

House Bill 2238

Sponsored by Representative WILDE (Pre-session filed.)

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**.

Clarifies Governor's authority to use property during emergency.

A BILL FOR AN ACT

Relating to private property during emergency; amending ORS 35.350 and 401.188.

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

SECTION 1. ORS 35.350 is amended to read:

35.350. (1) This chapter does not affect the ability of a public body, as defined in ORS 174.109, to take immediate possession of property in an emergency that poses a threat to persons or property, **including under the direction of the Governor under ORS 401.188.**

(2) An owner of property that is used or possessed only temporarily under this section is not entitled to compensation except as the owner may prove entitlement to compensation under Article I, section 18, of the Oregon Constitution.

SECTION 2. ORS 401.188 is amended to read:

401.188. Whenever the Governor has declared a state of emergency, the Governor may issue, amend and enforce rules and orders to:

(1) Control, restrict and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods and services;

(2) Prescribe and direct activities in connection with use, conservation, salvage and prevention of waste of materials, services and facilities, including, but not limited to, production, transportation, power and communication facilities training, and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, rehabilitation, education, welfare, child care, recreation, consumer protection and other essential civil needs; and

(3) Take any other action, **including through the seizure, use or possession of any real or personal property**, that may be necessary for the management of resources following an emergency.

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.