

S P E N C E R K A R E L

McNary Field, 3300 25th St SE, Suite 205, Salem, OR 97302
(541) 904-0429 Spencer@SpencerKarelLaw.com

SUPPORT OF HOUSE BILL 2730

April 9, 2019

Introduction

Members of the House Committee On Veterans and Emergency Preparedness, Chair Evans, this written testimony is in support of House Bill 2730. I thank Chair Evans for sponsoring and promulgating this profoundly needed change in Oregon's emergency management governance. I extend my support and cooperation in any way possible toward the passing of this Bill. This is the most important, potentially most impactful legislation and written testimony to bolster emergency management in Oregon in recent memory.

Background and History

In 1981, Senate Bill 5548 established the Oregon's Emergency Management Division within the Executive Department. The Division was charged with carrying out and coordinating the civil defense of the state; maintaining liaison and cooperating with civil defense agencies and organizations of other states and the Federal Government; and carrying out other duties as prescribed by the Governor. Senate Bill 157 in 1993 moved the Emergency Management Division to the Oregon State Police (OSP), and changed the name to the Office of Emergency Management (OEM).¹ Finally in 2007, Oregon House Bill 2370 moved Oregon Emergency Management from Oregon State Police to the Oregon Military Department (OMD), and has remained there ever since under the establishing law, Oregon Revised Statute 401.052.

Supporting Data

Governor Brown's recent paper Resiliency 2025, authored by State Resilience Officer, Mike Harryman, was designed to improve preparedness. The vision of that paper is to "[p]rotect all Oregonians by ensuring we are prepared to survive and recover from the expected 9.0 magnitude Cascadia earthquake and ensuing tsunami." Additionally, the current Governor's Recommended Budget includes a 130% increase in general funds for OEM.² That paper and proposed budget increase shows the Governor's commitment to improving Oregon's emergency management landscape.

Furthermore, last year the Secretary of State of Oregon released an audit of OEM entitled The State Must Do More to Prepare Oregon for a Catastrophic Disaster. That audit revealed that Oregon is unprepared to meet the challenge of responding to and recovering from a landscape-wide disaster under OEM's current structure of governance. Specifically, it states that emergency management offices at all levels lack the resources necessary to properly influence policy and to develop programs to reduce vulnerability and increase resilience.

Reasoning: Incongruent Mission with OMD

OEM's lack of necessary influence over policy and regulations across all state departments is the root of this written testimony. I urge the passing of HB2730 to give the Director of OEM direct access to the Governor as a state department Director who could advise on policy. This is the only

¹ *Background Brief on... Emergency Management*, Ray Kelly, Oregon Legislative Committee Services, May 2004, Vol. 2, Issue 1.

² These funds should be brought through HB5031.

S P E N C E R K A R E L

McNary Field, 3300 25th St SE, Suite 205, Salem, OR 97302
(541) 904-0429 Spencer@SpencerKarelLaw.com

way to properly influence policy and to develop programs to increase Oregon's resilience. OEM must have the authority and autonomy to influence policy and regulation across all state departments in order to execute their mission *"to lead statewide efforts to develop and enhance preparedness, response, recovery and mitigation capabilities to protect the lives, property and environment of the whole community."*³

Conversely, the National Guard's mission statement is, *"A ready force equipped and trained to respond to any contingency..."* The stated purpose of the Oregon National Guard is *"to administer, house, equip and train the Oregon National Guard - a ready force to support the Governor during unrest or natural disaster..."*⁴ Moreover, OMD's current establishing law, ORS 396.305(2), directs OMD *"...to prepare and promulgate necessary regulations for the organization, governance, armament, equipment, training and compensation of the militia of the state..."* Therein lies the glaring problem with having OEM under the regulation of OMD: response is main thrust behind OMD's mission, whereas response is only one fifth of OEM's mission. Indeed, OEM is responsible for five mission areas of emergency management: prevention, protection, mitigation, response, and recovery. That is an enormous responsibility that requires enormous resources, and those resources can only be attained with adequate influence and access to decision makers.

OMD mission is largely incongruent with OEM's. Under the administration of OMD, OEM is unable to have the ability to coordinate efforts and policy across Oregon's government. The only way to effectively employ OEM's expertise in the comprehensive and wide-reaching responsibility of preparing Oregon's government and citizens for natural or man-made disasters is to give OEM the authority to meet the responsibility with which it is charged.

Reasoning: Disparate Planning and Mitigation Efforts

There are many government offices doing excellent work in mitigation and planning efforts. There are 36 separate county emergency management agencies, several cities agencies, and countless unknown efforts conducted by numerous state agencies toward emergency management planning and mitigation. For example, the Oregon Health Authority is working with the Oregon Department of Geology and Mineral Industries to study the potential seismological impacts on coastal hospitals. The Oregon Department of Energy maintains a statewide emergency fuel plan. The Oregon Department of Land Conservation and Development is developing and maintaining mitigation plans; and so on. Those efforts need to be compiled and coordinated to achieve their highest and best use.

There are many good people in Oregon's government working toward making Oregon a more resilient state. However, all of those efforts are nearly always exclusive from one another. Emergency preparedness coordinators in all sorts of Oregon's government are working without the benefit of effective policy leadership. Pockets of great work need to be sewn together into a robust and comprehensive tapestry of emergency management through strong policy guidance. Repositioning OEM as an independent state department will provide the latitude and authority to coordinate state efforts into a much more useful, cohesive program to prepare Oregon for the threats and hazards we face. OEM could provide a unifying leadership that would amplify efforts across the board, thereby leveraging all of the efforts into a whole greater than the sum of its parts. House

³ <https://www.oregon.gov/oem/Pages/About-Us.aspx>

⁴ <https://www.oregon.gov/omd/Pages/index.aspx>

S P E N C E R K A R E L

McNary Field, 3300 25th St SE, Suite 205, Salem, OR 97302
(541) 904-0429 Spencer@SpencerKarelLaw.com

Bill 2730 is our opportunity to make the changes necessary to turn Oregon into a model state for emergency management across the nation.

Conclusion

In conclusion, I urge the legislature to foundationally reinforce Oregon's resiliency by passing House Bill 2730. OEM requires this authority and autonomy to help all other state departments conform to the best practices and principles of emergency management. The passage of HB2730 and making OEM an independent state department will allow emergency management experts to expand their influence, and therefor embolden Oregon's welfare against the threat of disasters. The safety and continuity of Oregon's government and its citizens are counting on it. Thank you very much for your consideration.

Submitted by Spencer Karel, Esq.