

House Bill 4098

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Preparedness)

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**.

Directs Office of Emergency Management and Oregon Homeland Security Council to develop and administer grant program to distribute emergency preparedness equipment to local governments and other recipients.

Authorizes sale of bonds under Article XI-Q of Oregon Constitution to fund grant program.

Establishes Resiliency Grant Fund. Continuously appropriates moneys in fund to Office of Emergency Management.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to emergency preparedness; and declaring an emergency.

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

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

5 (a) **"Emergency" has the meaning given that term in ORS 401.025.**

6 (b) **"Preparedness equipment" means equipment, tools, vehicles or other property, or**
7 **fixtures or improvements upon real property, that may be used to decrease the risk to life**
8 **and property resulting from an emergency.**

9 (c) **"Recipient" means an entity that applies for and receives preparedness equipment**
10 **under the grant program described in subsection (3) of this section.**

11 (2)(a) **The Oregon Homeland Security Council shall develop a list of preparedness equip-**
12 **ment that is needed throughout this state to address deficiencies in the ability of the state**
13 **to respond to local and regional emergencies.**

14 (b) **In developing the list, the council shall consult and coordinate with the Office of**
15 **Emergency Management and with county officials who are responsible for emergency man-**
16 **agement.**

17 (c) **The council shall assign a priority level to each type of preparedness equipment on**
18 **the list, taking into consideration, without limitation, the types of emergency that are most**
19 **likely to occur in different regions of this state and the types of preparedness equipment that**
20 **offer the highest ratio of utility to cost. The council shall periodically update and revise the**
21 **list.**

22 (3) **The Office of Emergency Management shall develop and administer a grant program**
23 **to distribute preparedness equipment to recipients throughout this state. Pursuant to the**
24 **grant program:**

25 (a) **Any entity with responsibility for or expertise in emergency preparedness, including**
26 **a local government or a private entity, may apply to receive preparedness equipment that is**
27 **identified on the list described in subsection (2) of this section. Applicants must demonstrate**
28 **a need for the specific preparedness equipment requested, the ability to maintain the**

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 preparedness equipment and the ability to use the preparedness equipment to address defi-
 2 ciencies in local or regional emergency preparedness.

3 (b) The office shall identify which requests from applicants, if fulfilled, will maximize the
 4 state’s ability to respond to an emergency, taking into account considerations that include
 5 but are not limited to:

6 (A) The level of priority assigned to the requested preparedness equipment type pursuant
 7 to subsection (2) of this section;

8 (B) The level of need for the requested preparedness equipment demonstrated by the
 9 applicant;

10 (C) The ability to use and maintain the preparedness equipment demonstrated by the
 11 applicant;

12 (D) The types of emergency most likely to occur in the region where the applicant is lo-
 13 cated; and

14 (E) Whether the applicant has an alternative means of acquiring the requested
 15 preparedness equipment.

16 (c) The office shall issue grants to the applicants identified under paragraph (b) of this
 17 subsection. The office may either purchase the requested preparedness equipment for dis-
 18 tribution to the recipient or disburse grant funding to the recipient for the purchase of the
 19 requested preparedness equipment.

20 (d) The office may not issue a grant under this section unless the office and the intended
 21 recipient first enter into a grant agreement. The grant agreement:

22 (A) Shall require the recipient to repair, perform upkeep on and otherwise maintain the
 23 preparedness equipment as a condition of maintaining possession of the preparedness equip-
 24 ment.

25 (B) Shall specify that the office may conduct periodic inspections of the preparedness
 26 equipment as described in paragraph (e) of this subsection.

27 (C) Shall specify that preparedness equipment distributed to the recipient remains the
 28 property of the office, but that if the office disposes of the preparedness equipment, the of-
 29 fice shall grant the right of first refusal to purchase the preparedness equipment to the re-
 30 cipient.

31 (D) May permit the recipient to use the preparedness equipment for any purpose, in-
 32 cluding nonemergency purposes.

33 (E) May require the recipient to pay the office for the use of the preparedness equipment.

34 (e) The office shall conduct periodic inspections of preparedness equipment distributed
 35 through the grant program to ensure that recipients are sufficiently maintaining the
 36 preparedness equipment. The office may take possession of any preparedness equipment that
 37 is not sufficiently maintained.

38 (f) If the office disposes of preparedness equipment for any reason, the office shall de-
 39 posit any moneys it receives from the disposal in the Resiliency Grant Fund established un-
 40 der section 2 of this 2016 Act.

41 (4) The office may expend moneys appropriated to the office under section 2 of this 2016
 42 Act as necessary to perform the duties assigned to the office under this section.

43 (5) On or before December 31 of each year, the office shall submit a report to the Leg-
 44 islative Assembly and to the Oregon Homeland Security Council that describes the adminis-
 45 tration and effectiveness of the grant program established under this section.

1 **(6) The office shall adopt rules to administer and implement the provisions of this sec-**
2 **tion.**

3 **SECTION 2. The Resiliency Grant Fund is established in the State Treasury, separate and**
4 **distinct from the General Fund. Interest earned by the Resiliency Grant Fund must be**
5 **credited to the fund. The Resiliency Grant Fund consists of moneys deposited in the fund**
6 **under section 3 of this 2016 Act and may include moneys appropriated, allocated, deposited**
7 **or transferred to the fund by the Legislative Assembly or otherwise and interest earned on**
8 **moneys in the fund. The moneys in the fund are continuously appropriated to the Office of**
9 **Emergency Management for the purposes specified in section 1 of this 2016 Act.**

10 **SECTION 3. (1) The State Treasurer may issue bonds as authorized in Article XI-Q of the**
11 **Oregon Constitution in an amount not to exceed \$10 million for the purposes specified in**
12 **section 1 of this 2016 Act, plus an amount estimated by the State Treasurer to pay estimated**
13 **bond-related costs.**

14 **(2) The State Treasurer shall deposit the net proceeds of bonds issued pursuant to this**
15 **section in the Resiliency Grant Fund established under section 2 of this 2016 Act.**

16 **SECTION 4. This 2016 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
18 **on its passage.**