

## SENATE AMENDMENTS TO SENATE BILL 1518

By COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS

February 15

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and insert  
2 “amending ORS 97.220, 401.109, 432.158 and 453.392; and prescribing an effective date.”.

3 On page 3, after line 2, insert:

4 “**SECTION 5.** ORS 401.109 is amended to read:

5 “401.109. (1) The Oregon Homeland Security Council is created within the Office of Emergency  
6 Management. The council shall:

7 “(a) Receive briefings on security matters:

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

10 “(B) Relating to catastrophic disasters declared by the Governor pursuant to [*section 1,*] Article  
11 X-A, **section 1**, of the Oregon Constitution, or states of emergency declared by the Governor pur-  
12 suant to ORS 401.165.

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

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

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

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

18 “(B) Two members from the House of Representatives appointed by the Speaker of the House  
19 of Representatives;

20 “(b) The Governor;

21 “(c) The Adjutant General;

22 “(d) The Superintendent of State Police; [*and*]

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

24 “**(f) The Department of Justice.**

25 “(3) Each member appointed to the council under subsection (2)(a) of this section serves at the  
26 pleasure of the appointing authority. The membership of a public official ceases upon termination  
27 of the office held by the official at the time of appointment to the council.

28 “(4) The Governor is the chairperson of the council.

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

31 “(6) Members of the council are not entitled to compensation under ORS 292.495. The director,  
32 in the director’s discretion, may reimburse members of the council as provided in ORS 292.495 for  
33 actual and necessary travel or other expenses incurred in the performance of their duties as mem-  
34 bers of the council.

35 “**SECTION 6.** ORS 453.392 is amended to read:

1 “453.392. (1) As part of the plan for the effective implementation of a statewide hazardous ma-  
2 terial emergency response system established by rule under ORS 453.374, the State Fire Marshal  
3 shall adopt by rule a plan for the coordinated response to oil or hazardous material spills or releases  
4 that occur during rail transport. The plan adopted under this subsection:

5 “(a) Shall address, with a specific focus on oil or hazardous material spills or releases that occur  
6 during rail transport, all required provisions under ORS 453.374;

7 “(b) May include requirements and incentives for local governments and other responders to  
8 participate in ongoing training programs;

9 “(c) Shall provide a system for identifying where hazardous material response [*materials*] **re-**  
10 **sources** owned by railroads are located throughout this state and how access to those [*materials*]  
11 **resources** is to be coordinated; [*and*]

12 “(d) **Shall include annual statewide training exercises and tabletop exercises that include**  
13 **the Department of Environmental Quality, the Department of Transportation, the Office of**  
14 **Emergency Management, state and local responders, federally recognized Indian tribes in**  
15 **this state and railroads that operate in this state;**

16 “(e) **Shall plan, prepare and conduct a biennial full-scale, multiagency, multijurisdictional**  
17 **and multidisciplinary oil or hazardous material spill or release training exercise that:**

18 “(A) **Involves training for all manner of personnel necessary to a coordinated response**  
19 **to an oil or hazardous material spill or release;**

20 “(B) **Is intended to examine or validate the planning, coordination and command and**  
21 **control decisions that may be made in the event of an oil or hazardous material spill or re-**  
22 **lease and to also examine or validate response-specific capabilities or functions; and**

23 “(C) **Involves training that covers the entire sequence of events that take place during**  
24 **an oil or hazardous material spill or release incident that occurs during rail transport; and**

25 “[*d*] (f) [*May*] **Shall** include any other information deemed necessary by the office of the State  
26 Fire Marshal to provide coordinated response to oil or hazardous material spills or releases that  
27 occur during rail transport.

28 “(2) The office of the State Fire Marshal shall annually coordinate with local governments, other  
29 state agencies involved in hazardous material emergency response, other responders and represen-  
30 tatives of the railroad industry to prepare a report on the coordinated response plan adopted under  
31 this section and shall:

32 “(a) Make the report available as an appendix to the Office of Emergency Management’s oil and  
33 hazardous material response emergency operations plan developed pursuant to ORS 401.092; and

34 “(b) No later than February 1 of each year, submit the report to the Legislative Assembly in the  
35 manner provided in ORS 192.245.

36 “(3) The report required by subsection (2) of this section shall include, but need not be limited  
37 to, the following in relation to oil and hazardous material emergency response for rail transport:

38 “(a) An inventory of all emergency response resources available in this state, including infor-  
39 mation on:

40 “(A) The location of, and the means of access to, the resources;

41 “(B) Whether the resources are publicly or privately maintained; and

42 “(C) Additional resources that are needed to provide for adequate response;

43 “(b) Suggested changes to the structure for the continued coordination between state agencies  
44 and industry;

45 “(c) Possible revisions to the response roles or responsibilities of state agencies, local govern-

1 ments and railroads; and

2 “(d) Strategies for ensuring adequate funding at the state and local government levels to cover  
3 the training, equipment and administrative costs associated with providing comprehensive response  
4 and equipment.

5 **“SECTION 7. (1) The Office of Emergency Management shall prepare a quarterly report  
6 on the office’s progress in advancing statewide plans and preparedness for natural disasters  
7 and similar emergencies, and in addressing any errors or inconsistencies in the handling of  
8 emergency grant moneys by the office.**

9 **“(2) Once each quarter, the office shall submit in the manner provided in ORS 192.245 the  
10 report on the previous quarter to the interim committees of the Legislative Assembly related  
11 to emergency preparedness.**

12 **“SECTION 8. (1) The Office of Emergency Management shall meet and collaborate with  
13 marine and railroad operators that operate in Oregon and transport hazardous material, as  
14 defined in ORS 466.605, to determine the role of those operators during a natural disaster  
15 or catastrophic emergency event.**

16 **“(2) The office shall:**

17 **“(a) Meet with the operators described in this section at least biannually; and**

18 **“(b) Not later than March 31, 2019, submit a report, in the manner provided in ORS  
19 192.245, on the progress of integrating the operators described in this section into state plans  
20 to respond to a Cascadia subduction zone event.**

21 **“(3) The office may adopt rules to carry out the requirements of this section.**

22 **“SECTION 9. (1) The Office of Emergency Management shall collaborate with the De-  
23 partment of Environmental Quality, the Department of Transportation, the State Fire Mar-  
24 shal, railroad operators that operate in Oregon and transport oil, as defined in ORS 468B.300,  
25 and any other relevant state agencies to review the programs established by the States of  
26 California and Washington, and the federal Pipeline and Hazardous Materials Safety Admin-  
27 istration, related to oil spill prevention, preparedness and response.**

28 **“(2) Not later than September 15, 2018, the office shall submit a report of its findings, in  
29 the manner provided in ORS 192.245, to the interim committees of the Legislative Assembly  
30 related to emergency planning and shall include in the report recommendations for legis-  
31 lation.**

32 **“SECTION 10. Section 7 of this 2018 Act is repealed on the date of the convening of the  
33 2019 regular session of the Legislative Assembly as specified in ORS 171.010.**

34 **“SECTION 11. Section 8 of this 2018 Act is repealed on January 2, 2020.**

35 **“SECTION 12. Section 9 of this 2018 Act is repealed on January 2, 2019.**

36 **“SECTION 13. (1) The amendments to ORS 453.392 by section 6 of this 2018 Act become  
37 operative on January 1, 2019.**

38 **“(2) The Office of Emergency Management may take any action before the operative date  
39 specified in subsection (1) of this section that is necessary for the Office of Emergency  
40 Management to exercise, on and after the operative date specified in subsection (1) of this  
41 section, any of the duties, functions and powers conferred on the Office of Emergency Man-  
42 agement by the amendments to ORS 453.392 by section 6 of this 2018 Act.**

43 **“SECTION 14. This 2018 Act takes effect on the 91st day after the date on which the 2018  
44 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.”.**