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Oregon Emergency Management and Homeland Security Statutory Authorities Summarized

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Oregon Emergency Management and Homeland Security Statutory Authorities Summarized

Summary

The Office of Emergency Management serves as the lead Oregon agency to manage preparation for and response to disasters. The governor is authorized to declare a state of emergency at the request of a county governing body or based on his or her determination that an emergency has occurred. During a state of emergency the governor is authorized to control goods, services and commodities, and may, with the legislature's approval, transfer and spend money appropriated for other purposes to meet the emergency. The governor may unilaterally accept federal financial assistance for political subdivisions after the President issues a major disaster declaration; concurrence of the state Emergency Board or the Joint Ways and Means Committee of the Assembly is required for temporary housing assistance or financial aid to individuals and families.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

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Oregon Emergency Management and Homeland Security Statutory Authorities Summarized

Entities with Key Responsibilities

Governor: The governor is responsible for the state emergency services system. During a declared emergency he or she is authorized to: delegate specified authority (Ore. Rev. Stat. §401.035 (1)); suspend agency rules and use police powers; direct any state agency personnel, equipment, facilities to alleviate or prevent damage due to an emergency; direct agencies to provide supplemental services or equipment to local governments (Ore. Rev. Stat. §401.065); and control, restrict, and regulate the use, sale and distribution of food, fuel, clothing and other commodities, materials, goods and services. The governor is also authorized to prescribe and direct the use of industrial plants, power, transportation and communications facilities, health and medical care, education, child care and other essential needs; and manage resources after an emergency (Ore. Rev. Stat. §401.085). In addition, he or she may assume control of all emergency operations in emergency areas; assume control of police and law enforcement; close roads and highways; designate a coordinator of relief efforts and exclude those refusing to cooperate; and require aid and assistance of state agencies to perform work (Ore. Rev. Stat. §401.115).

Office of Emergency Management (OEM): The office operates under supervision of a director appointed by the state police superintendent and is charged with executing the governor's responsibilities to maintain an emergency services system (Ore. Rev. Stat. §401.260 (3)).

OEM Director: The director of OEM: coordinates and facilitates emergency planning, preparedness, response and recovery activities with local and state emergency management agencies; administers emergency management grants; provides and staffs the state emergency management operations center; serves as the governor's representative for coordinating response activities and managing recovery; establishes training and professional standards for local emergency program management staff; establishes task forces and advisory groups; and enforces compliance regulations to receive federal funding (Ore. Rev. Stat. §401.270).

Seismic Safety Policy Advisory Commission: The commission's charge is to reduce exposure to earthquake hazards by developing policy, improving public understanding, and supporting research, mitigation, response and recovery efforts (Ore. Rev. Stat. §401.337 *et seq.*).

County or city executive officer or governing body: Local officials are responsible for emergency services systems within their respective jurisdictions (Ore. Rev. Stat. §401.035 (2)).

County/city emergency management agency and emergency program manager: County agency managers are responsible for the organization, administration and operation of their respective agencies. Duties include: coordinating planning activities to prepare and maintain an emergency operations plan; engaging in authorized mutual aid activities; managing and maintaining emergency operations facilities; and establishing an incident command structure to manage the responses by local emergency service agencies (Ore. Rev. Stat. §401.305).

Emergency Board: The board, part of the state legislative assembly, allocates money from the emergency fund to any state agency should appropriations be insufficient (Ore. Rev. Stat. §291.322-334).

Search and rescue coordinator: The coordinator is responsible for search and rescue operations, liaison with the state sheriff's organization, and on-scene coordination of search and rescue. The coordinator is authorized to request emergency service workers and equipment, develop training mechanisms, gather statistics, and share information (Ore. Rev. Stat. §401.550).

Interagency Hazard Communication Council: The council performs the duties of the state emergency response commission and appoints members of local emergency planning committees. The executive committee of the council provides oversight and assistance to local emergency response committees (Ore. Rev. Stat. §453.510, §453.527).

Preparedness

The state police are required to establish a system of notification and interagency coordination (to be managed by OEM within the emergency operations center) that is used to respond to emergencies and civil disorders. The system serves as a primary point of contact to notify the governor of an emergency. Each state department identified in the state emergency management plan appoints an emergency management coordinator to work on the development and implementation of emergency plans and procedures (Ore. Rev. Stat. §401.275).

State and local agencies are required to conduct emergency drills to prepare for earthquake emergencies (Ore. Rev. Stat. §401.538); a similar requirement is codified for employers with 250 or more employees (Ore. Rev. Stat. §401.543).

OEM is required to develop an air search and rescue program for lost aircraft and persons (Ore. Rev. Stat. §401.555).

Sheriffs are responsible for search and rescue in their counties (Ore. Rev. Stat. §401.560) and are required to adopt search and rescue plans (Ore. Rev. Stat. §401.573).

Each sheriff shall conduct a critique of non-routine search and rescue incidents to develop recommendations for future incidents or changes to the search and rescue plan (Ore. Rev. Stat. §401.576).

Declaration Procedures

The governor is authorized to declare a state of emergency by proclamation at the request of a county governing body, or upon the governor's determination that emergency has occurred or is imminent. A county must certify that local resources have been expended and give a preliminary assessment of property damage, injuries and death. If the governor is not available to make a proclamation, one may be issued by specified state officials. The proclamation must specify the geographic area to be covered (Ore. Rev. Stat. §401.055).

The governor's authority to exercise police power and the management of resources continues until termination of the state of emergency. The authority to provide temporary housing may continue after the emergency is terminated until terminated by a gubernatorial proclamation or joint resolution of the legislature (Ore. Rev. Stat. §401.095 (4)).

The governor is authorized to terminate a state of emergency by proclamation when the threat or emergency no longer exists. A state of emergency proclamation may be terminated at any time by the legislature (Ore. Rev. Stat. §401.105).

A county or city may establish procedures for declaration of a state of emergency; a local declaration is superseded if the governor declares an emergency (Ore. Rev. Stat. §401.309).

Types of Assistance

After a disaster has been declared by the President, the governor is authorized to apply to the federal government for loans to political subdivisions suffering substantial tax losses and to: receive and disburse proceeds; determine the amount needed, subject to specified limitations; and recommend cancellation of repayment to the federal government if a political subdivision cannot meet operating expenses (Ore. Rev. Stat. §401.125).

The governor is authorized, with the concurrence of the Emergency Board or the Joint Ways and Means Committee, to accept and make federal grants for individuals and families, and to pledge the state to provide 25% of funding (Ore. Rev. Stat. §401.135).

The governor, with the concurrence of the Emergency board or Joint Ways and Means Committee, is authorized to: purchase or lease temporary housing for disaster victims; acquire and prepare sites for temporary housing; advance or lend funds; and allocate funds received from a public or private agency (Ore. Rev. Stat. §401.074).

Political subdivisions are authorized to acquire temporary housing sites (Ore. Rev. Stat. §401.335).

If real or personal property is taken during an emergency, the owner is entitled to state compensation (Ore. Rev. Stat. §401.095 (3)).

The governor may authorize agencies to clear debris and wreckage from public or private land or water and may accept federal grants to remove debris and wreckage (Ore. Rev. Stat. §401.145).

Mutual Aid

The Emergency Management Assistance Compact was approved (§2, chapt. 7, Oregon Laws 2002 [First Special Session]).

The Interstate Emergency and Disaster Assistance Compact is codified (Ore. Rev. Stat. §401.045).

The state, counties, and cities may enter into cooperative assistance agreements for reciprocal emergency aid and resources (Ore. Rev. Stat. §401.480).

The governor, city, and county executives may use services, equipment, supplies, facilities of other departments, offices, or agencies upon request (Ore. Rev. Stat. §401.490).

Law enforcement officers from California, Idaho, and Washington are authorized to act pursuant to mutual law enforcement assistance agreements between an agency of a neighboring state and the state law enforcement agency (Ore. Rev. Stat. §190.472).

Funding

The Economic and Community Development Department is authorized to lend or grant money in Special Public Works Funds in order to provide local matching funds to a municipality for infrastructure projects for which federal disaster relief is committed (Ore. Rev. Stat. §285B.438).

If appropriated funds are not sufficient to cope with an emergency, the governor may, with the approval of the assembly, transfer and spend money appropriated for other purposes (Ore. Rev. Stat. §401.525 (2)).

The Emergency Management Revolving Account includes all contributions, grants and other moneys appropriated and used for the purchase of organizational and mobile support equipment, surplus property, shelter, construction, administration and personal services (Ore. Rev. Stat. §401.535).

OEM is authorized to negotiate agreements with the Federal Emergency Management Agency and other federal agencies for federal funds for emergency program management and emergency services. All cities and counties must coordinate with OEM to develop proposals and to submit applications for review and processing. OEM is authorized to receive federal funds for the state, counties, and

cities for emergency program management and services, and to deposit the funds in the Emergency Management Revolving Account (Ore. Rev. Stat. § 401.280).

The governor or a city or county executive officer may accept, from any organization, person, firm, or corporation: services, equipment, supplies, materials, and funds that are gifts, grants, or loans for emergency management or emergency services (Ore. Rev. Stat. §401.505).

The statute authorizes the expenditure of funds and the use of state property by any state agency during an emergency (Ore. Rev. Stat. §401.525).

A city or county is authorized to levy taxes to pay the expenses of an emergency management agency (Ore. Rev. Stat. §401.325).

When property has been involuntarily converted or destroyed as a result of a civil emergency or natural disaster, a municipal corporation or its chief executive officer can expend funds, receive grants or borrow money not included in the current year budget by resolution, ordinance, or written order (Ore. Rev. Stat. §294.455).

Hazard Mitigation

The statute requires the relocation of dwellings to mitigate the effects of potential landslides (Ore. Rev. Stat. §195.250 - .266).

Continuity of Government Operations

No specific provisions other than those concerning succession to vacant offices.

Other

Each emergency program manager in the state must maintain a record of emergency service workers in his or her agency (Ore. Rev. Stat. §401.385).

All rules and orders issued during an emergency have the full force and effect; existing inconsistent laws, ordinances, rules are inoperative during an emergency (Ore. Rev. Stat. §401.095 (1)).

The state must reimburse local governments for travel, subsistence and maintenance expenses of employees serving at the direction of the governor or the director of OEM (Ore. Rev. Stat. §401.500).

The governor must develop an energy emergency contingency plan to: maintain emergency services during an energy emergency; cooperate with local governments in developing contingency plans; and proclaim an energy emergency for a maximum period of 30 days, which may be extended or renewed only through legislative resolution (Ore. Rev. Stat. §176.750-.815).

The statute authorizes leaves of absence for disaster relief volunteers working for the American Red Cross for a maximum period of 15 days per 12 month period, with no loss of seniority or compensation (Ore. Rev. Stat. §401.485).

An emergency service worker is entitled to benefits for injuries sustained in or out of state during emergency service (Ore. Rev. Stat. §401.355); benefits are to be paid in same manner as workers' compensation (Ore. Rev. Stat. §401.395).

The statute provides for the continuity of operations for domestic insurers in the event of a national emergency (Ore. Rev. Stat. §732.250).

Counties and cities are authorized to enter into contracts and incur obligations to mitigate, prepare for, respond to or recover from an emergency (Ore. Rev. Stat. §401.315).

All state and local emergency management agencies may register and qualify emergency service workers for workers compensation (Ore. Rev. Stat. §401.365).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Oregon Statutes, with Citations

Terms	Citations
Emergency	Ore. Rev. Stat. §401.025 (4)
Emergency management agency	Ore. Rev. Stat. §401.025 (5)
Emergency program management	Ore. Rev. Stat. §401.025 (6)
Emergency program manager	Ore. Rev. Stat. §401.025 (7)
Emergency service agency	Ore. Rev. Stat. §401.025 (8)
Emergency service worker	Ore. Rev. Stat. §401.025 (9)
Emergency services	Ore. Rev. Stat. §401.025 (10)
Emergency services system	Ore. Rev. Stat. §401.025 (11)
Major disaster	Ore. Rev. Stat. §401.025 (14)
Office (Office of Emergency Management)	Ore. Rev. Stat. §401.025 (15)
Oregon emergency management plan	Ore. Rev. Stat. §401.025 (16)
Search and rescue	Ore. Rev. Stat. §401.025 (17)
Seismic Safety Policy Advisory Commission	Ore. Rev. Stat. §401.337

For Further Research

The citations noted above and other elements of the state code for Oregon may be searched at: [<http://www.leg.state.or.us/ors/home.htm>].