

House Bill 2854

Sponsored by Representative EVANS (Pre-session filed.)

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**.

Establishes Oregon Public Assistance Grant Account as account in Oregon Disaster Response Fund. Continuously appropriates moneys in account to Oregon Department of Emergency Management for funding to state agencies, local governments, special government bodies, federally recognized Indian tribes and nonprofit organizations for specified emergency response activities.

A BILL FOR AN ACT

1
2 Relating to emergency management; creating new provisions; and amending ORS 401.025, 401.534
3 and 401.536.

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

5 **SECTION 1.** ORS 401.025 is amended to read:

6 401.025. As used in this chapter:

7 (1) "Emergency" means a human created or natural event or circumstance that causes or
8 threatens widespread loss of life, injury to person or property, human suffering or financial loss,
9 including but not limited to:

10 (a) Fire, wildfire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake,
11 volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous mate-
12 rial as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight,
13 infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

14 (b) A rapid influx of individuals from outside this state, a rapid migration of individuals from
15 one part of this state to another or a rapid displacement of individuals if the influx, migration or
16 displacement results from the type of event or circumstance described in paragraph (a) of this sub-
17 section.

18 (2) "Emergency service agency" means an organization within a local government that performs
19 essential services for the public's benefit before, during or after an emergency, such as law
20 enforcement, fire control, health, medical and sanitation services, public works and engineering,
21 public information and communications.

22 (3) "Emergency services" means activities engaged in by state and local government agencies
23 to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency,
24 including but not limited to coordination, preparedness planning, training, interagency liaison, fire
25 fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforce-
26 ment, medical, health and sanitation services, engineering and public works, search and rescue ac-
27 tivities, warning and public information, damage assessment[,] **and** administration and fiscal
28 management[, *and those measures defined as "civil defense" in 50 U.S.C. app. 2252*].

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

30 (5) "Major disaster" means any event defined as a "major disaster" under 42 U.S.C. 5122(2).

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 (6) “Special government body” has the meaning given that term in ORS 174.117.

2 (7) “State-declared emergency” means an emergency that is the subject of a declaration
3 of a state of emergency under this chapter.

4 **SECTION 2.** ORS 401.534 and 401.536 and section 3 of this 2023 Act are added to and made
5 a part of ORS chapter 401.

6 **SECTION 3.** (1) The Oregon Public Assistance Grant Account is established as an account
7 in the Oregon Disaster Response Fund. The account consists of moneys appropriated by the
8 Legislative Assembly for deposit in the account and any other moneys deposited into the
9 account pursuant to law.

10 (2) Moneys in the account are continuously appropriated to the Oregon Department of
11 Emergency Management for:

12 (a) Providing grants to local governments, special government bodies, federally recog-
13 nized Indian tribes and nonprofit organizations to repair or replace critical infrastructure
14 or restore economic centers impacted by state-declared emergencies that are not federally
15 declared disasters;

16 (b) Providing grants to local governments, special government bodies, federally recog-
17 nized Indian tribes and nonprofit organizations to match federal moneys available through
18 the Federal Emergency Management Agency’s Public Assistance Program to repair or re-
19 place public facilities and infrastructure following state-declared emergencies that are
20 federally declared disasters; and

21 (c) Providing funding to state agencies and nonprofit organizations for emergency re-
22 sponse activities, including emergency protective measures and debris removal, performed
23 at the direction of the department:

24 (A) During state-declared emergencies that are not federally declared disasters; and

25 (B) Following state-declared emergencies that are federally declared disasters, to match
26 federal moneys available through the Federal Emergency Management Agency’s Public As-
27 sistance Program.

28 (3) The department may adopt rules necessary for the administration of this section.

29 **SECTION 4.** ORS 401.534 is amended to read:

30 401.534. (1) The Oregon Disaster Response Fund is established in the State Treasury, separate
31 and distinct from the General Fund. Moneys received from federal grants for disaster response ef-
32 forts shall be deposited into the Oregon Disaster Response Fund. Moneys in the fund are contin-
33 uously appropriated to the Oregon Department of Emergency Management to be used to:

34 (a) Help state agencies and local government units with immediate disaster response and re-
35 covery efforts related to federally declared disasters in this state **or state-declared emergencies;**
36 and

37 (b) Implement long-term hazard mitigation measures after a federally declared disaster in this
38 state **or a state-declared emergency** during the period of immediate recovery from the disaster
39 **or emergency.**

40 (2) The Oregon Disaster Response Fund may receive gifts, grants, bequests, endowments and
41 donations from public and private sources for purposes related to the fund.

42 (3) The department shall adopt rules for the disbursement of moneys from the Oregon Disaster
43 Response Fund.

44 (4) If there are expenditures from the Oregon Disaster Response Fund, the Director of the
45 Oregon Department of Emergency Management shall report to the Emergency Board, or to the

1 Legislative Assembly if it is in session, on:

- 2 (a) The nature and severity of the disaster **or emergency**;
- 3 (b) The actual and projected deposits into the fund;
- 4 (c) The sources of actual and projected expenditures from the fund;
- 5 (d) The nature of in-kind donations received; and
- 6 (e) The rationale for expenditures and allocation of payments to state agencies and local gov-
- 7 ernment units.

8 (5) Following the final expenditure for a particular disaster **or emergency**, the director shall
 9 issue a final report to the Emergency Board, or to the Legislative Assembly if it is in session. The
 10 report must include an aggregate description of the factors described in subsection (4) of this sec-
 11 tion.

12 **SECTION 5.** ORS 401.536, as amended by section 5, chapter 76, Oregon Laws 2022, is amended
 13 to read:

14 401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Account is established as an
 15 account in the Oregon Disaster Response Fund. The account consists of moneys appropriated by the
 16 Legislative Assembly and any other moneys deposited into the account pursuant to law.

17 (2) Moneys in the account are continuously appropriated to the Oregon Department of Emer-
 18 gency Management for:

19 (a) Providing loans to qualified recipients to match, either in full or in part, moneys from federal
 20 programs for federally declared disaster relief that require a match;

21 (b) Providing loans and grants to qualified recipients, for the purpose of paying costs incurred
 22 by qualified recipients in response to federally declared disasters;

23 (c) Providing loans and grants to qualified recipients for the purposes of paying costs incurred
 24 by qualified recipients in response to disasters that are not federally declared disasters, as deter-
 25 mined by the Legislative Assembly, if all loans and grants provided under paragraphs (a) and (b) of
 26 this subsection have been repaid, fulfilled or otherwise satisfied and moneys remain in the account;
 27 and

28 (d) Subject to subsection (5) of this section, paying the department's expenses for administering
 29 loans made from the account under paragraph (a) of this subsection.

30 (3) Loans made under subsection (2)(b) or (c) of this section shall be repaid pursuant to such
 31 terms and conditions as may be established by the Oregon Department of Administrative Services.
 32 Loans made under subsection (2)(b) or (c) of this section may be interest free, or bear interest at a
 33 rate established by the Oregon Department of Administrative Services. Amounts repaid on loans
 34 made under subsection (2)(b) or (c) of this section shall be deposited in the General Fund.

35 (4) The Oregon Department of Emergency Management shall deposit into the account any
 36 amounts repaid on loans made under subsection (2)(a) of this section.

37 (5) The department may not charge the account more than five percent of the maximum amount
 38 in the account during a biennium for administrative expenses attributable to a loan made under
 39 subsection (2)(a) of this section.

40 (6) An applicant may apply to the department for a loan under subsection (2)(a) of this section.
 41 The department shall consider the application, make a recommendation and submit the application
 42 and recommendation to the Local Disaster Assistance Review Board established under subsection
 43 (7) of this section.

44 (7) The department shall establish a Local Disaster Assistance Review Board to:

- 45 (a) Review the recommendations of the department regarding loans under subsection (2)(a) of

1 this section;

2 (b) Approve, by a majority vote of members, the amount of any loan under subsection (2)(a) of
 3 this section; and

4 (c) Approve, by a majority vote of members, the terms and conditions of any loan under sub-
 5 section (2)(a) of this section.

6 (8) The review board shall include:

7 (a) Three members of county governing bodies, with at least one member representing a county
 8 from east of the crest of the Cascade Mountains, with membership determined by the Association
 9 of Oregon Counties;

10 (b) Three members of city governing bodies, with at least one member representing a city from
 11 east of the crest of the Cascade Mountains, with membership determined by the League of Oregon
 12 Cities;

13 (c) A representative of the office of the State Treasurer;

14 (d) A representative of the department;

15 (e) A representative of school districts, with membership determined by the Oregon School
 16 Boards Association;

17 (f) A representative of special districts, with membership determined by the Special Districts
 18 Association of Oregon;

19 (g) A representative of the Oregon Department of Administrative Services; and

20 (h) Two additional members determined jointly by the department, the Association of Oregon
 21 Counties and the League of Oregon Cities.

22 (9) The Oregon Department of Emergency Management shall adopt rules establishing:

23 (a) A loan application process and application forms for loans under subsection (2)(a) of this
 24 section;

25 (b) Reasonable financial terms and conditions for loans under subsection (2)(a) of this section,
 26 including interest and the repayment of the loans;

27 (c) Eligibility requirements for applicants for loans under subsection (2)(a) of this section;

28 (d) The maximum amount an applicant for a loan under subsection (2)(a) of this section may
 29 receive;

30 (e) The methodology the department will use for charging the account for administrative ex-
 31 penses; and

32 (f) Procedures for submission of recommendations to the review board for loans under subsection
 33 (2)(a) of this section.

34 (10) The department shall provide staff support for the review board.

35 (11) As used in this section, "qualified recipient" means a local government, [*as defined in ORS*
 36 *174.116,*] a school district or another entity that meets eligibility criteria for post-disaster grants
 37 offered by the Federal Emergency Management Agency.

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