

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2854**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete pages
2 2 through 4 and insert:

3 **SECTION 1.** ORS 401.025 is amended to read:

4 “401.025. As used in this chapter:

5 “(1) ‘Emergency’ means a human created or natural event or circumstance
6 that causes or threatens widespread loss of life, injury to person or property,
7 human suffering or financial loss, including but not limited to:

8 “(a) Fire, wildfire, explosion, flood, severe weather, landslides or mud
9 slides, drought, earthquake, volcanic activity, tsunamis or other oceanic
10 phenomena, spills or releases of oil or hazardous material as defined in ORS
11 466.605, contamination, utility or transportation emergencies, disease, blight,
12 infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

13 “(b) A rapid influx of individuals from outside this state, a rapid mi-
14 gration of individuals from one part of this state to another or a rapid dis-
15 placement of individuals if the influx, migration or displacement results from
16 the type of event or circumstance described in paragraph (a) of this sub-
17 section.

18 “(2) ‘Emergency service agency’ means an organization within a local
19 government that performs essential services for the public’s benefit before,
20 during or after an emergency, such as law enforcement, fire control, health,
21 medical and sanitation services, public works and engineering, public infor-

1 mation and communications.

2 “(3) ‘Emergency services’ means activities engaged in by state and local
3 government agencies to prepare for an emergency and to prevent, minimize,
4 respond to or recover from an emergency, including but not limited to coor-
5 dination, preparedness planning, training, interagency liaison, fire fighting,
6 oil or hazardous material spill or release cleanup as defined in ORS 466.605,
7 law enforcement, medical, health and sanitation services, engineering and
8 public works, search and rescue activities, warning and public information,
9 damage assessment[,] **and** administration and fiscal management[, *and those*
10 *measures defined as ‘civil defense’ in 50 U.S.C. app. 2252*].

11 “(4) ‘Local government’ has the meaning given that term in ORS 174.116.

12 “(5) ‘Major disaster’ means any event defined as a ‘major disaster’ under
13 42 U.S.C. 5122(2).

14 “(6) ‘Special government body’ has the meaning given that term in
15 **ORS 174.117.**

16 “(7) ‘State-declared emergency’ means an emergency that is the
17 **subject of a declaration of a state of emergency under this chapter.**

18 “**SECTION 2. ORS 401.534 and 401.536 and sections 3 and 4 of this**
19 **2023 Act are added to and made a part of ORS chapter 401.**

20 “**SECTION 3. (1) The Oregon Public Assistance Grant Account is**
21 **established as an account in the Oregon Disaster Response Fund. The**
22 **account consists of moneys appropriated by the Legislative Assembly**
23 **for deposit in the account and any other moneys deposited into the**
24 **account pursuant to law.**

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

27 “(a) **Providing grants to local governments, special government**
28 **bodies, federally recognized Indian tribes and nonprofit organizations**
29 **to repair or replace critical infrastructure or restore economic centers**
30 **impacted by state-declared emergencies that are not federally declared**

1 **disasters;**

2 **“(b) Providing grants to local governments, special government**
3 **bodies, federally recognized Indian tribes and nonprofit organizations**
4 **to match federal moneys available through the Federal Emergency**
5 **Management Agency’s Public Assistance Program to repair or replace**
6 **public facilities and infrastructure following state-declared emergen-**
7 **cies that are federally declared disasters; and**

8 **“(c) Providing funding to state agencies and nonprofit organizations**
9 **for emergency response activities, including emergency protective**
10 **measures and debris removal, performed at the direction of the de-**
11 **partment:**

12 **“(A) During state-declared emergencies that are not federally de-**
13 **clared disasters; and**

14 **“(B) Following state-declared emergencies that are federally de-**
15 **clared disasters, to match federal moneys available through the Fed-**
16 **eral Emergency Management Agency’s Public Assistance Program.**

17 **“(3) The department may adopt rules necessary for the adminis-**
18 **tration of this section.**

19 **“SECTION 4. (1) The Oregon Individual Assistance Grant Account**
20 **is established as an account in the Oregon Disaster Response Fund.**
21 **The account consists of moneys appropriated by the Legislative As-**
22 **sembly for deposit in the account and any other moneys deposited into**
23 **the account pursuant to law.**

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

26 **“(a) Providing grants to individuals and households for basic emer-**
27 **gency assistance costs following state-declared emergencies that are**
28 **not federally declared disasters;**

29 **“(b) Providing grants to individuals and households who are ineli-**
30 **gible or otherwise unable to apply for federal individual assistance**

1 **disaster grants for basic emergency assistance costs following state-**
2 **declared emergencies that are federally declared disasters;**

3 **“(c) Providing crisis counseling services, disaster case management**
4 **and legal services relating to state-declared emergencies to individuals**
5 **and households;**

6 **“(d) Providing grants to locally established long-term recovery**
7 **groups following state-declared emergencies; and**

8 **“(e) Paying costs associated with the coordination and distribution**
9 **of assistance described in this section.**

10 **“(3) The department may adopt rules necessary for the adminis-**
11 **tration of this section.**

12 **“(4) As used in this section, ‘basic emergency assistance costs’ in-**
13 **cludes shelter, transportation, repairs and other immediate needs fol-**
14 **lowing an emergency.**

15 **“SECTION 5. ORS 401.534 is amended to read:**

16 **“401.534. (1) The Oregon Disaster Response Fund is established in the**
17 **State Treasury, separate and distinct from the General Fund. Moneys re-**
18 **ceived from federal grants for disaster response efforts shall be deposited**
19 **into the Oregon Disaster Response Fund. Moneys in the fund are contin-**
20 **uously appropriated to the Oregon Department of Emergency Management**
21 **to be used to:**

22 **“(a) Help state agencies and local government units with immediate dis-**
23 **aster response and recovery efforts related to federally declared disasters in**
24 **this state **or state-declared emergencies;** and**

25 **“(b) Implement long-term hazard mitigation measures after a federally**
26 **declared disaster in this state **or a state-declared emergency** during the**
27 **period of immediate recovery from the disaster **or emergency.****

28 **“(2) The Oregon Disaster Response Fund may receive gifts, grants, be-**
29 **quests, endowments and donations from public and private sources for pur-**
30 **poses related to the fund.**

1 “(3) The department shall adopt rules for the disbursement of moneys
2 from the Oregon Disaster Response Fund.

3 “(4) If there are expenditures from the Oregon Disaster Response Fund,
4 the Director of the Oregon Department of Emergency Management shall re-
5 port to the Emergency Board, or to the Legislative Assembly if it is in ses-
6 sion, on:

7 “(a) The nature and severity of the disaster **or emergency**;

8 “(b) The actual and projected deposits into the fund;

9 “(c) The sources of actual and projected expenditures from the fund;

10 “(d) The nature of in-kind donations received; and

11 “(e) The rationale for expenditures and allocation of payments to state
12 agencies and local government units.

13 “(5) Following the final expenditure for a particular disaster **or emer-**
14 **gency**, the director shall issue a final report to the Emergency Board, or to
15 the Legislative Assembly if it is in session. The report must include an ag-
16 gregate description of the factors described in subsection (4) of this section.

17 **“SECTION 6.** ORS 401.536, as amended by section 5, chapter 76, Oregon
18 Laws 2022, is amended to read:

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

23 “(2) Moneys in the account are continuously appropriated to the Oregon
24 Department of Emergency Management for:

25 “(a) Providing loans to qualified recipients to match, either in full or in
26 part, moneys from federal programs for federally declared disaster relief that
27 require a match;

28 “(b) Providing loans and grants to qualified recipients, for the purpose
29 of paying costs incurred by qualified recipients in response to federally de-
30 clared disasters;

1 “(c) Providing loans and grants to qualified recipients for the purposes
2 of paying costs incurred by qualified recipients in response to disasters that
3 are not federally declared disasters, as determined by the Legislative As-
4 sembly, if all loans and grants provided under paragraphs (a) and (b) of this
5 subsection have been repaid, fulfilled or otherwise satisfied and moneys re-
6 main 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 govern-
9 ment, [*as defined in ORS 174.116,*] a school district or another entity that
10 meets eligibility criteria for post-disaster grants offered by the Federal
11 Emergency Management Agency.”.

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