

House Bill 3367

Sponsored by Representative HELFRICH; Representatives BOICE, HIEB, JAVADI

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 business entity that receives public funds from state agency to develop and submit emergency preparedness plan to Secretary of State along with annual report. Provides that Secretary of State's duty with respect to emergency preparedness plan is ministerial.

Permits state agency that provides public funds to business entity to condition provision of public funds on business entity's submitting emergency preparedness plan to Secretary of State. Permits state agency to evaluate adequacy of emergency preparedness plan under specified standard.

Becomes operative January 1, 2024.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to emergency preparedness plans for business entities that receive public funds; and de-
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 401.**

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

7 (a) **"Business entity" means a domestic or foreign partnership, limited partnership, lim-**
8 **ited liability partnership, professional corporation, business corporation, limited liability**
9 **company, nonprofit corporation, cooperative, business trust or other entity that is incorpo-**
10 **rated, organized or authorized to transact business in this state.**

11 (b) **"Emergency preparedness plan" means an anticipated method or procedure that a**
12 **business entity intends to use to prepare for and respond to an emergency including, but not**
13 **limited to, measures that:**

14 (A) **Strengthen or reinforce facilities to prevent, reduce, minimize or enable rapid re-**
15 **covery from damage or destruction that results from an emergency;**

16 (B) **Train personnel in safe and proper conduct during and in response to an emergency;**

17 (C) **Protect the physical safety and security of people, animals and other living beings;**

18 (D) **Enable rapid responses from emergency services personnel by enabling adequate ac-**
19 **cess to the business entity's property or facilities and that do not put emergency services**
20 **personnel in undue danger from the property or facilities;**

21 (E) **Enable resilience of business operations and allow for business continuity;**

22 (F) **Enable any needed rescue operations for people, animals or other living beings; and**

23 (G) **Enable cleanup, sanitation, restoration, repair and other recovery from an emer-**
24 **gency.**

25 (c) **"Public funds" means moneys paid from the State Treasury through a state agency**
26 **to a business entity by means of a grant, loan or subsidy, including a tax credit or tax**
27 **abatement that is available to a business entity.**

28 (d) **"State agency" means any elected or appointed officer, board, commission, depart-**

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 ment, institution, branch or other agency of the state government.

2 (2) A business entity that receives public funds from a state agency shall develop and
3 submit to the Secretary of State with the business entity's annual report an emergency
4 preparedness plan. The Secretary of State's duty to accept and file the emergency
5 preparedness plan is ministerial. The Secretary of State does not have a duty to investigate,
6 evaluate or verify any of the information in the emergency preparedness plan. The Secretary
7 of State by rule may specify the form and format of the emergency preparedness plan and
8 may require a business entity to submit the emergency preparedness plan as an electronic
9 document.

10 (3) A state agency may condition the state agency's provision of public funds to a busi-
11 ness entity on the business entity's submission of an emergency preparedness plan as pro-
12 vided in subsection (2) of this section, and may evaluate the adequacy of the emergency
13 preparedness plan before providing any public funds to the business entity. If the state
14 agency evaluates the emergency preparedness plan, the state agency shall determine
15 whether the emergency preparedness plan shows that the business entity has considered the
16 likely consequences of an emergency that could affect the business entity's operations and
17 personnel and has developed a realistic response to the emergency that limits the need for
18 public moneys or personnel to aid the business entity's recovery.

19 **SECTION 3.** (1) Section 2 of this 2023 Act becomes operative on January 1, 2024.

20 (2) The Secretary of State and a state agency that provides public funds to business en-
21 tities may adopt rules and take other actions before the operative date specified in sub-
22 section (1) of this section that are necessary to enable the Secretary of State or the state
23 agency to exercise, on and after the operative date specified in subsection (1) of this section,
24 all of the duties, functions and powers conferred on the Secretary of State or the state
25 agency by section 2 of this 2023 Act.

26 **SECTION 4.** This 2023 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
28 on its passage.