

House Bill 2074

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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**.

Changes name of Oregon Pre-Disaster Mitigation Fund to Oregon Emergency Preparedness Account. Changes name of Oregon Disaster Response Fund to Oregon Disaster Response Account. Changes name of Oregon Local Disaster Assistance Loan Account to Oregon Local Disaster Assistance Loan Subaccount.

Changes each fund from fund established separate and distinct from General Fund to account established within General Fund. Changes Oregon Local Disaster Assistance Loan Account from account in Oregon Disaster Response Fund to subaccount of Oregon Disaster Response Account.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to emergency preparedness; creating new provisions; amending ORS 401.532, 401.534 and
3 401.536; and declaring an emergency.

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

5 **SECTION 1.** ORS 401.532 is amended to read:

6 401.532. (1) The [*Oregon Pre-Disaster Mitigation Fund*] **Oregon Emergency Preparedness Ac-**
7 **count** is established [*in the State Treasury, separate and distinct from*] **within** the General Fund.
8 Moneys received from federal grants for [*pre-disaster mitigation*] **emergency preparedness** efforts
9 shall be deposited into the [*Oregon Pre-Disaster Mitigation Fund*] **Oregon Emergency**
10 **Preparedness Account**. Moneys in the [*fund*] **account** are continuously appropriated to the Oregon
11 Military Department to be used to:

12 (a) Help state agencies and local government units with Federal Emergency Management
13 Agency approved mitigation plans in this state prior to the occurrence of natural disasters; and

14 (b) Ensure, to the extent possible, that state and local agencies and officials are prepared to
15 respond to threats of human-caused disaster, including but not limited to acts of terrorism.

16 (2) The [*Oregon Pre-Disaster Mitigation Fund*] **Oregon Emergency Preparedness Account** may
17 receive gifts, grants, bequests, endowments and donations from public and private sources for pur-
18 poses related to the [*fund*] **account**.

19 (3) The Oregon Military Department shall adopt rules for the disbursement of moneys from the
20 [*Oregon Pre-Disaster Mitigation Fund*] **Oregon Emergency Preparedness Account**.

21 **SECTION 2.** ORS 401.534 is amended to read:

22 401.534. (1) The Oregon Disaster Response [*Fund*] **Account** is established [*in the State Treasury,*
23 *separate and distinct from*] **within** the General Fund. Moneys received from federal grants for dis-
24 aster response efforts shall be deposited into the Oregon Disaster Response [*Fund*] **Account**. Mon-
25 eys in the [*fund*] **account** are continuously appropriated to the Oregon Military Department to be
26 used to:

27 (a) Help state agencies and local government units with immediate disaster response and re-

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 recovery efforts related to federally declared disasters in this state; and

2 (b) Implement long-term hazard mitigation measures after a federally declared disaster in this
3 state during the period of immediate recovery from the disaster.

4 (2) The Oregon Disaster Response [*Fund*] **Account** may receive gifts, grants, bequests,
5 endowments and donations from public and private sources for purposes related to the [*fund*] **ac-**
6 **count**.

7 (3) The Office of Emergency Management of the Oregon Military Department shall adopt rules
8 for the disbursement of moneys from the Oregon Disaster Response [*Fund*] **Account**.

9 (4) If there are expenditures from the Oregon Disaster Response [*Fund*] **Account**, the Adjutant
10 General of the Oregon Military Department shall report to the Emergency Board, or to the Legis-
11 lative Assembly if it is in session, on:

12 (a) The nature and severity of the disaster;

13 (b) The actual and projected deposits into the [*fund*] **account**;

14 (c) The sources of actual and projected expenditures from the [*fund*] **account**;

15 (d) The nature of in-kind donations received; and

16 (e) The rationale for expenditures and allocation of payments to state agencies and local gov-
17 ernment units.

18 (5) Following the final expenditure for a particular disaster, the Adjutant General of the Oregon
19 Military Department shall issue a final report to the Emergency Board, or to the Legislative As-
20 sembly if it is in session. The report must include an aggregate description of the factors described
21 in subsection (4) of this section.

22 **SECTION 3.** ORS 401.536 is amended to read:

23 401.536. (1) The Oregon Local Disaster Assistance Loan [*Account*] **Subaccount** is established
24 as [*an account in*] a **subaccount within** the Oregon Disaster Response [*Fund*] **Account**. The [*ac-*
25 *count*] **subaccount** consists of moneys appropriated by the Legislative Assembly and any other
26 moneys deposited into the [*account*] **subaccount** pursuant to law.

27 (2) Moneys in the [*account*] **subaccount** are continuously appropriated to the Oregon Military
28 Department for:

29 (a) Providing loans to local governments, as defined in ORS 174.116, and school districts to
30 match, either in full or in part, moneys from federal programs for federally declared disaster relief
31 that require a match; and

32 (b) Subject to subsection (4) of this section, paying the department's expenses for administering
33 the [*account*] **subaccount**.

34 (3) The department shall deposit into the [*account*] **subaccount** any amounts repaid on loans
35 made under this section.

36 (4) The department may not charge the [*account*] **subaccount** more than five percent of the
37 maximum amount in the [*account*] **subaccount** during a biennium for administrative expenses.

38 (5) An applicant may apply to the department for a loan from the [*account*] **subaccount**. The
39 department shall consider the application, make a recommendation and submit the application and
40 recommendation to the Local Disaster Assistance Review Board established under subsection (6) of
41 this section.

42 (6) The department shall establish a Local Disaster Assistance Review Board to:

43 (a) Review the recommendations of the department regarding loans from the [*account*] **subac-**
44 **count**;

45 (b) Approve, by a majority vote of members, the amount of any loan; and

1 (c) Approve, by a majority vote of members, the terms and conditions of any loan.

2 (7) The review board shall include:

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

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

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

10 (d) A representative of the Oregon Military Department;

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

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

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

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

18 (8) The Office of Emergency Management of the Oregon Military Department shall adopt rules
19 establishing:

20 (a) A loan application process and application forms;

21 (b) Reasonable financial terms and conditions for loans, including interest and the repayment
22 of the loans;

23 (c) Eligibility requirements for loan applicants;

24 (d) The maximum amount an applicant for a loan may receive;

25 (e) The methodology the department will use for charging the [account] **subaccount** for admin-
26 istrative expenses; and

27 (f) Procedures for submission of loan recommendations to the review board.

28 (9) The Oregon Military Department shall provide staff support for the review board.

29 **SECTION 4. The amendments to ORS 401.532, 401.534 and 401.536 by sections 1 to 3 of this**
30 **2011 Act are intended to:**

31 **(1) Change the name of the Oregon Pre-Disaster Mitigation Fund to the Oregon Emer-**
32 **gency Preparedness Account;**

33 **(2) Change the name of the Oregon Disaster Response Fund to the Oregon Disaster Re-**
34 **sponse Account;**

35 **(3) Change the name of the Oregon Local Disaster Assistance Loan Account to the**
36 **Oregon Local Disaster Assistance Loan Subaccount;**

37 **(4) Change each fund described in subsections (1) and (2) of this section from a fund es-**
38 **tablished separate and distinct from the General Fund to an account established within the**
39 **General Fund; and**

40 **(5) Change the account described in subsection (3) of this section from an account within**
41 **the Oregon Disaster Response Fund to a subaccount within the Oregon Disaster Response**
42 **Account.**

43 **SECTION 5. This 2011 Act being necessary for the immediate preservation of the public**
44 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
45 **on its passage.**

