

House Bill 3376

Sponsored by Representatives SANCHEZ, MCKEOWN

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**.

Provides that federally recognized Indian tribes in Oregon may apply for grants under emergency preparedness equipment grant program.

A BILL FOR AN ACT

1 Relating to emergency preparedness equipment grant program; amending ORS 401.551.

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

3 **SECTION 1.** ORS 401.551 is amended to read:

4 401.551. (1) As used in this section:

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

6 (b) "Maintain" means to repair, perform upkeep on and otherwise keep in good working condi-
7 tion.

8 (c) "Preparedness equipment" means equipment, vehicles or other personal property that:

9 (A) May be used to decrease the risk to life and property resulting from an emergency; and

10 (B) Qualifies as a capital asset eligible for financing with tax-exempt bonds.

11 (d) "Qualified applicant" means an entity that has responsibility for or expertise in emergency
12 preparedness and that is a local government, a special government body, **a federally recognized**
13 **Indian tribe in Oregon** or a private organization qualified for federal tax-exempt status under sec-
14 tion 501(c)(3) of the Internal Revenue Code.

15 (e) "Recipient" means an entity that applies for and receives preparedness equipment, or funds
16 to purchase preparedness equipment, under the grant program described in subsection (3) of this
17 section.

18 (f) "Tax-exempt bond" means a bond, as defined in ORS 286A.001, the receipt of interest on
19 which is excluded from gross income under the Internal Revenue Code or that is eligible for a fed-
20 eral interest subsidy payment or other tax-advantaged status.

21 (2)(a) Before December 31, 2017, the Oregon Homeland Security Council shall develop a list of
22 preparedness equipment that is needed throughout this state to address deficiencies in the ability
23 of the state to respond to local and regional emergencies.

24 (b) In developing the list, the council shall consult and coordinate with the Office of Emergency
25 Management and with county officials who are responsible for emergency management.

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

30 (3) The Office of Emergency Management shall develop and administer a grant program to dis-
31

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 tribute preparedness equipment, or funds to purchase preparedness equipment, to recipients
2 throughout this state. Pursuant to the grant program:

3 (a) Qualified applicants may request preparedness equipment that is identified on the list de-
4 scribed in subsection (2) of this section. Applicants must demonstrate a need for the specific
5 preparedness equipment requested, the ability to maintain the preparedness equipment and the
6 ability to use the preparedness equipment to address deficiencies in local or regional emergency
7 preparedness.

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

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

13 (B) The level of need for the requested preparedness equipment as demonstrated by the appli-
14 cant;

15 (C) The ability to use and maintain the preparedness equipment as demonstrated by the appli-
16 cant;

17 (D) The types of emergency most likely to occur in the region where the applicant is located;
18 and

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

21 (c) The office shall issue grants to applicants identified under paragraph (b) of this subsection
22 after entering into grant agreements with the applicants as provided in paragraph (e) of this sub-
23 section. The office may either purchase the requested preparedness equipment for distribution to a
24 recipient or disburse funds to the recipient for the purchase of the requested preparedness equip-
25 ment.

26 (d) The Public Contracting Code does not apply to the acquisition of preparedness equipment
27 by the office or by a recipient pursuant to this section. When acquiring preparedness equipment
28 pursuant to this section, the office and recipients shall use procurement methods that are impartial
29 and transparent to the greatest extent feasible and are designed to maximize value to the State of
30 Oregon.

31 (e) The office may not disburse preparedness equipment or funds under this section unless the
32 office and the intended recipient first enter into a grant agreement. The grant agreement:

33 (A) Shall require the recipient to maintain the preparedness equipment.

34 (B) Shall provide that, if a recipient fails to adequately maintain preparedness equipment, the
35 recipient must relinquish possession of the preparedness equipment or reimburse the office for the
36 cost of the preparedness equipment.

37 (C) Shall specify that the office may conduct periodic inspections of the preparedness equipment
38 as described in paragraph (f) of this subsection.

39 (D) Shall specify that preparedness equipment distributed to the recipient remains the property
40 of the office until it is fully depreciated under governmental accounting principles, after which the
41 office may offer the preparedness equipment for sale to the recipient at its fair market value at the
42 time of sale.

43 (E) May permit the recipient to use the preparedness equipment for any purpose, governmental
44 or otherwise, that is permissible for assets financed with tax-exempt bonds, including nonemergency
45 purposes.

1 (F) Shall require private organizations to obtain approval from the office before making any use
2 of preparedness equipment that is outside the scope of the purpose of the private organization as
3 stated in the formation documents or bylaws of the organization.

4 (G) Shall require the recipient to take action or refrain from action as necessary to maintain
5 federal tax benefits related to any tax-exempt bonds that are used to fund the grant and to indemnify
6 the State of Oregon for any costs, expenses or liability due to loss of such federal tax benefits
7 caused by action or inaction of the recipient.

8 (f) The office shall conduct periodic inspections of preparedness equipment distributed or pur-
9 chased through the grant program to ensure that recipients are adequately maintaining the
10 preparedness equipment. If the office finds that any preparedness equipment is not adequately
11 maintained, the office may take possession of the preparedness equipment or require the recipient
12 to reimburse the office for the cost of the preparedness equipment.

13 (g) The office may transfer between recipients, dispose of or otherwise manage the preparedness
14 equipment as it determines is in the best interests of meeting the emergency preparedness needs of
15 the State of Oregon. If the office disposes of preparedness equipment for any reason, including sale
16 to a recipient as provided in paragraph (e)(D) of this subsection, the office shall deposit any moneys
17 it receives from the disposal in the Resiliency Grant Fund established under ORS 401.552.

18 (4) On or before December 31 of each year, the office shall submit a report to the Legislative
19 Assembly and to the Oregon Homeland Security Council that describes the administration and ef-
20 fectiveness of the grant program established under this section and the current prioritized list of
21 preparedness equipment types.

22 (5) The office shall adopt rules to administer and implement the provisions of this section.
23
