

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing accompanies this form.

**FILED**  
11-29-16 10:44 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Oregon Military Department, Office of Emergency Management  
Agency and Division

104  
Administrative Rules Chapter Number

Implementation of Fuel Storage Facility Compatibility Fund Grant

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Permanently adopting proposed rules in chapter 104, Division 55, pertaining to the implementation of the Fuel Storage Compatibility Fund Grant.

**Statutory Authority:**

ORS 85

**Other Authority:**

SB 1523 (2016)

**Statutes Implemented:**

ORS 85

**Need for the Rule(s):**

ORS 85 (SB 1523) requires the Office of Emergency Management (OEM) to develop and administer a grant program for the purpose of installing connectors at certain fuel storage facilities that are compatible with generators used by emergency response personnel.

**Documents Relied Upon, and where they are available:**

Oregon Seismic Lifeline Routes Identification Project - Lifeline Selection Summary Report, <https://www.oregon.gov/ODOT/TD/TP/Pages/Reports.aspx>

State of Oregon Department of Geology and Mineral Industries - Tsunami inundation map (TIM) series, <http://www.oregongeology.org/pubs/tim/p-TIM-overview.htm>

Office of State Fire Marshal - Cardlock Program, [https://www.oregon.gov/osp/SFM/pages/licensing\\_cardlock\\_home.aspx](https://www.oregon.gov/osp/SFM/pages/licensing_cardlock_home.aspx)

**Fiscal and Economic Impact:**

The fiscal impact is indeterminate. OEM anticipates utilizing existing staff to establish rules for the program. The Legislative Fiscal Office notes that the demand for individual grants to be awarded is indeterminate and that excessive demand may require additional staff to administer the program. OEM may need to return to the Legislature for additional resources or Other Funds limitation.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

a) The fiscal impact to OEM is indeterminate. OEM anticipates utilizing existing staff to establish rules for the program. The Legislative Fiscal Office notes that the demand for individual grants to be awarded is indeterminate and that excessive demand may require additional staff to administer the program. OEM may need to return to the Legislature for additional resources or Other Funds limitation.

b) There is no fiscal impact to the State Fire Marshal as the requirements are consistent with their normal duties.

c) This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

There are approximately 85 registered owner/operators of commercial, non-retail fueling facilities in Oregon. There is no anticipated cost of compliance effecting small businesses.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

There is no anticipated cost of compliance effecting small businesses.

**c. Equipment, supplies, labor and increased administration required for compliance:**

There is no anticipated cost of compliance effecting small businesses.

**How were small businesses involved in the development of this rule?**

Cardlock owner/operators will be notified of the rule development. An interested parties list will be developed from owner/operators who express interest.

**Administrative Rule Advisory Committee consulted?: Yes**

**If not, why?:**

<u>01-23-2017 5:00 p.m.</u>	<u>Genevieve Ziebell</u>	<u>genevieve.ziebell@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address