

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
HOUSE BILL 4156**

1 In line 2 of the printed bill, after the first semicolon delete the rest of the
2 line and delete line 3 and insert “creating new provisions; amending ORS
3 284.793 and 401.536 and section 4, chapter 17, Oregon Laws 2020 (first special
4 session); and declaring an emergency.”.

5 Delete lines 5 through 23 and insert:
6

7 **“BROADBAND FUND**
8

9 **“SECTION 1.** Section 4, chapter 17, Oregon Laws 2020 (first special ses-
10 sion), is amended to read:

11 **“Sec. 4.** The Broadband Fund is established, separate and distinct from
12 the General Fund. Interest earned by the Broadband Fund shall be credited
13 to the fund. Moneys in the Broadband Fund are continuously appropriated
14 to the Oregon Business Development Department to be used only for pro-
15 viding grants or loans through, or for administering, the Oregon Broadband
16 Office and the program established by rule under section 5 [*of this 2020 spe-*
17 *cial session Act*], **chapter 17, Oregon Laws 2020 (first special session).**
18 The fund shall consist of moneys deposited in the fund pursuant to ORS
19 759.425 **and moneys appropriated or transferred to the fund by the**
20 **Legislative Assembly.**

21

1 **“STATE FORESTRY DEPARTMENT**

2
3 **“SECTION 2. Sections 3 and 4 of this 2022 Act are added to and**
4 **made a part of ORS chapter 526.**

5 **“SECTION 3. (1) The State Forestry Department Cash Flow Repay-**
6 **ment Fund is established in the State Treasury, separate and distinct**
7 **from the General Fund. The State Forestry Department Cash Flow**
8 **Repayment Fund consists of moneys deposited in the fund by the State**
9 **Forestry Department pursuant to subsection (2) of this section. Mon-**
10 **eys in the fund are continuously appropriated to the department for**
11 **the purposes set forth in subsection (3) of this section.**

12 **“(2)(a) When the State Forestry Department determines that mon-**
13 **eys are available to the department in an amount greater than neces-**
14 **sary to satisfy the current cash flow needs of the department, the**
15 **department shall deposit excess amounts in the State Forestry De-**
16 **partment Cash Flow Repayment Fund, except as provided in paragraph**
17 **(b) of this subsection.**

18 **“(b) The department is not required to deposit moneys in the fund**
19 **if the balance of the fund is equal to or greater than the outstanding**
20 **balance of moneys appropriated, allocated or otherwise made available**
21 **to the department specifically for cash flow purposes.**

22 **“(c) The moneys deposited in the fund under this subsection shall**
23 **not be considered as a budget item on which a limitation is otherwise**
24 **fixed by law, but shall be in addition to any specific biennial appro-**
25 **priations or amounts authorized to be expended from continuously**
26 **appropriated moneys for any biennial period.**

27 **“(3) On July 1 of each odd-numbered year, the department shall**
28 **cause the balance of the fund to be transferred to the General Fund**
29 **for general governmental purposes.**

30 **“SECTION 4. On or before March 31 of each odd-numbered year, the**

1 **State Forestry Department shall report to the standing or interim**
2 **Joint Committee on Ways and Means on the following matters:**

3 **“(1) The amounts appropriated, allocated or otherwise made avail-**
4 **able to the department specifically for cash flow purposes, both within**
5 **the current biennium and cumulatively;**

6 **“(2) The amounts deposited in the State Forestry Department Cash**
7 **Flow Repayment Fund pursuant to section 3 (2) of this 2022 Act, both**
8 **within the current biennium and cumulatively;**

9 **“(3) The current balance of the fund; and**

10 **“(4) The amount currently in use by the department for cash flow**
11 **purposes.**

12

13 **“LOCAL DISASTER LOAN AND GRANT ACCOUNT**

14

15 **“SECTION 5. ORS 401.536 is amended to read:**

16 **“401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Ac-**
17 **count is established as an account in the Oregon Disaster Response Fund.**
18 **The account consists of moneys appropriated by the Legislative Assembly**
19 **and any other moneys deposited into the account pursuant to law.**

20 **“(2) Moneys in the account are continuously appropriated to the Oregon**
21 **Department of Emergency Management for:**

22 **“(a) Providing loans to [*local governments, as defined in ORS 174.116, and***
23 ***school districts*] **qualified recipients** to match, either in full or in part,**
24 **moneys from federal programs for federally declared disaster relief that re-**
25 **quire a match;**

26 **“(b) Providing loans and grants to [*local governments, as defined in ORS***
27 ***174.116, and school districts*] **qualified recipients**, for the purpose of paying**
28 **costs incurred by [*local governments and school districts*] **qualified recipi-****
29 **ents** in response to federally declared disasters;

30 **“(c) Providing loans and grants to [*local governments, as defined in ORS***

1 *174.116, and school districts]* **qualified recipients** for the purposes of paying
2 costs incurred by [*local governments and school districts]* **qualified recipi-**
3 **ents** in response to disasters that are not federally declared disasters, as
4 determined by the Legislative Assembly, if all loans and grants provided
5 under paragraphs (a) and (b) of this subsection have been repaid, fulfilled
6 or otherwise satisfied and moneys remain in the account; and

7 “(d) Subject to subsection (5) of this section, paying the department’s ex-
8 penses for administering loans made from the account under paragraph (a)
9 of this subsection.

10 “(3) Loans made under subsection (2)(b) or (c) of this section shall be re-
11 paid pursuant to such terms and conditions as may be established by the
12 Oregon Department of Administrative Services. Loans made under subsection
13 (2)(b) or (c) of this section may be interest free, or bear interest at a rate
14 established by the Oregon Department of Administrative Services. Amounts
15 repaid on loans made under subsection (2)(b) or (c) of this section shall be
16 deposited in the General Fund.

17 “(4) The Oregon Department of Emergency Management shall deposit into
18 the account any amounts repaid on loans made under subsection (2)(a) of this
19 section.

20 “(5) The department may not charge the account more than five percent
21 of the maximum amount in the account during a biennium for administrative
22 expenses attributable to a loan made under subsection (2)(a) of this section.

23 “(6) An applicant may apply to the department for a loan under sub-
24 section (2)(a) of this section. The department shall consider the application,
25 make a recommendation and submit the application and recommendation to
26 the Local Disaster Assistance Review Board established under subsection (7)
27 of this section.

28 “(7) The department shall establish a Local Disaster Assistance Review
29 Board to:

30 “(a) Review the recommendations of the department regarding loans under

1 subsection (2)(a) of this section;

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

4 “(c) Approve, by a majority vote of members, the terms and conditions of
5 any loan under subsection (2)(a) of this section.

6 “(8) The review board shall include:

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

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

13 “(c) A representative of the office of the State Treasurer;

14 “(d) A representative of the department;

15 “(e) A representative of school districts, with membership determined by
16 the Oregon School Boards Association;

17 “(f) A representative of special districts, with membership determined by
18 the Special Districts Association of Oregon;

19 “(g) A representative of the Oregon Department of Administrative Ser-
20 vices; and

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

23 “(9) The Oregon Department of Emergency Management shall adopt rules
24 establishing:

25 “(a) A loan application process and application forms for loans under
26 subsection (2)(a) of this section;

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

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

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

3 “(e) The methodology the department will use for charging the account
4 for administrative expenses; and

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

7 “(10) The department shall provide staff support for the review board.

8 “(11) **As used in this section, ‘qualified recipient’ means a local**
9 **government, as defined in ORS 174.116, a school district or another**
10 **entity that meets eligibility criteria for post-disaster grants offered by**
11 **the Federal Emergency Management Agency.**

12 “**SECTION 6.** ORS 401.536, as operative until July 1, 2022, is amended to
13 read:

14 “401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Ac-
15 count is established as an account in the Oregon Disaster Response Fund.
16 The account consists of moneys appropriated by the Legislative Assembly
17 and any other moneys deposited into the account pursuant to law.

18 “(2) Moneys in the account are continuously appropriated to the Oregon
19 Military Department for:

20 “(a) Providing loans to [*local governments, as defined in ORS 174.116, and*
21 *school districts*] **qualified recipients** to match, either in full or in part,
22 moneys from federal programs for federally declared disaster relief that re-
23 quire a match;

24 “(b) Providing loans and grants to [*local governments, as defined in ORS*
25 *174.116, and school districts*] **qualified recipients**, for the purpose of paying
26 costs incurred by [*local governments and school districts*] **qualified recipi-**
27 **ents** in response to federally declared disasters;

28 “(c) Providing loans and grants to [*local governments, as defined in ORS*
29 *174.116, and school districts*] **qualified recipients** for the purposes of paying
30 costs incurred by [*local governments and school districts*] **qualified recipi-**

1 **ents** in response to disasters that are not federally declared disasters, as
2 determined by the Legislative Assembly, if all loans and grants provided
3 under paragraphs (a) and (b) of this subsection have been repaid, fulfilled
4 or otherwise satisfied and moneys remain in the account; and

5 “(d) Subject to subsection (5) of this section, paying the department’s ex-
6 penses for administering loans made from the account under paragraph (a)
7 of this subsection.

8 “(3) Loans made under subsection (2)(b) or (c) of this section shall be re-
9 paid pursuant to such terms and conditions as may be established by the
10 Oregon Department of Administrative Services. Loans made under subsection
11 (2)(b) or (c) of this section may be interest free, or bear interest at a rate
12 established by the Oregon Department of Administrative Services. Amounts
13 repaid on loans made under subsection (2)(b) or (c) of this section shall be
14 deposited in the General Fund.

15 “(4) The Oregon Military Department shall deposit into the account any
16 amounts repaid on loans made under subsection (2)(a) of this section.

17 “(5) The Oregon Military Department may not charge the account more
18 than five percent of the maximum amount in the account during a biennium
19 for administrative expenses attributable to a loan made under subsection
20 (2)(a) of this section.

21 “(6) An applicant may apply to the Oregon Military Department for a
22 loan under subsection (2)(a) of this section. The department shall consider
23 the application, make a recommendation and submit the application and
24 recommendation to the Local Disaster Assistance Review Board established
25 under subsection (7) of this section.

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

28 “(a) Review the recommendations of the department regarding loans under
29 subsection (2)(a) of this section;

30 “(b) Approve, by a majority vote of members, the amount of any loan

1 under subsection (2)(a) of this section; and

2 “(c) Approve, by a majority vote of members, the terms and conditions of
3 any loan under subsection (2)(a) of this section.

4 “(8) The review board shall include:

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

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

11 “(c) A representative of the office of the State Treasurer;

12 “(d) A representative of the Oregon Military Department;

13 “(e) A representative of school districts, with membership determined by
14 the Oregon School Boards Association;

15 “(f) A representative of special districts, with membership determined by
16 the Special Districts Association of Oregon;

17 “(g) A representative of the Oregon Department of Administrative Ser-
18 vices; and

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

21 “(9) The Office of Emergency Management of the Oregon Military De-
22 partment shall adopt rules establishing:

23 “(a) A loan application process and application forms for loans under
24 subsection (2)(a) of this section;

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

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

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

1 “(e) The methodology the department will use for charging the account
2 for administrative expenses; and

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

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

7 “(11) **As used in this section, ‘qualified recipient’ means a local**
8 **government, as defined in ORS 174.116, a school district or another**
9 **entity that meets eligibility criteria for post-disaster grants offered by**
10 **the Federal Emergency Management Agency.**

11

12 **“EASTERN OREGON BORDER ECONOMIC DEVELOPMENT BOARD**

13

14 **“SECTION 7.** ORS 284.793 is amended to read:

15 “284.793. (1) On or before June 30 of each year, the third-party adminis-
16 trator shall submit the following information from the previous 12 months
17 to the Eastern Oregon Border Economic Development Board:

18 “(a) The number of businesses or regionally significant industrial sites
19 that were assisted with grants awarded and loans made through programs
20 under ORS 284.791;

21 “(b) The types and amount of resources leveraged by the grant and loan
22 moneys;

23 “(c) The return on investment, performance and outcome with respect to
24 jobs and wages in any area of the Eastern Oregon Border Economic Devel-
25 opment Region in which grant and loan moneys were utilized; and

26 “(d) Any other information the third-party administrator considers useful
27 in evaluating the experience of the grant and loan programs.

28 “(2)(a) On or before September 15 of each year, the Eastern Oregon Border
29 Economic Development Board, **jointly with the Oregon Business Devel-**
30 **opment Department,** shall submit a report **to the Legislative Assembly,**

1 in the manner required under ORS 192.245, [*to the Joint Committee on Ways*
2 *and Means or the Emergency Board,*] that sets forth the information received
3 from the third-party administrator under subsection (1) of this section and
4 any other information from any source that the Eastern Oregon Border
5 Economic Development Board thinks convenient or necessary for evaluating
6 the administration and experience of the grant and loan program established
7 under ORS 284.771 to 284.801.

8 “(b) The Eastern Oregon Border Economic Development Board’s report
9 may include recommendations for legislation and strategies to improve
10 workforce development and economic development in the region.

11

12

“UNIT CAPTIONS

13

14 **“SECTION 8. The unit captions used in this 2022 Act are provided**
15 **only for the convenience of the reader and do not become part of the**
16 **statutory law of this state or express any legislative intent in the**
17 **enactment of this 2022 Act.**

18

19

“EMERGENCY CLAUSE

20

21 **“SECTION 9. This 2022 Act being necessary for the immediate**
22 **preservation of the public peace, health and safety, an emergency is**
23 **declared to exist, and this 2022 Act takes effect on its passage.”.**

24
