

Senate Bill 789

Sponsored by Senator GIROD

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**.

Establishes durational limits for states of emergency declared under certain statutes. Establishes procedures for extending states of emergency.

A BILL FOR AN ACT

1
2 Relating to durational limits on Governor's emergency powers; amending ORS 401.204 and 433.441.

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

4 **SECTION 1.** ORS 401.204 is amended to read:

5 401.204. (1) **A state of emergency declared under ORS 401.165 or 433.441 terminates 30**
6 **days after the state of emergency is first declared, unless extended under subsection (2) or**
7 **(3) of this section.**

8 **(2) During the state of emergency, the Governor may extend the state of emergency by**
9 **up to 30 additional days if the Governor provides a written explanation of the need for ex-**
10 **ension. The explanation must refer to specific facts giving rise to a need for extension. The**
11 **Governor may extend the state of emergency only once under this subsection.**

12 **(3) After a state of emergency is extended once under subsection (2) of this section, the**
13 **Governor may further extend the state of emergency by up to 30 additional days if the Leg-**
14 **islative Assembly, by joint resolution, authorizes such extension. There is no limit to the**
15 **number of times the Governor may extend the state of emergency under this subsection.**

16 *[(1)]* (4) The Governor shall terminate the state of emergency by proclamation when the emer-
17 gency no longer exists, or when the threat of an emergency has passed. **The Governor may ter-**
18 **minate the state of emergency before the state of emergency terminates under subsections**
19 **(1) to (3) of this section.**

20 *[(2)]* (5) The state of emergency proclaimed by the Governor may be terminated at any time by
21 joint resolution of the Legislative Assembly.

22 **(6) After the state of emergency terminates, the Governor may not declare another state**
23 **of emergency for the same purpose unless so authorized by joint resolution of the Legislative**
24 **Assembly.**

25 **SECTION 2.** ORS 433.441 is amended to read:

26 433.441. (1) Upon the occurrence of a public health emergency, the Governor may declare a state
27 of public health emergency as authorized by ORS 433.441 to 433.452 to protect the public health.

28 (2) A proclamation of a state of public health emergency must specify:

29 (a) The nature of the public health emergency;

30 (b) The political subdivision or geographic area subject to the proclamation;

31 (c) The conditions that have brought about the public health emergency; and

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 (d) The duration of the state of public health emergency, if the duration is less than [14] **30** days.

2 (3) During a public health emergency, the Governor may:

3 (a) Close[,] **or** order the evacuation of or the decontamination of any facility the Governor has
4 reasonable cause to believe may endanger the public health.

5 (b) Regulate or restrict by any means necessary the use, sale or distribution of food, fuel, med-
6 ical supplies, medicines or other goods and services.

7 (c) Prescribe modes of transportation, routes and destinations required for the evacuation of
8 individuals or the provision of emergency services.

9 (d) Control or limit entry into, exit from, movement within and the occupancy of premises in any
10 public area subject to or threatened by a public health emergency if such actions are reasonable
11 and necessary to respond to the public health emergency.

12 (e) Authorize pharmacists licensed under ORS chapter 689 to administer vaccines to persons
13 who are three years of age or older.

14 (f) Take any other action that may be necessary for the management of resources, or to protect
15 the public during a public health emergency, including any actions authorized under ORS 401.168,
16 401.185, 401.188 and 401.192.

17 (4) Nothing in ORS 433.441 to 433.452 limits the authority of the Governor to declare a state
18 of emergency under ORS 401.165. If a state of emergency is declared as authorized under ORS
19 401.165, the Governor may implement any action authorized by ORS 433.441 to 433.452.

20 *[(5) A proclamation of a state of public health emergency expires when terminated by a declaration*
21 *of the Governor or no more than 14 days after the date the public health emergency is proclaimed un-*
22 *less the Governor expressly extends the proclamation for an additional 14-day period.]*

23 **(5) A public health emergency declared under this section is subject to the durational**
24 **limits and other provisions of ORS 401.204.**

25 (6) When real or personal property is taken under power granted by this section, the owner of
26 the property shall be entitled to reasonable compensation from the state.

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