

# Senate Bill 97

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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 and Grant Account to Oregon Local Disaster Assistance Loan and Grant Subaccount.

Changes each renamed fund from fund established separate and distinct from General Fund to account established within General Fund.

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

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

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

15 (2) The [*Oregon Pre-Disaster Mitigation Fund may receive*] **department may deposit in the**  
16 **account** gifts, grants, bequests, endowments and donations from public and private sources for  
17 purposes related to the [*fund*] **account**.

18 (3) The [*Oregon Military Department*] **Office of Emergency Management** shall adopt rules for  
19 the disbursement of moneys from the [*Oregon Pre-Disaster Mitigation Fund*] **account**.

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

21 401.534. (1) The Oregon Disaster Response [*Fund*] **Account** is established in the State Treasury,  
22 [*separate and distinct from*] **within** the General Fund. Moneys received from federal grants for dis-  
23 aster response efforts [*shall*] **must** be deposited into the [*Oregon Disaster Response Fund*]  
24 **account**. Moneys in the [*fund*] **account** are continuously appropriated to the Oregon Military De-  
25 partment to be used to:

26 (a) Help state agencies and local government units with immediate disaster response and re-  
27 covery efforts related to federally declared disasters in this state; and

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

3 (2) The [*Oregon Disaster Response Fund may receive*] **department may deposit in the account**  
4 gifts, grants, bequests, endowments and donations from public and private sources for purposes re-  
5 lated to the [*fund*] **account**.

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

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

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

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

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

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

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

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

21 **SECTION 3.** ORS 401.536, as amended by section 98, chapter 107, Oregon Laws 2012, is  
22 amended to read:

23 401.536. (1) The Oregon Local Disaster Assistance Loan and Grant [*Account*] **Subaccount** is  
24 established [*as an account in*] **within** the Oregon Disaster Response [*Fund*] **Account**. The [*account*]  
25 **subaccount** consists of moneys appropriated by the Legislative Assembly and any other moneys  
26 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;

32 (b) Providing loans and grants to local governments, as defined in ORS 174.116, and school dis-  
33 tricts, for the purpose of paying costs incurred by local governments and school districts in response  
34 to federally declared disasters; and

35 (c) Subject to subsection (5) of this section, paying the **Oregon Military** Department's expenses  
36 for administering loans made from the [*account*] **subaccount** under paragraph (a) of this subsection.

37 (3) Loans made under subsection (2)(b) of this section [*shall*]:

38 (a) **Must** be repaid pursuant to [*such*] **the** terms and conditions [*as may be*] established by the  
39 Oregon Department of Administrative Services. [*Loans made under subsection (2)(b) of this section*]

40 (b) May be interest free[, or bear interest at a rate established by the Oregon Department of  
41 Administrative Services. [*Amounts repaid on loans made under subsection (2)(b) of this section shall*  
42 *be deposited in the General Fund.*]

43 (4) The Oregon Military Department shall deposit into the [*account*] **subaccount** any amounts  
44 repaid on loans made under subsection (2)(a) of this section.

45 (5) The Oregon Military Department may not charge the [*account*] **subaccount** more than five

1 percent of the maximum amount in the [account] **subaccount** during a biennium for administrative  
 2 expenses attributable to a loan made under subsection (2)(a) of this section.

3 (6) An applicant may apply to the Oregon Military Department for a loan under subsection (2)(a)  
 4 of this section. The **Oregon Military** Department shall consider the application, make a recom-  
 5 mendation and submit the application and recommendation to the Local Disaster Assistance Review  
 6 Board established under subsection (7) of this section.

7 (7) The Oregon Military Department shall establish a Local Disaster Assistance Review Board  
 8 to:

9 (a) Review the recommendations of the **Oregon Military** Department regarding loans under  
 10 subsection (2)(a) of this section;

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

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

15 (8) The review board shall include:

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

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

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

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

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

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

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

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

31 (9) The Office of Emergency Management [*of the Oregon Military Department*] shall adopt rules  
 32 establishing:

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

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

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

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

40 (e) The methodology the **Oregon Military** Department will use for charging the [account] **sub-**  
 41 **account** for administrative expenses; and

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

44 (10) The Oregon Military Department shall provide staff support for the review board.

45 **SECTION 4. The amendments to ORS 401.532, 401.534 and 401.536 by sections 1 to 3 of this**

1 **2013 Act are intended to:**

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

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

6 (3) **Change the name of the Oregon Local Disaster Assistance Loan and Grant Account**  
7 **to the Oregon Local Disaster Assistance Loan and Grant Subaccount;**

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

11 (5) **Change the account described in subsection (3) of this section from an account within**  
12 **the Oregon Disaster Response Fund to a subaccount within the Oregon Disaster Response**  
13 **Account; and**

14 (6) **Specify the actor in certain sentences constructed using the passive voice.**

15 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**  
16 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
17 **on its passage.**

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