

House Bill 3048

Sponsored by COMMITTEE ON REVENUE

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**.

Requires two percent of gross proceeds of certain bonds to be set aside to fund disaster resiliency projects. Establishes Resiliency Investment Fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disaster resiliency; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 286A.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **“Capital bonds” means bonds for which 50 percent or more of the gross proceeds is**
7 **raised to finance capital construction.**

8 (b) **“Capital construction” means the construction, modification, replacement, repair,**
9 **remodeling or renovation of a structure that is expected to have a useful life of more than**
10 **one year.**

11 (c) **“Emergency” has the meaning given that term in ORS 401.025, except that the term**
12 **does not include events or circumstances described in ORS 401.025 (1)(b).**

13 (d) **“Resilience to damage or deformation” means construction or improvement of a**
14 **structure, beyond the minimum standards imposed by building codes enforced under ORS**
15 **chapter 455, that decreases the risk to life and property resulting from an emergency.**

16 (e) **“Structure” means a temporary or permanent building or improvement to real prop-**
17 **erty that is constructed on or attached to real property, whether above, on or beneath the**
18 **surface.**

19 (2) **A related agency shall set aside from the gross proceeds of capital bonds issued for**
20 **a project of the agency:**

21 (a) **One percent of the gross proceeds of the capital bonds for expenditure on parts of a**
22 **capital construction project that improve the project's resilience to damage or deformation.**

23 (b) **One percent of the gross proceeds of the capital bonds for deposit into the Resiliency**
24 **Investment Fund established by section 3 of this 2015 Act.**

25 **SECTION 3. (1) The Resiliency Investment Fund is established in the State Treasury,**
26 **separate and distinct from the General Fund.**

27 (2) **The Resiliency Investment Fund consists of moneys deposited in the fund pursuant**
28 **to section 2 of this 2015 Act. Interest earned by moneys in the fund must be credited to the**
29 **fund.**

30 (3) **The moneys in the Resiliency Investment Fund are continuously appropriated to the**
31 **Office of Emergency Management for expenditures required to support resiliency projects**

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 under section 4 of this 2015 Act.

2 **SECTION 4.** (1) As used in this section:

3 (a) “Capital bonds” has the meaning given that term in section 2 of this 2015 Act.

4 (b) “Capital construction” has the meaning given that term in section 2 of this 2015 Act.

5 (c) “Local government” has the meaning given that term in ORS 174.116.

6 (d) “Project funds” means the net proceeds of capital bonds, and interest from those
7 proceeds that accrues before the proceeds and interest are initially disbursed to a related
8 agency, that are approved by the Legislative Assembly for expenditure on a capital con-
9 struction project.

10 (e) “Qualified project” means a capital construction project that:

11 (A) The Office of Emergency Management determines will improve a structure’s
12 resilience to damage or deformation and improve the preparedness of this state to respond
13 to and recover from an emergency; and

14 (B) Is subject to oversight to a degree and in a manner determined by the office.

15 (f) “Related agency” has the meaning given that term in ORS 286A.001.

16 (g) “Resilience to damage or deformation” has the meaning given that term in section 2
17 of this 2015 Act.

18 (2) A related agency may apply to the Office of Emergency Management for disbursement
19 of project funds deposited in the Resiliency Investment Fund established by section 3 of this
20 2015 Act. The office may approve a disbursement to the related agency only:

21 (a) After the capital bond from which the deposit was set aside has been retired due to
22 maturity or early payment; and

23 (b) If the related agency certifies to the office that the disbursement will be used for a
24 qualified project.

25 (3) A local government may apply to the office for disbursement of moneys in the form
26 of grants or loans from the fund. The office may approve a disbursement to the local gov-
27 ernment only if:

28 (a) The moneys disbursed are interest earnings on moneys deposited into the fund pur-
29 suant to section 2 of this 2015 Act; and

30 (b) The local government certifies to the office that the moneys disbursed will be used
31 for a qualified project.

32 (4) If moneys disbursed under subsection (2) or (3) of this section are proceeds of, or in-
33 terest earnings on proceeds of, bonds issued pursuant to Articles XI-A, XI-D, XI-E, XI-F(2),
34 XI-G, XI-H, XI-I(1), XI-I(2), XI-J, XI-K, XI-L, XI-M, XI-N, XI-O, XI-P or XI-Q of the Oregon
35 Constitution, moneys disbursed may be used only for purposes consistent with the Article
36 under which the general obligation bonds were issued.

37 **SECTION 5.** The Director of the Office of Emergency Management shall adopt rules to
38 implement and administer section 4 of this 2015 Act.

39 **SECTION 6.** (1) Sections 1 to 4 of this 2015 Act become operative on January 1, 2016.

40 (2) The Director of the Office of Emergency Management may take any action before the
41 operative date specified in subsection (1) of this section that is necessary for the director to
42 exercise, on and after the operative date specified in subsection (1) of this section, all of the
43 duties, functions and powers conferred on the director by sections 1 to 4 of this 2015 Act.

44 **SECTION 7.** This 2015 Act being necessary for the immediate preservation of the public
45 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect

1 **on its passage.**

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