflagration is exercised**
12 **pursuant to ORS 476.510 to 476.610,** the director may suspend operation of one or more of the
13 following statutes involving motor carriers for the purpose of expediting the movement of persons
14 or property:

15 (a) ORS 818.400, compliance with commercial vehicle enforcement requirements related to com-
16 mercial vehicle weight, size, load, conformation or equipment.

17 (b) ORS 825.100, certificate or permit requirement for commercial transportation of persons or
18 property.

19 (c) ORS 825.104, registration requirement for for-hire or private carrier engaged in interstate
20 operations.

21 (d) ORS 825.160, requirement for person operating as motor carrier to have policy of public li-
22 ability and property damage insurance.

23 (e) ORS 825.162, requirement for person operating as for-hire carrier of freight or express to
24 have cargo insurance.

25 (f) ORS 825.250, requirement to stop and submit to an inspection of the driver, the cargo or the
26 vehicle or combination of vehicles.

27 (g) ORS 825.252, safety regulations for for-hire and private carriers.

28 (h) ORS 825.258, rules for transportation of hazardous waste, hazardous material and PCB.

29 (i) ORS 825.450, weight identifiers issued by Department of Transportation.

30 (j) ORS 825.470, temporary pass for single trip or short-time operation of vehicle.

31 (k) ORS 825.474, assessment of tax for use of highways.

32 (L) ORS 826.031, registration of certain vehicles not already registered with state.

33 (2) A suspension under this section may occur prior to a declaration of a state of emergency
34 under ORS 401.165, but may not exceed 72 hours unless a state of emergency is declared under ORS
35 401.165. If a state of emergency is declared under ORS 401.165, the suspension shall last until the
36 state of emergency is terminated as provided under ORS 401.204.

37 (3) The director may designate by rule a line of succession of deputy directors or other em-
38 ployees of the department who may suspend operations of statutes under this section in the event
39 the director is not available. Any suspension by a person designated by the director under this
40 subsection has the same force and effect as if issued by the director, except that, if the director can
41 be reached, the suspension must be affirmed by the director when the director is reached. If the
42 director does not set aside a suspension within 24 hours of being reached, the suspension shall be
43 considered affirmed by the director.

44 **(4) A suspension under this section may apply to geographic areas other than the area**
45 **in which the emergency or conflagration occurs if the suspension applying to such areas is**

1 reasonably necessary to address the emergency or conflagration.

2 **SECTION 4.** (1) Members of the Oregon National Guard, as described in ORS 396.105, and
3 the Oregon Civil Defense Force, as described in ORS 399.035, are authorized to transport
4 aviation fuel to and between airports in this state for firefighting purposes if the Director
5 of the Oregon Department of Emergency Management determines that such transportation
6 is necessary due to an insufficiency of commercial carriers.

7 (2) Nothing in this section suspends or nullifies generally applicable statutes, rules or
8 regulations relating to transportation of aviation fuel.

9 **SECTION 5.** (1) The Oregon Department of Emergency Management shall issue grants
10 to owners or operators of pilot program airports to be used for capital projects to increase
11 the capacity of the airports to store aviation fuel, including Jet A and low lead fuels.

12 (2) Owners or operators of pilot program airports shall submit plans to the department
13 for increasing fuel storage capacity. The department must approve a recipient's plans before
14 issuing a grant to the recipient under this section.

15 (3) The department may hire or contract for personnel to manage the grant program
16 described in this section.

17 (4) As used in this section, "pilot program airports" has the meaning given that term in
18 section 1 of this 2025 Act.

19 **SECTION 6.** (1) The Pilot Program Airport Fund is established in the State Treasury,
20 separate and distinct from the General Fund. Interest earned by the Pilot Program Airport
21 Fund must be credited to the fund. The fund consists of moneys deposited in the fund under
22 section 7 of this 2025 Act and may include moneys appropriated, allocated, deposited or
23 transferred to the fund by the Legislative Assembly or otherwise and interest earned on
24 moneys in the fund.

25 (2) Moneys in the fund are continuously appropriated to the Oregon Department of
26 Emergency Management to carry out the grant program described in section 5 of this 2025
27 Act. The department may expend up to 20 percent of the moneys deposited in the fund under
28 section 7 of this 2025 Act for management and administration of the grant program.

29 **SECTION 7.** In addition to and not in lieu of any other appropriation, there is appropri-
30 ated to the Oregon Department of Emergency Management, for the biennium beginning July
31 1, 2025, out of the General Fund, the amount of \$240,000 for deposit in the Pilot Program
32 Airport Fund established under section 6 of this 2025 Act.

33 **SECTION 8.** (1) Sections 5 and 6 of this 2025 Act are repealed on January 2, 2029.

34 (2) Any moneys remaining in the Pilot Program Airport Fund established under section
35 6 of this 2025 Act on the date specified in subsection (1) of this section that are unexpended,
36 unobligated and not subject to any conditions shall be transferred to the General Fund for
37 general governmental purposes.

38 **SECTION 9.** This 2025 Act takes effect on the 91st day after the date on which the 2025
39 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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