

# Enrolled Senate Bill 3

Sponsored by Senator COURTNEY

CHAPTER .....

AN ACT

Relating to seismic rehabilitation; creating new provisions; amending ORS 401.270 and 401.343; and declaring an emergency.

Whereas the Seventy-first Legislative Assembly recognized that public buildings were at risk from seismic events; and

Whereas the Seventy-first Legislative Assembly adopted several measures relating to seismic safety for educational buildings, hospitals, fire stations and police stations; and

Whereas the people of the State of Oregon adopted Articles XI-M and XI-N of the Oregon Constitution at the November 5, 2002, general election for the purpose of allowing the state to incur indebtedness in the form of general obligation bonds for the planning and implementation of seismic rehabilitation of these public buildings; and

Whereas the purpose of this 2005 Act and Senate Bills 2, 4 and 5 (2005) is to assess specific needs, to provide for the issuance of bonds and to fund seismic rehabilitation; now, therefore,

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

**SECTION 1.** Section 2 of this 2005 Act is added to and made a part of ORS 401.260 to 401.325.

**SECTION 2.** (1) The Director of the Office of Emergency Management, pursuant to the authority to administer grant programs for seismic rehabilitation provided in ORS 401.270, shall develop a grant program for the disbursement of funds for the seismic rehabilitation of critical public buildings, including hospital buildings with acute inpatient care facilities, fire stations, police stations, sheriffs' offices, other facilities used by state, county, district or municipal law enforcement agencies and buildings with a capacity of 250 or more persons that are routinely used for student activities by kindergarten through grade 12 public schools, community colleges, education service districts and institutions of higher education. The funds for the seismic rehabilitation of critical public buildings under the grant program are to be provided from the issuance of bonds pursuant to the authority provided in Articles XI-M and XI-N of the Oregon Constitution.

(2) The grant program shall include the appointment of a grant committee. The grant committee may be composed of any number of persons with qualifications that the director determines necessary. However, the director shall include persons with experience in administering state grant programs and representatives of entities with responsibility over critical public buildings. The director shall also include as permanent members representatives of:

- (a) The Department of Human Services;
- (b) The State Department of Geology and Mineral Industries;

- (c) The Seismic Safety Policy Advisory Commission; and
- (d) The Oregon Department of Administrative Services.

(3) The director shall determine the form and method of applying for grants from the grant program, the eligibility requirements for grant applicants, and general terms and conditions of the grants. The director shall also provide that the grant committee review grant applications and make a determination of funding based on a scoring system that is directly related to the statewide needs assessment performed by the State Department of Geology and Mineral Industries. Additionally, the grant process may:

(a) Require that the grant applicant provide matching funds for completion of any seismic rehabilitation project.

(b) Provide authority to the grant committee to waive requirements of the grant program based on special circumstances such as proximity to fault hazards, community value of the structure, emergency functions provided by the structure and storage of hazardous materials.

(c) Allow an applicant to appeal any determination of grant funding to the director for reevaluation.

(d) Provide that applicants release the state, the director and the grant committee from any claims of liability for providing funding for seismic rehabilitation.

(e) Provide separate rules for funding rehabilitation of structural and nonstructural building elements.

(4) Subject to the grant rules established by the director and subject to reevaluation by the director, the grant committee has the responsibility to review and make determinations on grant applications under the grant program established pursuant to this section.

**SECTION 3.** ORS 401.270 is amended to read:

401.270. The Director of the Office of Emergency Management shall be responsible for coordinating and facilitating emergency planning, preparedness, response and recovery activities with the state and local emergency services agencies and organizations, and shall, with the approval of the Superintendent of State Police or as directed by the Governor:

(1) Make rules that are necessary and proper for the administration and implementation of ORS 401.015 to 401.105, 401.260 to 401.325, 401.355 to 401.580 and 401.706;

(2) Coordinate the activities of all public and private organizations specifically related to providing emergency services within this state;

(3) Maintain a cooperative liaison with emergency management agencies and organizations of local governments, other states and the federal government;

(4) Have such additional authority, duties and responsibilities authorized by ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 or as may be directed by the Governor;

(5) Administer grants relating to emergency program management, **seismic rehabilitation** and emergency services for the state;

(6) Provide for and staff a State Emergency Operations Center to aid the Governor and the Office of Emergency Management in the performance of duties under ORS 401.015 to 401.105, 401.260 to 401.325, 401.355 to 401.580 and 401.706;

(7) Serve as the Governor's authorized representative for coordination of certain response activities and managing the recovery process;

(8) Establish training and professional standards for local emergency program management personnel;

(9) Establish task forces and advisory groups to assist the office in achieving mandated responsibilities; and

(10) Enforce compliance requirements of federal and state agencies for receiving funds and conducting designated emergency functions.

**SECTION 4.** ORS 401.343 is amended to read:

401.343. (1) The mission of the Seismic Safety Policy Advisory Commission shall be to reduce exposure to earthquake hazards in Oregon by:

- (a) Developing and influencing policy at the federal, state and local levels;
- (b) Facilitating improved public understanding and encouraging identification of risk;
- (c) Supporting research and special studies;
- (d) Supporting appropriate mitigation; *[and]*
- (e) Supporting response and recovery; **and**

**(f) Supporting and assisting in the coordination of a grant program for the disbursement of funds for seismic rehabilitation of schools and emergency facilities.**

(2) The commission shall utilize and influence existing agencies and institutions in meeting its goals and is in no way intended to replace or compete with existing authorities relative to earthquakes. Emphasis shall be on coordination and linking of existing resources and authorities.

(3) To improve public understanding of earthquake hazards, reduce such hazards and mitigate the possible effects of potentially damaging earthquakes, the commission shall review and advise the Governor and the Legislative Assembly concerning all plans and proposals addressing seismic hazards in the areas of:

- (a) Any legislative proposals.
- (b) Plans and proposals of statewide impact.
- (c) Lists of recommendations for actions and potential rule changes specifically by state agency.

**SECTION 5. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.**

**Passed by Senate July 30, 2005**

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 Secretary of Senate  
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 President of Senate

**Passed by House August 5, 2005**

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 Speaker of House

**Received by Governor:**

.....M.,....., 2005

**Approved:**

.....M.,....., 2005

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 Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2005

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 Secretary of State