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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 104
OREGON DEPARTMENT OF EMERGENCY MANAGEMENT

FILED
02/20/2026 8:40 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend Qualified Applicants

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/23/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
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NEED FOR THE RULE(S)

Oregon Revised Statute 401.551 includes "a federally recognized Indian tribe in Oregon" in the definition of Qualified Applicant. Correcting the definition in the Administrative Rule.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 401.551 – Emergency preparedness equipment grant program; rules
Oregon Secretary of State Administrative Rules

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This will increase equity by correctly defining the qualified applicants, providing clarity on who is eligible for the grant by specifically including federally recognized Tribes in Oregon.

FISCAL AND ECONOMIC IMPACT:

A federally recognized Indian Tribe in Oregon that did not realize they are eligible to apply could experience a negative fiscal impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No immediate economic impact.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

No small businesses were involved.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Rules Advisory Committee would delay the process of making a simple technical change

AMEND: 104-045-0010

RULE SUMMARY: Amend "Qualified Applicants" to include a federally recognized Indian Tribe in Oregon

CHANGES TO RULE:

104-045-0010

Definitions

- (1) "Authority" means The Oregon Department of Emergency Management.¶
- (2) "Emergency" has the meaning given that term in ORS 401.025.¶
- (3) "Maintain" means to repair, perform upkeep on and otherwise keep in good working condition.¶
- (4) "Preparedness Equipment" means equipment, vehicles or other personal property that in accordance with ORS 401.551:¶
 - (a) May be used to decrease the risk to life and property resulting from an emergency, and ¶
 - (b) Qualifies as a capital asset eligible for financing with Tax-exempt Bonds.¶
- (5) "Qualified Applicant" ~~has the meaning given that term in ORS 401.551.~~ means an entity that has responsibility for or expertise in emergency preparedness and that is a local government, a special government body, a federally recognized Indian tribe in Oregon or a private organization qualified for federal tax-exempt status under section 501(c)(3) of the Internal Revenue Code.¶
- (6) "Recipient" or "Grantee" means a Qualified Applicant that applies for and receives Preparedness Equipment under the State Preparedness and Incident Response Equipment Grant Program.¶
- (7) "Tax-exempt Bond" means a bond, as defined in ORS 286A.001, the receipt of interest on which is excluded from gross income under the Internal Revenue Code or that is eligible for a federal interest subsidy payment or other tax-advantaged status.¶
- (8) "Grant Agreement" means an agreement between the Authority and a Recipient specifying the legal requirements for grant management, reporting and record keeping as well as the Authority's monitoring and grant closeout procedures.¶
- (9) "Grant Application Package" means a package of information prepared by the Authority containing grant guidance, application forms and other supplementary information.¶
- (10) "Grant Program" means the State Preparedness and Incident Response Equipment Grant Program.¶
- (11) "Grant Selection Committee" means the committee charged with evaluating grant applications for the purpose of determining which Qualified Applicants will receive funding. The Grant Selection Committee membership may include representatives of The Oregon Department of Emergency Management, Oregon Emergency Management Association, Oregon Homeland Security Council, and others with expertise in the industry.¶
- (12) "Capital Asset" means equipment with an individual item value of at least \$5,000.¶
- (13) "Local Government" means all cities, counties and local service districts located in this state, and all administrative subdivisions of those cities, counties and local service districts, as defined in ORS 174.116..¶
- (14) "Special Government Body" means any of the following, as defined in ORS 174.117:¶
 - (a) A public corporation created under a statute of this state and specifically designated as a public corporation.¶
 - (b) A school district.¶
 - (c) A public charter school established under ORS chapter 338.¶
 - (d) An education service district.¶
 - (e) A community college district or community college service district established under ORS chapter 341.¶
 - (f) An intergovernmental body formed by two or more public bodies.¶
 - (g) Any entity that is created by statute, ordinance or resolution that is not part of state government or local government.¶
 - (h) Any entity that is not otherwise described in this section that is:¶
 - (A) Not part of state government or local government;¶
 - (B) Created pursuant to authority granted by a statute, ordinance or resolution, but not directly created by that statute, ordinance or resolution; and¶
 - (C) Identified as a governmental entity by the statute, ordinance or resolution authorizing the creation of the

entity, without regard to the specific terms used by the statute, ordinance or resolution.¶

(D) A public university listed in ORS 352.002 (Public universities).¶

(E) Subject to ORS 174.108 (Effect of definitions), as used in the statutes of this state "special government body" includes:¶

(i) An entity created by statute for the purpose of giving advice only to a special government body;¶

(ii) An entity created by a special government body for the purpose of giving advice to the special government body, if the document creating the entity indicates that the entity is a public body; and¶

(iii) Any entity created by a special government body described in subsection (1) of this section, other than an entity described in paragraph (b) of this subsection, unless the document creating the entity indicates that the entity is not a governmental entity or the entity is not subject to any substantial control by the special government body. [2001 c.74 §8; 2013 c.768 §54; 2015 c.767 §50]¶

(15) "Applicant" means a Qualified Applicant that has submitted an application for Resiliency Grant funds.

Statutory/Other Authority: ORS 401.551, ORS 401.552

Statutes/Other Implemented: ORS 401.551, ORS 401.552