

House Bill 2624

Sponsored by Representative BURLEY; Representative ESQUIVEL

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**.

Authorizes governing body of specified cities to submit request that Governor declare emergency directly to Office of Emergency Management rather than submitting request through county.

A BILL FOR AN ACT

1
2 Relating to authority of city to request emergency declaration; amending ORS 401.025, 401.055 and
3 401.315.

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

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

6 401.025. As used in ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580, unless the
7 context requires otherwise:

8 (1) "Beneficiary" has the meaning given that term in ORS 656.005.

9 (2) "Commission" means the Seismic Safety Policy Advisory Commission established under ORS
10 401.337.

11 (3) "Emergency" includes any human caused or natural event or circumstance causing or
12 threatening loss of life, injury to person or property, human suffering or financial loss, and includes,
13 but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity,
14 spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or
15 transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by
16 the county, civil disturbance, riot, sabotage and war.

17 (4) "Emergency management agency" means an organization created and authorized under ORS
18 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 by the state, county or city to provide
19 for and assure the conduct and coordination of functions for comprehensive emergency program
20 management.

21 (5) "Emergency program management" includes all the tasks and activities necessary to provide,
22 support and maintain the ability of the emergency services system to prevent or reduce the impact
23 of emergency or disaster conditions which includes, but is not limited to, coordinating development
24 of plans, procedures, policies, fiscal management, coordination with nongovernmental agencies and
25 organizations, providing for a coordinated communications and alert and notification network and
26 a public information system, personnel training and development and implementation of exercises to
27 routinely test the emergency services system.

28 (6) "Emergency program manager" means the person administering the emergency management
29 agency of a county or city.

30 (7) "Emergency service agency" means an organization within a local government which per-
31 forms essential services for the public's benefit prior to, during or following an emergency. This in-

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 cludes, but is not limited to, organizational units within local governments, such as law enforcement,
 2 fire control, health, medical and sanitation services, public works and engineering, public informa-
 3 tion and communications.

4 (8) “Emergency service worker” means an individual who, under the direction of an emergency
 5 service agency or emergency management agency, performs emergency services and:

6 (a) Is a registered volunteer or independently volunteers to serve without compensation and is
 7 accepted by the Office of Emergency Management or the emergency management agency of a county
 8 or city; or

9 (b) Is a member of the Oregon State Defense Force acting in support of the emergency services
 10 system.

11 (9) “Emergency services” includes those activities provided by state and local government
 12 agencies with emergency operational responsibilities to prepare for and carry out any activity to
 13 prevent, minimize, respond to or recover from an emergency. These activities include, without limi-
 14 tation, coordination, preparedness planning, training, interagency liaison, fire fighting, oil or haz-
 15 ardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health
 16 and sanitation services, engineering and public works, search and rescue activities, warning and
 17 public information, damage assessment, administration and fiscal management, and those measures
 18 defined as “civil defense” in [section 3 of the Act of January 12, 1951, P.L. 81-920 (50 U.S.C. 2252)]
 19 **50 U.S.C. app. 2252.**

20 (10) “Emergency services system” means that system composed of all agencies and organizations
 21 involved in the coordinated delivery of emergency services.

22 (11) “Injury” means any personal injury sustained by an emergency service worker by accident,
 23 disease or infection arising out of and in the course of emergency services or death resulting
 24 proximately from the performance of emergency services.

25 (12) “Local government” means any governmental entity authorized by the laws of this state.

26 (13) “Major disaster” means any event defined as a “major disaster” under 42 U.S.C. 5122(2).

27 (14) “Oregon emergency management plan” means the state emergency preparedness operations
 28 and management plan. The Office of Emergency Management is responsible for coordinating emer-
 29 gency planning with government agencies and private organizations, preparing the plan for the
 30 Governor’s signature, and maintaining and updating the plan as necessary.

31 (15) **“Qualifying city” means a city with a population of at least 50,000, according to the**
 32 **most recent federal decennial census, that has adopted an emergency plan approved by the**
 33 **governing body of the city.**

34 [(15)] (16) “Search and rescue” means the acts of searching for, rescuing or recovering, by
 35 means of ground or marine activity, any person who is lost, injured or killed while out of doors.
 36 However, “search and rescue” does not include air activity in conflict with the activities carried
 37 out by the Oregon Department of Aviation.

38 [(16)] (17) “Sheriff” means the chief law enforcement officer of a county.

39 **SECTION 2.** ORS 401.055 is amended to read:

40 401.055. (1) The Governor may declare a state of emergency by proclamation at the request of
 41 **the governing body of a county or, subject to subsection (6) of this section, the governing body**
 42 **of a qualifying city** or after determining that an emergency has occurred or is imminent.

43 (2) [All requests by a county governing body that the Governor declare an emergency shall be sent
 44 to the Office of Emergency Management. Cities must submit requests through the governing body of the
 45 county in which the majority of the city’s property is located. Requests from counties shall] **A city**

1 **other than a qualifying city must submit a request that the Governor declare a state of**
 2 **emergency through the county in which a majority of the property within the city's juris-**
 3 **isdiction is located. The governing body of a county or the governing body of a qualifying city**
 4 **must submit a request to the Office of Emergency Management. A request must** be in writing
 5 and include the following:

6 (a) A certification signed by the **governing body of a county or the governing body of a**
 7 **qualifying city** that all local resources have been expended; and

8 (b) A preliminary assessment of property damage or loss, injuries and deaths.

9 (3)(a) If, in the judgment of the Superintendent of State Police, the Governor cannot be reached
 10 by available communications facilities in time to respond appropriately to an emergency, the super-
 11 intendent shall notify the Secretary of State or, if the Secretary of State is not available, the State
 12 Treasurer that the Governor is not available.

13 (b) After notice from the superintendent that the Governor is not available, the elected state
 14 official so notified may declare a state of emergency pursuant to the provisions of subsections (1)
 15 and (2) of this section.

16 (c) If the Superintendent of State Police is unavailable to carry out the duties described in this
 17 subsection, [*such duties shall be performed by the Director of the Office of Emergency Management*]
 18 **the Director of the Office of Emergency Management shall perform the duties.**

19 (4) Any state of emergency declared by the Secretary of State or State Treasurer pursuant to
 20 this section has the same force and effect as if issued by the Governor, except that it must be af-
 21 firmed by the Governor as soon as the Governor is reached. However, if the Governor does not set
 22 aside the proclamation within 24 hours of being reached, the proclamation shall be considered af-
 23 firmed by the Governor.

24 (5) Any proclamation of a state of emergency must specify the geographical area covered by the
 25 proclamation. Such area shall be no larger than necessary to effectively respond to the emergency.

26 **(6) The governing body of a qualifying city may exercise the authority granted by this**
 27 **section only if the qualifying city and the county in which a majority of the property subject**
 28 **to the jurisdiction of the qualifying city is located have entered into an intergovernmental**
 29 **agreement that authorizes the qualifying city to exercise the authority.**

30 **SECTION 3.** ORS 401.315 is amended to read:

31 401.315. In carrying out the provisions of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355
 32 to 401.580, counties or cities may enter into contracts and incur obligations necessary to mitigate,
 33 prepare for, respond to or recover from emergencies or major disaster. A county **or a qualifying**
 34 **city** shall assess whether an emergency exists.