

House Bill 3459

Sponsored by COMMITTEE ON RULES

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**.

Modifies basis upon which Governor may declare state of emergency. Modifies content of proclamation declaring state of emergency.

A BILL FOR AN ACT

1
2 Relating to declaration of a state of emergency; amending ORS 401.055.

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

4 **SECTION 1.** ORS 401.055 is amended to read:

5 401.055. (1) **At the request of a county governing body or on the motion of the Governor,**
6 the Governor may declare a state of emergency by proclamation [*at the request of a county governing*
7 *body or after determining that an emergency has occurred or is imminent*] **if there is clear and ad-**
8 **vancing danger that:**

9 (a) **An emergency has occurred or is imminent;**

10 (b) **The affected local governments have exhausted, or are in the process of exhausting,**
11 **the resources of emergency service agencies; and**

12 (c) **The long-term emergency recovery will be a shared responsibility of the state and**
13 **affected local governments.**

14 (2) All requests by a county governing body that the Governor declare an emergency shall be
15 sent to the Office of Emergency Management. Cities must submit requests through the governing
16 body of the county in which the majority of the city's property is located. Requests from counties
17 shall be in writing and include the following:

18 (a) A certification signed by the county governing body that all local resources have been ex-
19 pended; and

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

21 (3)(a) If, in the judgment of the Adjutant General, the Governor cannot be reached by available
22 communications facilities in time to respond appropriately to an emergency, the Adjutant General
23 shall notify the Secretary of State or, if the Secretary of State is not available, the State Treasurer
24 that the Governor is not available.

25 (b) After notice from the Adjutant General that the Governor is not available, the elected state
26 official so notified may declare a state of emergency pursuant to the provisions of subsections (1)
27 and (2) of this section.

28 (c) If the Adjutant General is unavailable to carry out the duties described in this subsection,
29 such duties shall be performed by the Director of the Office of Emergency Management.

30 (4) Any state of emergency declared by the Secretary of State or State Treasurer pursuant to
31 this section has the same force and effect as if issued by the Governor, except that it must be af-

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 firmed by the Governor as soon as the Governor is reached. However, if the Governor does not set
2 aside the proclamation within 24 hours of being reached, the proclamation shall be considered af-
3 firmed by the Governor.

4 (5) Any proclamation of a state of emergency must specify:

5 (a) The geographical area covered by the proclamation. Such area shall be no larger than nec-
6 essary to effectively respond to the emergency.

7 **(b) The extent or risk of harms identified in ORS 401.025 (4)(a), (b), (c) or (d) and the**
8 **likely outcomes with and without an emergency response by the state.**

9 (6) The governing body of each county shall establish a procedure for receiving, processing and
10 transmitting to the Office of Emergency Management, in a timely manner, a request submitted by
11 a city that the Governor declare an emergency.

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