

House Bill 2221

Sponsored by Representatives SMITH DB, MORGAN (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**.

Limits declaration of state of emergency to 30 days duration, unless extended by Legislative Assembly for additional 30 days. Permits Legislative Assembly to extend state of emergency unlimited amount of times, but limits duration of each extension to 30 days.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to declarations of emergency; amending ORS 401.165 and 401.204; and prescribing an ef-
3 fective date.

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

5 **SECTION 1.** ORS 401.165 is amended to read:

6 401.165. (1) The Governor by proclamation may declare a state of emergency at the request of
7 a county governing body or after determining that an emergency has occurred or is imminent.

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

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

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

15 (3)(a) If, in the judgment of the Director of the Oregon Department of Emergency Management,
16 the Governor cannot be reached by available communications facilities in time to respond appro-
17 priately to an emergency, the director shall notify the Secretary of State or, if the Secretary of State
18 is not available, the State Treasurer that the Governor is not available.

19 (b) After notice from the director that the Governor is not available, the elected state official
20 so notified may declare a state of emergency pursuant to the provisions of subsections (1) and (2)
21 of this section.

22 (c) If the director is unavailable to carry out the duties described in this subsection, such duties
23 shall be performed by the Adjutant General.

24 (4) Any state of emergency declared by the Secretary of State or State Treasurer pursuant to
25 this section has the same force and effect as if declared by the Governor, except that it must be
26 affirmed by the Governor as soon as the Governor is reached. However, if the Governor does not
27 set aside the declaration within 24 hours of being reached, the declaration shall be considered af-
28 firmed by the Governor.

29 (5) Any declaration of a state of emergency must specify the geographical area covered by the
30 declaration. Such area shall be no larger than necessary to effectively respond to the 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.

1 (6) The governing body of each county shall establish a procedure for receiving, processing and
2 transmitting to the Oregon Department of Emergency Management, in a timely manner, a request
3 submitted by a city that the Governor declare a state of emergency.

4 **(7)(a) A declaration of a state of emergency declared under this section terminates after**
5 **30 days' duration unless extended for an additional 30 days by joint resolution adopted by the**
6 **Legislative Assembly. The Legislative Assembly may successively extend a declaration of a**
7 **state of emergency in an unlimited number of extensions, no one extension of which is**
8 **greater than 30 days' duration.**

9 **(b) If a declaration of a state of emergency is terminated under this subsection, it may**
10 **not be revived by the Legislative Assembly. A new declaration of a state of emergency must**
11 **be proclaimed under subsection (1) of this section or declared under subsection (4) of this**
12 **section.**

13 **(c) The Governor may convene the Legislative Assembly under Article V, section 12, of**
14 **the Oregon Constitution, to facilitate an extension of a declaration of a state of emergency**
15 **under this subsection.**

16 **SECTION 2.** ORS 401.204 is amended to read:

17 401.204. (1) The Governor shall terminate the state of emergency by proclamation when the
18 emergency no longer exists, or when the threat of an emergency has passed.

19 (2) The state of emergency proclaimed by the Governor may be terminated at any time by joint
20 resolution of the Legislative Assembly.

21 **(3) Notwithstanding subsection (1) of this section, the state of emergency shall be ter-**
22 **minated upon the passage of the 30th day:**

23 **(a) Following the date of the declaration of the state of emergency; or**

24 **(b) Following adoption of the most recent joint resolution of the Legislative Assembly**
25 **extending the state of emergency.**

26 **SECTION 3.** This 2023 Act takes effect on the 91st day after the date on which the 2023
27 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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