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LEGISLATIVE POLICY
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Executive Emergency Authority

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Executive Emergency Authority in Oregon

Oregon Constitution, Article X-A (catastrophic disasters)

ORS chapter 131 (emergency periods)

ORS chapter 401 (states of emergency)

ORS chapter 433 (public health emergencies)

Selected Emergency Authorities in Neighboring States



Executive Emergency Authority in Oregon: Oregon Constitution, Article X-A (catastrophic disasters)

Invoking Article X-A

- **Governor:**
 - declares catastrophic disaster, invoking Article X-A

Article X-A Powers

- **Governor:**
 - manages response to the catastrophic disaster
 - may reallocate funds appropriated to the Executive Branch to respond to the catastrophic disaster
 - may find the immediate response to the catastrophic disaster has ended
- **Legislative Assembly:**
 - must be convened within 30 days
 - may override executive disaster response spending
 - notwithstanding certain constitutional limits, may authorize additional spending and borrowing as necessary to respond to the disaster

Terminating Article X-A

- **Option 1: Expiration**
 - 30-day window is exhausted without intervention; Article X-A powers expire
- **Option 2: Termination**
 - The Governor finds the immediate response to the catastrophic disaster has ended and the Legislative Assembly enacts a measure terminating Article X-A powers
- **Option 3: Extension**
 - The Legislative Assembly with a three-fifths majority in each chamber may enact a measure extending Article X-A powers past the 30-day window



Executive Emergency Authority in Oregon: ORS chapter 131, Emergency Period

Proclaiming an Emergency Period

- **Governor:**
 - declared by proclamation after consultation with a public official and police

Emergency Powers

- **No executive or legislative emergency powers:**
 - power to exclude individuals from public property is provided to public official

Terminating an Emergency Period

- **Proclamation of the Governor**
 - the Governor finds the danger has ended and proclaims the end of the emergency period



Executive Emergency Authority in Oregon: ORS chapter 401, State of Emergency

Declaring a State of Emergency

- **Governor:**
 - declared by proclamation at the request of a county governing body or after Governor determines that an emergency has occurred or is imminent

Emergency Powers

- **Governor:**
 - complete authority over all executive agencies of the state government
 - the right to exercise, within the area designated by the proclamation, all police powers vested in the state by the Oregon Constitution

Terminating a State of Emergency

- **Option 1: Executive**
 - Governor must terminate a state of emergency by proclamation either when the emergency no longer exists or when the threat of an emergency has passed
- **Option 2: Legislative**
 - Legislative Assembly may terminate a state of emergency at any time by passage of a joint resolution



Executive Emergency Authority in Oregon: ORS chapter 433, Public Health Emergency

Declaring a State of Public Health Emergency

- **Governor:**
 - declared when bioterrorism, contagion, epidemic, natural disaster, or a chemical or nuclear accident or attack poses a high probability of death, long-term disability, or exposure to an infectious or toxic agent
 - must specify (1) the nature of the emergency; (2) the area subject to the declaration; (3) the conditions that brought about the emergency; and (4) the duration of the emergency if less than 14 days

Public Health Emergency Powers

- **Governor:**
 - emergency response including evacuation, delivery of emergency services, and regulation of goods and services
 - complete authority over all executive agencies of the state government and right to exercise, within the area designated by the proclamation, all police powers vested in the state by the Oregon Constitution

Terminating a State of Public Health Emergency

- **No longer than 28 days:**
 - declaration may be for no more than 14 days and extended for an additional 14-day period by the Governor



Executive Emergency Authority in California

State	Declaration	Executive Emergency Powers	Duration/Termination	Legislative Roles and Responsibilities
California	<p>Governor: The Governor may declare by proclamation a "state of war emergency" when the state or nation is attacked or an attack is imminent or a "state of emergency" for conditions of disaster or extreme peril such as fire, flood, storm, epidemic, or drought.</p> <p>Legislative Assembly: No authority to declare an emergency.</p>	Under either a declared state of war emergency or state of emergency, the Governor has complete authority over state government and the right to exercise, within the area or regions designated, all police power vested in the state.	<p>State of war emergency: Automatically expires within 30 days of proclamation unless the Governor convenes a special session of the Legislature, or if the Legislature is already in session.</p> <p>Governor: May terminate a state of war emergency or state of emergency by proclamation.</p> <p>Legislature: May terminate a state of war emergency or state of emergency by concurrent resolution.</p>	May by concurrent resolution terminate a declared state of war emergency or state of emergency.



Executive Emergency Authority in Idaho

State	Declaration	Executive Emergency Powers	Duration/Termination	Legislative Roles and Responsibilities
Idaho	<p>Governor: May declare by proclamation a "state of extreme emergency" due to threat of enemy attack, natural disaster, violent insurrection, or other conditions likely to overwhelm control of local government. May declare by executive order or proclamation a "state of disaster emergency" due to threat of natural disaster, civil unrest, hostile military action, or terrorism.</p>	<p>State of extreme emergency: The Governor has complete authority over state government and the right to exercise within the area or regions designated all police power vested in the state.</p> <p>State of disaster emergency: The Governor may issue executive orders and proclamations, which have the force and effect of law.</p>	<p>State of extreme emergency: Must terminate by either the expiration of the period for which it was proclaimed or the need for the emergency has ceased. Emergency executive powers under a state of extreme emergency declared for 12 or more counties automatically expire on the 90th day unless the Legislature is in regular session or the Governor convenes the Legislature for the purpose of voting on whether to revoke any and all emergency executive powers.</p> <p>State of disaster emergency: Continues until terminated by either the Governor or the Legislature.</p>	<p>May by concurrent resolution terminate a declared state of disaster emergency at any time.</p>



Executive Emergency Authority in Nevada

State	Declaration	Executive Emergency Powers	Duration/Termination	Legislative Roles and Responsibilities
Nevada	<p>Governor: May declare by proclamation a state of emergency or declaration of disaster with the finding that enemy attack or natural, technological, or man-made emergency or disaster threatens the welfare of the inhabitants of the state. May declare by executive order that a public health emergency or other health event exists which requires coordinated response.</p> <p>Legislature: May declare by resolution a state of emergency or declaration of disaster with the finding that enemy attack or natural, technological, or man-made emergency or disaster threatens the welfare of the inhabitants of the state.</p>	<p>State of emergency or declaration of disaster: The Governor is granted broad authority over emergency response in the state including the power to compel evacuation, remove a public officer for failing to obey an order, and to authorize the use of medical service providers licensed in other states.</p> <p>Public health emergency or health event: The Governor designates an emergency team with powers and duties related to the public health emergency or health event.</p>	<p>State of emergency or declaration of disaster: Terminates upon proclamation of the Governor or resolution of the Legislature.</p> <p>Public health emergency or health event: Terminates after the estimated duration stated in the executive order declaring the emergency or event or before that time upon declaration of the Governor that the emergency or event no longer poses an immediate threat to the health and safety of the public. The Governor may extend the emergency or event beyond the estimated duration but must provide written notice to the Legislature.</p>	<p>May declare or terminate by resolution a state of emergency or declaration of disaster.</p>



Executive Emergency Authority in Washington

State	Declaration	Executive Emergency Powers	Duration/Termination	Legislative Roles and Responsibilities
Washington	<p>Governor: May declare by proclamation a “state of emergency” after finding public disorder, disaster, energy emergency, or riot exists in the state which affects life, health, property, or the public peace.</p>	<p>During a declared state of emergency and in the area described by the proclamation, the Governor is granted broad authority to waive or suspend state statutory and regulatory obligations and may issue orders prohibiting activity as the Governor reasonably believes is necessary to preserve and maintain life, health, property, or the public peace.</p>	<p>A state of emergency is terminated upon proclamation of the Governor. Emergency executive actions waiving or suspending state statutory and regulatory obligations may continue for no longer than 30 days unless extended by the Legislature through concurrent resolution if the Legislature is in session or in writing by the leadership of the Senate and House of Representatives until the Legislature can approve the waiver or suspension by concurrent resolution.</p>	<p>Must approve extension past 30 days of emergency executive actions waiving or suspending state statutory or regulatory obligations.</p>



Wrap Up: Legislative Oversight of Emergency Executive Powers

Washington

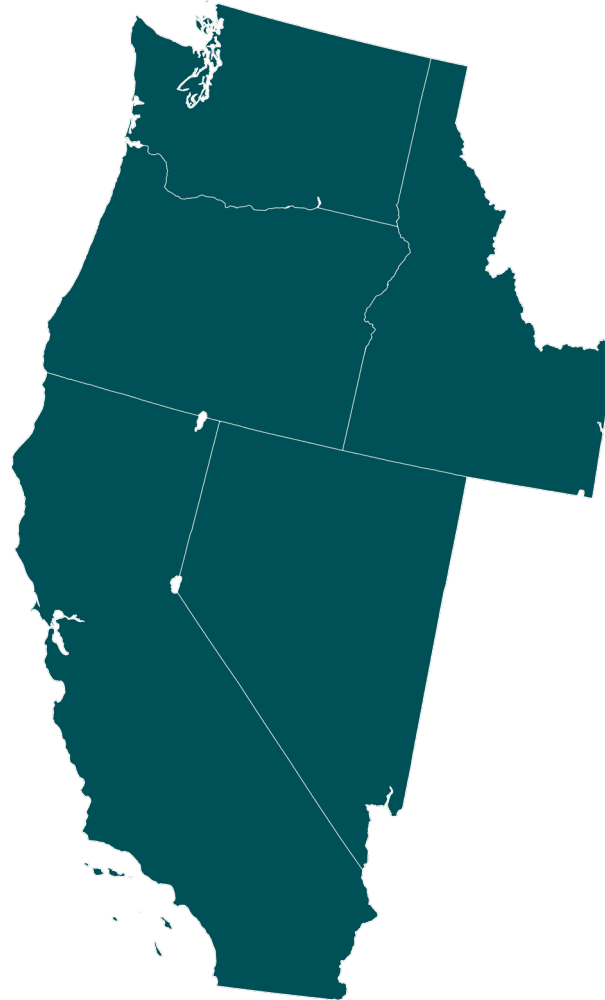
May approve extension past 30 days of selected provisions.

Oregon

May terminate or extend a catastrophic disaster, in coordination with Governor.
May terminate a state of emergency by concurrent resolution.

California

May terminate by concurrent resolution.



Idaho

May terminate by concurrent resolution.

Nevada

May declare or terminate by resolution.





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Thank you