

S P E N C E R K A R E L L A W , L L C
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(541) 904-0429 Spencer@SpencerKarelLaw.com

February 5, 2019

Oregon Emergency Management Association
Legislative Chair, Ed Flick
P.O. Box 7309
Beaverton, OR 97007
(*sent via email to ed.flick13@gmail.com*)

RE: 2017 Senate Bill 62 and 2019 Senate Bill 235

Dear Mr. Flick:

Thank you for your continued updates on the changing status of OEMA's needs and the related legislation. As per our most recent discussions, I have analyzed the 2017 Legislative Session Senate Bill (SB) 62 and the 2019 Legislative Session SB235 and SB643. Below are my findings and recommendations that I believe are in accordance with OEMA's goals as stated in our contract and subsequent conversations:

As you know, the 2017 SB62 became effective on January 1, 2018. The intent of the bill was to amend the intrastate mutual assistance compact to require state government participation and to allow tribal government participation. The bill also directed the Office of Emergency Management to adopt procedures for requesting and providing intrastate assistance.¹ Amending ORS 402.200 through 402.225 accomplished that intent. However, the bill failed to include schools, schools districts, community college districts, community college service district, or public universities in the definition of "participant" in Section 2 of the bill.

I suggest amending ORS 402.205 by incorporating the term "special government body" with the meaning given in ORS 174.117. This change to the language of the bill would include schools in the Oregon Resource Coordination Assistance Agreement. I have included a copy of the 2017 SB62 enrolled version, and a document with my suggested edits of that bill highlighted in yellow. Please note that there is a 2019 SB62 that regards an unrelated subject.

Regarding the Fuel Storage Facility Compatibility Grant Program for installation of generator connectors on fuel sources at cardlock fuel facilities, there are two relevant bills in the 2019 Legislative Session: SB235 and SB643. I have attached copies of both bills to this PDF. SB235 was at the request of Senate Interim Committee on Veterans and Emergency Preparedness,²

¹ Oregon State Legislature Website:
<https://olis.leg.state.or.us/liz/2017R1/Measures/Overview/SB62>

² Oregon State Legislature Website:
<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB235>

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while SB643's Chief Sponsor is Senator Boquist.³ Both bills make any actions taken under section 3 of the bill retroactively validated; both bills declare a state of emergency upon passage (SB643) or July 1, 2019 (SB235), and; both bills eliminate the \$100,000 cap on total amount authorized for grant program. Up to that point, the two bills are nearly identical; the only difference between the bills is that SB235 appropriates \$100,000 from the Oregon Military Department's General Fund dollars to the Fuel Storage Facility Compatibility Grant fund.

Pending additional feedback from you and the OEMA Board, I have chosen to suggest raising the maximum grant amount available to each facility to \$8,000, doubling the amount over the existing \$4,000 cap. I have included in this PDF bill amendment suggestions. Please recall that language added to the bill appears in **bold type**, while language to be removed from the bill appears in *italic*. All of my suggested amendments are **highlighted in yellow**. Please let me know if the Board supports that suggestion.

I look forward to continuing to work with you to achieve OEMA's legislative goals, and making Oregon more prepared and resilient.

Sincerely,

/s/Spencer Karel

Enclosed:

- 2017 SB62
- Suggested amendments to 2017 SB62
- 2019 SB235
- Suggested amendments to SB235
- 2019 SB643

³ Oregon State Legislature Website:
<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB643>

Enrolled Senate Bill 62

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Military Department)

CHAPTER

AN ACT

Relating to intrastate mutual assistance; amending ORS 402.200, 402.205, 402.210, 402.215, 402.220, 402.225, 402.230, 402.235 and 402.240.

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

SECTION 1. ORS 402.200 is amended to read:

402.200. The Legislative Assembly finds that:

(1) In order to minimize the impact of an event that overwhelms the resources of **the state government or a local or tribal government**, one *[local]* government **entity** should be able to make resources available to another *[local]* government **entity** as quickly as possible.

(2) It is appropriate to establish an efficient and permissive intrastate mutual assistance *[compact]* **agreement** among *[local governments]* **government entities** that will allow *[local governments]* **government entities** maximum flexibility to protect life and property within their jurisdictions.

SECTION 2. ORS 402.205 is amended to read:

402.205. As used in ORS 402.200 to 402.240:

(1) "Event" means an incident that overwhelms or may overwhelm the resources of a *[local government]* **participant**.

(2) "Local government" has the meaning given that term in ORS 174.116.

(3) "**Participant**" means **the state or a local or tribal government that participates in the Oregon Resource Coordination Assistance Agreement**.

[(3)] (4) "Requesting *[local government]* **participant**" means a *[local government]* **participant** that requests assistance from other *[local governments]* **participants**.

[(4)] (5) "Resources" means employees, services, equipment and supplies of a responding *[local government]* **participant**.

[(5)] (6) "Responding *[local government]* **participant**" means a *[local government]* **participant** that has responded to a requesting *[local government]* **participant** by providing resources.

(7) "**State government**" has the meaning given that term in ORS 174.111.

(8) "**Tribal government**" has the meaning given that term in ORS 401.305.

SECTION 3. ORS 402.210 is amended to read:

402.210. (1) There is created an intrastate mutual assistance *[compact among the local governments within this state.]* **agreement called the Oregon Resource Coordination Assistance Agreement**.

(2)(a) The state government and, except as provided in this subsection, each local government is a participant in the agreement.

(b) A local government may opt out of participation in the agreement by adopting a resolution or ordinance so declaring and transmitting a copy of the resolution or ordinance to the Director of the Office of Emergency Management.

(c) An opt-out by a local government under this subsection is effective upon receipt by the director of a copy of the resolution or ordinance.

(3)(a) A tribal government is not a participant in the agreement unless it opts in as described in this subsection.

(b) A tribal government may opt in to participation in the agreement by adopting a resolution so declaring and transmitting the resolution to the Director of the Office of Emergency Management.

(c) An opt-in by a tribal government is effective upon receipt by the director of a copy of the resolution.

[2)] (4) The *[compact]* agreement streamlines the process by which a *[local government]* participant:

(a) Requests assistance from another *[local government]* participant whenever an event occurs; and

(b) Temporarily acquires resources from another participant for training, drills or exercises.

[3)] (5) The *[compact]* agreement does not:

(a) Require a *[local government]* participant to provide resources to a requesting *[local government]* participant.

(b) Preclude a *[local government]* participant from entering into any other agreement with another *[local government]* participant.

(c) Affect any other agreement to which a *[local government]* participant is a party or may become a party.

(6) The Office of Emergency Management shall develop, adopt and disseminate:

(a) Guidelines and procedures for requesting and providing assistance under the agreement;

(b) Requirements for recordkeeping by participants; and

(c) Other procedures and guidelines that the office considers necessary to implement the agreement in an effective and efficient manner.

SECTION 4. ORS 402.215 is amended to read:

402.215. (1) A *[local government]* participant may request assistance to:

(a) Prevent, mitigate, respond to or recover from an event; or

(b) Work on its own or with other *[local governments]* participants in training, drills or exercises.

(2) A request for assistance must be made by or through the presiding officer of the governing body of a requesting *[local government]* participant or the chief executive officer *[or chief executive officer's designee]* of the requesting *[local government]* participant, or a designee of the presiding officer or chief executive officer.

(3) A request for assistance may be oral or written. If a request is oral, *[the]* a responding *[local government]* participant must document its response to the requesting *[local government]* participant in writing within 30 days from the date on which the request was made.

(4) *[Response and the extent of the response are]* A response to a request for assistance is voluntary and may be terminated at any time.

SECTION 5. ORS 402.220 is amended to read:

402.220. (1) A responding *[local government]* participant may withhold resources to the extent necessary to provide reasonable protection and services for the responding *[local government]* participant.

(2) For purposes of the operational and tactical objectives required by the requesting [*local government*] **participant**, the resources of a responding [*local government*] **participant** are under the direct command and control of the requesting [*local government*] **participant**.

(3) Unless otherwise directed by the requesting [*local government*] **participant**:

(a) The employees of the responding [*local government*] **participant** shall use the standard operating procedures, medical and other protocols and rating procedures used by the responding [*local government*] **participant** to accomplish the strategic and tactical goals.

(b) The services, equipment and supplies of the responding [*local government*] **participant** shall be used under the standard operating procedures, medical and other protocols and rating procedures used by the responding [*local government*] **participant** to accomplish the strategic and tactical goals.

(4) Notwithstanding subsection (2) of this section, employees of the responding [*local government*] **participant** remain at all times employees of the responding [*local government*] **participant** and under the ultimate command and control of the responding [*local government*] **participant**.

SECTION 6. ORS 402.225 is amended to read:

402.225. Subject to any limitations and conditions the governing body of the requesting [*local government*] **participant** may prescribe, if an employee of a responding [*local government*] **participant** holds a license, certificate, permit or similar documentation that evidences the employee's qualifications in a professional, technical or other skill, the employee is considered to be licensed, certified or permitted in the jurisdiction of the requesting [*local government*] **participant** for the duration of the event or the training, drills or exercises.

SECTION 7. ORS 402.230 is amended to read:

402.230. (1) The intent of the intrastate mutual assistance [*compact*] **agreement** created under ORS 402.210 is to provide for nonreimbursable assistance to a requesting [*local government*] **participant**.

(2) Notwithstanding subsection (1) of this section, a responding [*local government*] **participant** may request reimbursement and a requesting [*local government*] **participant** may reimburse the responding [*local government*] **participant**.

(3) A request for reimbursement must be made and agreed to in writing prior to the provision of resources by the responding [*local government*] **participant**.

(4) Request and provision of reimbursement are the sole responsibility of the requesting and responding participants. The Office of Emergency Management is not responsible for requesting or providing reimbursement unless the office is a requesting or responding participant.

[(4)] (5) If a dispute regarding reimbursement arises between a requesting [*local government*] **participant** and a responding [*local government*] **participant**, the involved [*local governments*] **participants** shall make every effort to resolve the dispute within 30 days of written notice of the dispute given by the [*local government*] **participant** asserting noncompliance to the other [*local government*] **participant**.

[(5)] (6) If the [*local governments*] **participants** cannot resolve the dispute within 90 days after receipt of the notice of alleged noncompliance, either [*local government*] **participant** in the dispute may submit the dispute to arbitration under the commercial arbitration rules of the American Arbitration Association.

SECTION 8. ORS 402.235 is amended to read:

402.235. If a person is an employee of a responding [*local government*] **participant** and the person sustains injury in the course of providing requested assistance, the person is entitled to all applicable benefits, including workers' compensation, normally available to the employee while performing regular duties for the responding [*local government*] **participant**.

SECTION 9. ORS 402.240 is amended to read:

402.240. (1) Assistance rendered by an employee of a responding [*local government*] **participant** is a governmental function.

(2) Employees of a responding [local government] **participant** are agents of the requesting [local government] **participant**.

(3) The requesting [local government] **participant** shall defend, save harmless and indemnify an employee of a responding [local government] **participant** to the same extent the requesting [local government] **participant** is required to do for its employees as provided in ORS 30.285 and 30.287.

Passed by Senate March 27, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 23, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

.....
Dennis Richardson, Secretary of State

**Enrolled
Senate Bill 62**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Military Department)

CHAPTER.....

AN ACT

Relating to intrastate mutual assistance; amending ORS 402.200, 402.205, 402.210, 402.215, 402.220, 402.225, 402.230, 402.235 and 402.240.

[Italic font in brackets]: deleting current language from current statutes
Boldfaced font: Adding new language to current statutes.

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

SECTION 1. ORS 402.200 is amended to read:
402.200. The Legislative Assembly finds that:

(1) In order to minimize the impact of an event that overwhelms the resources of the state government *[or a]*, local or tribal government, **or special government body**, one government entity should be able to make resources available to another government entity as quickly as possible.

(2) It is appropriate to establish an efficient and permissive intrastate mutual assistance agreement among government entities that will allow government entities maximum flexibility to protect life and property within their jurisdictions.

SECTION 2. ORS 402.205 is amended to read:
402.205. As used in ORS 402.200 to 402.240:

(1) "Event" means an incident that overwhelms or may overwhelm the resources of a participant.

(2) "Local government" has the meaning given that term in ORS 174.116.

(3) "Special government body" has the meaning given that term in ORS 174.117.

[(3)] (4) "Participant" means the state or a local or tribal government **or special government body** that participates in the Oregon Resource Coordination Assistance Agreement.

[(4)] (5) "Requesting participant" means a participant that requests assistance from other participants.

[(5)] (6) "Resources" means employees, services, equipment and supplies of a responding participant.

[(6)] (7) "Responding participant" means a participant that has responded to a requesting participant by providing resources.

[(7)] (8) "State government" has the meaning given that term in ORS 174.111.

[(8)] (9) "Tribal government" has the meaning given that term in ORS 401.305.

SECTION 3. ORS 402.210 is amended to read:

402.210. (1) There is created an intrastate mutual assistance agreement called the Oregon Resource Coordination Assistance Agreement.

(2)(a) The state government and, except as provided in this subsection, each local government **and special government body** is a participant in the agreement.

(b) A local government **or special government body** may opt out of participation in the agreement by adopting a resolution or ordinance so declaring and transmitting a copy of the resolution or ordinance to the

Director of the Office of Emergency Management.

(c) An opt-out by a local government **or special government body** under this subsection is effective upon receipt by the director of a copy of the resolution or ordinance.

(3)(a) A tribal government is not a participant in the agreement unless it opts in as described in this subsection.

(b) A tribal government may opt in to participation in the agreement by adopting a resolution so declaring and transmitting the resolution to the Director of the Office of Emergency Management.

(c) An opt-in by a tribal government is effective upon receipt by the director of a copy of the resolution.

(4) The agreement streamlines the process by which a participant:

(a) Requests assistance from another participant whenever an event occurs; and

(b) Temporarily acquires resources from another participant for training, drills or exercises.

(5) The agreement does not:

(a) Require a participant to provide resources to a requesting participant.

(b) Preclude a participant from entering into any other agreement with another participant.

(c) Affect any other agreement to which a participant is a party or may become a party.

(6) The Office of Emergency Management shall develop, adopt and disseminate:

(a) Guidelines and procedures for requesting and providing assistance under the agreement;

(b) Requirements for recordkeeping by participants; and (c) Other procedures and guidelines that the office considers necessary to implement the agreement in an effective and efficient manner.

SECTION 4. ORS 402.215 is amended to read:

402.215. (1) A participant may request assistance to:

(a) Prevent, mitigate, respond to or recover from an event; or

(b) Work on its own or with other participants in training, drills or exercises.

(2) A request for assistance must be made by or through the presiding officer of the governing body of a requesting participant or the chief executive officer of the requesting participant, or a designee of the presiding officer or chief executive officer.

(3) A request for assistance may be oral or written. If a request is oral, a responding participant must document its response to the requesting participant in writing within 30 days from the date on which the request was made.

(4) A response to a request for assistance is voluntary and may be terminated at any time.

SECTION 5. ORS 402.220 is amended to read:

402.220. (1) A responding participant may withhold resources to the extent necessary to provide reasonable protection and services for the responding participant.

(2) For purposes of the operational and tactical objectives required by the requesting participant, the resources of a responding participant are under the direct command and control of the requesting participant.

(3) Unless otherwise directed by the requesting participant:

(a) The employees of the responding participant shall use the standard operating procedures, medical and other protocols and rating procedures used by the responding participant to accomplish the strategic and tactical goals.

(b) The services, equipment and supplies of the responding participant shall be used under the standard operating procedures, medical and other protocols and rating procedures used by the responding participant to accomplish the strategic and tactical goals.

(4) Notwithstanding subsection (2) of this section, employees of the responding participant remain at all times employees of the responding participant and under the ultimate command and control of the responding participant.

SECTION 6. ORS 402.225 is amended to read:

402.225. Subject to any limitations and conditions the governing body of the requesting participant may prescribe, if an employee of a responding participant holds a license, certificate, permit or similar documentation that evidences the employee's qualifications in a professional, technical or other skill, the

employee is considered to be licensed, certified or permitted in the jurisdiction of the requesting participant for the duration of the event or the training, drills or exercises.

SECTION 7. ORS 402.230 is amended to read:

402.230. (1) The intent of the intrastate mutual assistance agreement created under ORS 402.210 is to provide for nonreimbursable assistance to a requesting participant.

(2) Notwithstanding subsection (1) of this section, a responding participant may request reimbursement and a requesting participant may reimburse the responding participant.

(3) A request for reimbursement must be made and agreed to in writing prior to the provision of resources by the responding participant.

(4) Request and provision of reimbursement are the sole responsibility of the requesting and responding participants. The Office of Emergency Management is not responsible for requesting or providing reimbursement unless the office is a requesting or responding participant.

(5) If a dispute regarding reimbursement arises between a requesting participant and a responding participant, the involved participants shall make every effort to resolve the dispute within 30 days of written notice of the dispute given by the participant asserting noncompliance to the other participant.

(6) If the participants cannot resolve the dispute within 90 days after receipt of the notice of alleged noncompliance, either participant in the dispute may submit the dispute to arbitration under the commercial arbitration rules of the American Arbitration Association.

SECTION 8. ORS 402.235 is amended to read:

402.235. If a person is an employee of a responding participant and the person sustains injury in the course of providing requested assistance, the person is entitled to all applicable benefits, including workers' compensation, normally available to the employee while performing regular duties for the responding participant.

SECTION 9. ORS 402.240 is amended to read:

402.240. (1) Assistance rendered by an employee of a responding participant is a governmental function.

(2) Employees of a responding participant are agents of the requesting participant.

(3) The requesting participant shall defend, save harmless and indemnify an employee of a responding participant to the same extent the requesting participant is required to do for its employees as provided in ORS 30.285 and 30.287.

Senate Bill 235

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Veterans and Emergency Preparedness)

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 **as introduced**.

Eliminates cap on total amount authorized for grant program for installation of generator connectors on fuel sources at cardlock fuel facilities.

Appropriates moneys to Oregon Military Department for purposes of grant program.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to fuel storage facility compatibility grant program; creating new provisions; amending
3 section 3, chapter 85, Oregon Laws 2016; and declaring an emergency.

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

5 **SECTION 1.** Section 3, chapter 85, Oregon Laws 2016, is amended to read:

6 **Sec. 3.** (1) The Office of Emergency Management shall develop a grant program [*for the dis-*
7 *bursement of moneys from the Fuel Storage Facility Compatibility Fund*] for the purpose of installing
8 generator connectors on fuel sources at cardlock facilities in this state.

9 (2) Pursuant to the grant program:

10 (a) The office may solicit and receive applications for grants from owners or operators of
11 cardlock facilities in this state. The office shall establish standards for the qualification of appli-
12 cants.

13 (b) The office shall establish criteria by which to determine which applicants will receive grants,
14 with the goal of maximizing the availability of fuel to emergency response personnel in the case of
15 emergency.

16 (c) The office shall enter into agreements with grant recipients that require grant recipients to
17 install generator connectors on cardlock facilities.

18 (d) The office shall specify one or more types of generator connectors that a grant recipient
19 must install. In specifying types of generator connectors, the office shall consult with the Depart-
20 ment of Transportation and the State Fire Marshal and shall have the goal of maximizing the com-
21 patibility of cardlock facilities in this state with generators possessed or controlled by the office, the
22 department and the Oregon National Guard.

23 (e) The office may not issue grants in excess of \$4,000 per cardlock facility. [*The total amount*
24 *of grants issued may not exceed \$100,000.*]

25 (3) The office shall adopt rules to administer and implement the provisions of this section.

26 **SECTION 2.** **In addition to and not in lieu of any other appropriation, there is appropri-**
27 **ated to the Oregon Military Department, for the biennium beginning July 1, 2019, out of the**
28 **General Fund, the amount of \$100,000 for deposit in the Fuel Storage Facility Compatibility**
29 **Fund established under section 1, chapter 85, Oregon Laws 2016.**

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 **SECTION 3.** Any actions before the effective date of this 2019 Act that would have been
2 valid under section 3, chapter 85, Oregon Laws 2016, as amended by section 1 of this 2019
3 Act, are validated.

4 **SECTION 4.** This 2019 Act being necessary for the immediate preservation of the public
5 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
6 July 1, 2019.

7

Senate Bill 235

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Veterans and Emergency Preparedness)

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 as introduced.

Eliminates cap on total amount authorized for grant program for installation of generator connectors on fuel sources at cardlock fuel facilities.

Appropriates moneys to Oregon Military Department for purposes of grant program.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

Relating to fuel storage facility compatibility grant program; creating new provisions; amending section 3, chapter 85, Oregon Laws 2016; and declaring an emergency.

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

SECTION 1. Section 3, chapter 85, Oregon Laws 2016, is amended to read:

Sec. 3. (1) The Office of Emergency Management shall develop a grant program [for the disbursement of moneys from the Fuel Storage Facility Compatibility Fund] for the purpose of installing generator connectors on fuel sources at cardlock facilities in this state.

(2) Pursuant to the grant program:

(a) The office may solicit and receive applications for grants from owners or operators of cardlock facilities in this state. The office shall establish standards for the qualification of applicants.

(b) The office shall establish criteria by which to determine which applicants will receive grants, with the goal of maximizing the availability of fuel to emergency response personnel in the case of emergency.

(c) The office shall enter into agreements with grant recipients that require grant recipients to install generator connectors on cardlock facilities.

(d) The office shall specify one or more types of generator connectors that a grant recipient must install. In specifying types of generator connectors, the office shall consult with the Department of Transportation and the State Fire Marshal and shall have the goal of maximizing the compatibility of cardlock facilities in this state with generators possessed or controlled by the office, the department and the Oregon National Guard.

(e) The office may not issue grants in excess of **[\$4,000] \$8,000** per cardlock facility. [*The total amount of grants issued may not exceed \$100,000.*]

(3) The office shall adopt rules to administer and implement the provisions of this section.

SECTION 2. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Military Department, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$100,000 for deposit in the Fuel Storage Facility Compatibility Fund established under section 1, chapter 85, Oregon Laws 2016.

SECTION 3. Any actions before the effective date of this 2019 Act that would have been

valid under section 3, chapter 85, Oregon Laws 2016, as amended by section 1 of this 2019 Act, are validated.

SECTION 4. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect July 1, 2019.

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.

Senate Bill 643

Sponsored by Senator BOQUIST

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 **as introduced**.

Eliminates cap on total amount authorized for grant program for installation of generator connectors on fuel sources at cardlock fuel facilities.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fuel storage facility compatibility grant program; creating new provisions; amending
3 section 3, chapter 85, Oregon Laws 2016; and declaring an emergency.

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

5 **SECTION 1.** Section 3, chapter 85, Oregon Laws 2016, is amended to read:

6 **Sec. 3.** (1) The Office of Emergency Management shall develop a grant program [*for the dis-*
7 *bursement of moneys from the Fuel Storage Facility Compatibility Fund*] for the purpose of installing
8 generator connectors on fuel sources at cardlock facilities in this state.

9 (2) Pursuant to the grant program:

10 (a) The office may solicit and receive applications for grants from owners or operators of
11 cardlock facilities in this state. The office shall establish standards for the qualification of appli-
12 cants.

13 (b) The office shall establish criteria by which to determine which applicants will receive grants,
14 with the goal of maximizing the availability of fuel to emergency response personnel in the case of
15 emergency.

16 (c) The office shall enter into agreements with grant recipients that require grant recipients to
17 install generator connectors on cardlock facilities.

18 (d) The office shall specify one or more types of generator connectors that a grant recipient
19 must install. In specifying types of generator connectors, the office shall consult with the Depart-
20 ment of Transportation and the State Fire Marshal and shall have the goal of maximizing the com-
21 patibility of cardlock facilities in this state with generators possessed or controlled by the office, the
22 department and the Oregon National Guard.

23 (e) The office may not issue grants in excess of \$4,000 per cardlock facility. [*The total amount*
24 *of grants issued may not exceed \$100,000.*]

25 (3) The office shall adopt rules to administer and implement the provisions of this section.

26 **SECTION 2. Any actions before the effective date of this 2019 Act that would have been**
27 **valid under section 3, chapter 85, Oregon Laws 2016, as amended by section 1 of this 2019**
28 **Act, are validated.**

29 **SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**
30 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
31 **on its passage.**

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.

