

Chapter 401

2011 EDITION

Emergency Management and Services

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401.010 [Repealed by 1983 c.586 §49]

401.015 [1983 c.586 §1; 2009 c.718 §28; renumbered 401.032 in 2009]

401.020 [Amended by 1975 c.379 §8; repealed by 1983 c.586 §49]

DEFINITIONS

401.025 Definitions. As used in this chapter:

(1) “Emergency” means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss, including but not limited to:

(a) Fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

(b) A rapid influx of individuals from outside this state, a rapid migration of individuals from one part of this state to another or a rapid displacement of individuals if the influx, migration or displacement results from the type of event or circumstance described in paragraph (a) of this subsection.

(2) “Emergency service agency” means an organization within a local government that performs essential services for the public’s benefit before, during or after an emergency, such as law enforcement, fire control, health, medical and sanitation services, public works and engineering, public information and communications.

(3) “Emergency services” means activities engaged in by state and local government agencies to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency, including but not limited to coordination, preparedness planning, training, interagency liaison, fire fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health and sanitation services, engineering and public works, search and rescue activities, warning and public information, damage assessment, administration and fiscal management, and those measures defined as “civil defense” in 50 U.S.C. app. 2252.

(4) “Local government” has the meaning given that term in ORS 174.116.

(5) “Major disaster” means any event defined as a “major disaster” under 42 U.S.C. 5122(2). [1983 c.586 §2; 1985 c.733 §21; 1987 c.373 §84;

1989 c.361 §8; 1991 c.418 §1; 1991 c.956 §10; 1993 c.187 §1; 1999 c.935 §29; 2005 c.825 §9; 2007 c.97 §10; 2007 c.223 §5; 2007 c.740 §20; 2009 c.718 §17]

401.030 [Amended by 1967 c.595 §1; 1969 c.80 §8; 1975 c.379 §9; 1975 c.624 §1; repealed by 1983 c.586 §49]

RESPONSIBILITY FOR EMERGENCY SERVICES

401.032 Statement of policy and purpose. (1) The general purpose of this chapter is to reduce the vulnerability of the State of Oregon to loss of life, injury to persons or property and human suffering and financial loss resulting from emergencies, and to provide for recovery and relief assistance for the victims of emergencies.

(2) It is declared to be the policy and intent of the Legislative Assembly that preparations for emergencies and governmental responsibility for responding to emergencies be placed at the local level. The state shall prepare for emergencies, but shall not assume authority or responsibility for responding to an emergency unless the appropriate response is beyond the capability of the city and county in which the emergency occurs, the city or county fails to act, or the emergency involves two or more counties. [Formerly 401.015]

401.035 Responsibility for emergency services systems. (1) The emergency services system is composed of all agencies and organizations involved in the coordinated delivery of emergency services. The Governor is responsible for the emergency services system within the State of Oregon. The executive officer or governing body of each county or city of this state is responsible for the emergency services system within that jurisdiction.

(2) In carrying out their responsibilities for emergency services systems, the Governor and the executive officers or governing bodies of the counties or cities may delegate any administrative or operative authority vested in them by this chapter and provide for the subdelegation of that authority. [1983 c.586 §3; 2009 c.718 §24]

401.039 [2007 c.740 §19; 2009 c.718 §29; renumbered 401.198 in 2009]

401.040 [Amended by 1963 c.528 §1; 1967 c.419 §33; 1969 c.80 §9; 1975 c.379 §10; 1975 c.624 §2; 1981 c.615 §4; repealed by 1983 c.586 §49]

401.041 [2002 s.s.1 c.7 §1; renumbered 402.100 in 2009]

401.043 [2002 s.s.1 c.7 §2; renumbered 402.105 in 2009]

401.045 [1983 c.586 §18; 1993 c.187 §2; repealed by 2002 s.s.1 c.7 §3]

401.050 [Amended by 1963 c.528 §2; 1967 c.419 §34; 1967 c.595 §2; 1969 c.80 §10; 1969 c.314 §32; 1981 c.615 §5; repealed by 1983 c.586 §49]

**EMERGENCY MANAGEMENT
BY THE STATE**

(Office of Emergency Management)

401.052 Responsibilities of Office of Emergency Management. (1) The Office of Emergency Management is established in the Oregon Military Department.

(2) The office shall be responsible for:

(a) Coordinating and facilitating private sector and governmental efforts to prevent, prepare for, respond to and recover from emergencies; and

(b) Coordinating exercises and training, planning, preparedness, response, mitigation and recovery activities with state and local emergency services agencies and organizations.

(3) The office shall prepare a statewide emergency management plan and update the plan from time to time as necessary. [Formerly 401.257]

401.054 Agency liaison with Office of Emergency Management. (1) The following state agencies shall designate a person within each agency to act as a liaison with the Office of Emergency Management:

- (a) The Department of Transportation;
- (b) The State Department of Agriculture;
- (c) The Department of Environmental Quality;
- (d) The Department of Human Services;
- (e) The State Department of Energy;
- (f) The Oregon Department of Administrative Services;
- (g) The Department of State Police;
- (h) The State Department of Geology and Mineral Industries;
- (i) The Oregon Health Authority; and
- (j) The Oregon Military Department.

(2) Each person designated as a liaison under subsection (1) of this section shall assist in the coordination of the functions of the person's agency that relate to emergency preparedness and response with similar functions of the Office of Emergency Management. [Formerly 401.259]

401.055 [1983 c.586 §4; 1991 c.605 §1; 1993 c.187 §3; 2007 c.408 §1; 2007 c.740 §21; renumbered 401.165 in 2009]

401.060 [Amended by 1963 c.528 §4; 1967 c.595 §3; 1969 c.80 §11; repealed by 1983 c.586 §49]

401.062 Office of Emergency Management; appointment of director. (1) The Office of Emergency Management is under the supervision and control of a director, who is responsible for the performance of the duties, functions and powers of the office.

(2) The Adjutant General, with the approval of the Governor, shall appoint the Di-

rector of the Office of Emergency Management, who holds office at the pleasure of the Adjutant General.

(3) The director shall be paid a salary as provided by law or, if not so provided, as prescribed by the Adjutant General, with the approval of the Governor.

(4) For purposes of administration, subject to the approval of the Adjutant General, the director may organize and reorganize the office as the director considers necessary to properly conduct the work of the office.

(5) The director may divide the functions of the office into administrative divisions. Subject to the approval of the Adjutant General, the director may appoint an individual to administer each division. The administrator of each division serves at the pleasure of the director and is not subject to the provisions of ORS chapter 240. Each individual appointed under this subsection must be well qualified by technical training and experience in the functions to be performed by the individual. [Formerly 401.261]

401.064 [1975 c.379 §3; repealed by 1983 c.586 §49]

401.065 [1983 c.586 §5; 2009 c.718 §39; renumbered 401.168 in 2009]

401.066 [1975 c.379 §2; 1977 c.248 §3; repealed by 1983 c.586 §49]

401.068 [1975 c.379 §4; repealed by 1983 c.586 §49]

401.070 [Repealed by 1983 c.586 §49]

401.072 Appointment of deputy director. (1) The Director of the Office of Emergency Management may, by written order filed with the Secretary of State, appoint a deputy director. The deputy director serves at the pleasure of the director, has authority to act for the director in the absence of the director and is subject to the control of the director at all times.

(2) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all subordinate officers and employees of the Office of Emergency Management, prescribe their duties and fix their compensation. [Formerly 401.263]

401.074 [1983 c.586 §6; 2009 c.718 §40; renumbered 401.185 in 2009]

401.075 [1977 c.248 §2; repealed by 1983 c.586 §49]

401.076 Rules. In accordance with applicable provisions of ORS chapter 183, the Director of the Office of Emergency Management may adopt rules necessary for the administration of the laws that the Office of Emergency Management is charged with administering. [Formerly 401.265]

401.080 [Amended by 1953 c.6 §4; 1967 c.595 §4; 1975 c.379 §11; repealed by 1983 c.586 §49]

401.082 Advisory and technical committees. (1) To aid and advise the Director of the Office of Emergency Management in the performance of the functions of the Of-

Office of Emergency Management, the director may establish such advisory and technical committees as the director considers necessary. The committees may be continuing or temporary. The director shall determine the representation, membership, terms and organization of the committees and shall appoint their members. The director is an ex officio member of each committee.

(2) Members of the committees are not entitled to compensation, but in the discretion of the director may be reimbursed from funds available to the office for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495. [Formerly 401.267]

401.085 [1983 c.586 §7; 2009 c.718 §41; renumbered 401.188 in 2009]

401.088 Interagency agreements. The Director of the Office of Emergency Management may enter into interagency agreements with other state agencies that the director determines are necessary to carry out the duties of the Office of Emergency Management. [Formerly 401.269]

401.090 [Repealed by 1983 c.586 §49]

401.092 Duties of director; federal fire management assistance declaration; rules. (1) The Director of the Office of Emergency Management is responsible for coordinating and facilitating exercises and training, emergency planning, preparedness, response, mitigation and recovery activities with the state and local emergency services agencies and organizations, and shall, with the approval of the Adjutant General or as directed by the Governor:

(a) Make rules that are necessary and proper for the administration and implementation of this chapter;

(b) Coordinate the activities of all public and private organizations specifically related to providing emergency services within this state;

(c) Maintain a cooperative liaison with emergency management agencies and organizations of local governments, other states and the federal government;

(d) Have such additional authority, duties and responsibilities authorized by this chapter or as may be directed by the Governor;

(e) Administer grants relating to emergency program management under ORS 401.305, seismic rehabilitation, emergency services for the state and the statewide 2-1-1 system as provided in ORS 403.430;

(f) Provide for and staff a State Emergency Operations Center to aid the Governor and the Office of Emergency Management in the performance of duties under this chapter;

(g) Serve as the Governor's authorized representative for coordination of certain response activities and managing the recovery process;

(h) Establish training and professional standards for local emergency program management personnel;

(i) Establish task forces and advisory groups to assist the office in achieving mandated responsibilities;

(j) Enforce compliance requirements of federal and state agencies for receiving funds and conducting designated emergency functions;

(k) Oversee the design, implementation and support of a statewide 2-1-1 system as provided under ORS 403.415; and

(L) Coordinate the activities of state and local governments to enable state and local governments to work together during domestic incidents as provided in the National Incident Management System established by the Homeland Security Presidential Directive 5 of February 28, 2003.

(2) Notwithstanding subsection (1) of this section, the State Forester shall serve as the Governor's authorized representative for the purpose of initiating the fire management assistance declaration process with the Federal Emergency Management Agency and administering Federal Emergency Management Agency fire management assistance grants. [Formerly 401.270; 2011 c.49 §1]

401.094 System for notification of emergencies; emergency management coordinators; rules. (1)(a) The Department of State Police shall maintain a system for the notification and interagency coordination of state resources in response to emergencies involving multijurisdictional cooperation between the various levels of government and private business entities.

(b) The department shall provide the Office of Emergency Management with a service level agreement that describes the continued daily operations and maintenance of the system, the services and supplies needed to maintain the system 24 hours a day, every day of the year, and the policies and procedures that support the overall notification system.

(2) The notification system shall be managed by the Office of Emergency Management as a continuously available communications network and a component of the state's emergency operations center.

(3) The notification system shall be the primary point of contact by which any public agency provides the state notification of an emergency or disaster, or requests access to state and federal resources.

(4) Each department of state government, and those agencies of state government identified in the statewide emergency management plan prepared under ORS 401.052 as having emergency service or administrative responsibilities, shall appoint an emergency management coordinator as their representative to work with the Office of Emergency Management on the development and implementation of emergency plans and procedures.

(5) The Office of Emergency Management shall adopt rules relating to the planning, administration and operation of the notification system maintained under this section. [Formerly 401.275]

401.095 [1983 c.586 §8; renumbered 401.192 in 2009]

401.096 Federal grants for emergency management and services; authority of office. (1) The Office of Emergency Management is designated as the sole agency of the State of Oregon for the purpose of negotiating agreements with the United States Department of Homeland Security or other appropriate federal agency, on behalf of the state, for the acquisition of federal funds for the purpose of providing emergency program management and emergency services. All city or county emergency management programs, emergency service agencies and state agencies applying for such funds shall coordinate with the office on development of proposals and shall submit applications to the department to be reviewed or processed, or both.

(2) The office is authorized to accept and receive on behalf of the state, counties and cities federal funds for the purposes of emergency program management and emergency services. [Formerly 401.280]

401.100 [Repealed by 1983 c.586 §49]

401.105 [1983 c.586 §9; renumbered 401.204 in 2009]

401.106 [2007 c.223 §1; renumbered 401.962 in 2009]

401.107 [2007 c.223 §§3,4; renumbered 401.965 in 2009]

401.108 [2007 c.223 §7(3); renumbered 401.970 in 2009]

401.109 Oregon Homeland Security Council. (1) The Oregon Homeland Security Council is created within the Office of Emergency Management. The council shall:

(a) Receive briefings on security matters for which the office is responsible at least annually from state agencies and organizations as determined by the council; and

(b) Advise state agencies with responsibility for security matters on the future direction of the office's planning, preparedness, response and recovery activities.

(2) The membership of the council shall consist of:

(a) Four members from the Legislative Assembly appointed as follows:

(A) Two members from the Senate appointed by the President of the Senate; and

(B) Two members from the House of Representatives appointed by the Speaker of the House of Representatives;

(b) The Governor;

(c) The Adjutant General;

(d) The Superintendent of State Police;

(e) The Director of the Office of Emergency Management; and

(f) Additional members appointed by the Governor who the Governor determines necessary to fulfill the functions of the council, including state agency heads, elected state officials, local government officials, a member of the governing body of an Indian tribe and representatives from the private sector.

(3) Each member appointed to the council under subsection (2)(a) and (f) of this section serves at the pleasure of the appointing authority. The membership of a public official ceases upon termination of the office held by the official at the time of appointment to the council.

(4) The Governor shall be chairperson of the council.

(5) Members of the council are not entitled to compensation but, at the discretion of the director, may be reimbursed, in the manner and amount provided in ORS 292.495, from funds available to the office for actual and necessary travel and other expenses incurred in the performance of their duties as members of the council. [Formerly 401.881]

Note: 401.109 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.110 [Amended by 1975 c.379 §12; repealed by 1983 c.586 §49]

401.115 [Formerly 401.530; renumbered 401.175 in 2009]

401.120 [Repealed by 1983 c.586 §49]

401.125 [Formerly 401.630; renumbered 401.232 in 2009]

401.130 [Repealed by 1983 c.586 §49]

401.135 [Formerly 401.640; 1997 c.14 §1; renumbered 401.234 in 2009]

401.140 [Repealed by 1983 c.586 §49]

401.145 [Formerly 401.650; renumbered 401.178 in 2009]

401.150 [Repealed by 1983 c.586 §49]

401.155 [Formerly 401.660; 2009 c.718 §43; renumbered 401.236 in 2009]

401.160 [Amended by 1953 c.6 §4; 1955 c.451 §1; repealed by 1983 c.586 §49]

(Declaration of State of Emergency)

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

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

(a) A certification signed by the county governing body that all local resources have been expended; and

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

(3)(a) If, in the judgment of the Adjutant General, the Governor cannot be reached by available communications facilities in time to respond appropriately to an emergency, the Adjutant General shall notify the Secretary of State or, if the Secretary of State is not available, the State Treasurer that the Governor is not available.

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

(c) If the Adjutant General is unavailable to carry out the duties described in this subsection, such duties shall be performed by the Director of the Office of Emergency Management.

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

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

(6) The governing body of each county shall establish a procedure for receiving, processing and transmitting to the Office of Emergency Management, in a timely manner, a request submitted by a city that the Governor declare an emergency. [Formerly 401.055]

401.168 Governor's powers during state of emergency; suspension of agency rules. (1) During a state of emergency, the Governor has complete authority over all executive agencies of state government and the right to exercise, within the area designated in the proclamation, all police powers vested in the state by the Oregon Constitution in order to effectuate the purposes of this chapter.

(2) During a state of emergency, the Governor has authority to suspend provisions of any order or rule of any state agency, if the Governor determines and declares that strict compliance with the provisions of the order or rule would in any way prevent, hinder or delay mitigation of the effects of the emergency.

(3) During a state of emergency, the Governor has authority to direct any agencies in the state government to utilize and employ state personnel, equipment and facilities for the performance of any activities designed to prevent or alleviate actual or threatened damage due to the emergency, and may direct the agencies to provide supplemental services and equipment to local governments to restore any services in order to provide for the health and safety of the citizens of the affected area. [Formerly 401.065]

401.170 [Amended by 1963 c.179 §1; 1971 c.766 §1; repealed by 1983 c.586 §49]

401.175 Additional powers during emergency. During the existence of an emergency, the Governor may:

(1) Assume complete control of all emergency operations in the area specified in a proclamation of a state of emergency issued under ORS 401.165, direct all rescue and salvage work and do all things deemed advisable and necessary to alleviate the immediate conditions.

(2) Assume control of all police and law enforcement activities in such area, including the activities of all local police and peace officers.

(3) Close all roads and highways in such area to traffic or by order of the Governor limit the travel on such roads to such extent as the Governor deems necessary and expedient.

(4) Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work.

(5) Require the aid and assistance of any state or other public or quasi-public agencies in the performance of duties and work at-

tendant upon the emergency conditions in such area. [Formerly 401.115]

401.178 Removal of disaster debris or wreckage; unconditional authorization of community; liability for injury or damage. (1) Whenever the Governor has declared a disaster emergency to exist under the laws of this state, or the President of the United States, at the request of the Governor, has declared a major disaster or emergency to exist in this state, the Governor is authorized:

(a) Through the use of state departments or agencies, or the use of any of the state's instrumentalities, to clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety, or public or private property.

(b) To accept funds from the federal government and utilize such funds to make grants to any political subdivision for the purpose of removing debris or wreckage from publicly or privately owned land or water.

(2) Authority under subsection (1) of this section shall not be exercised unless the affected political subdivision, corporation, organization, or individual shall first present an unconditional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the state government against any claim arising from such removal.

(3) Whenever the Governor provides for clearance of debris or wreckage pursuant to subsections (1) and (2) of this section, employees of the designated state agencies or individuals appointed by the Governor are authorized to enter upon private lands or waters and perform any tasks necessary to the removal or clearance operation.

(4) Except in cases of willful misconduct, gross negligence or bad faith, any state employee or individual appointed by the Governor authorized to perform duties necessary to the removal of debris or wreckage shall not be liable for death of or injury to persons or damage to property. [Formerly 401.145]

401.180 [Repealed by 1983 c.586 §49]

401.185 Providing temporary housing during emergency. Whenever the Governor has declared a state of emergency or the President of the United States has declared an emergency or a major disaster to exist in this state, the Governor, with the concurrence of the Joint Committee on Ways and Means or the Emergency Board, if the Legislative Assembly is not in session, is authorized:

(1) To enter into purchase, lease or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make the units available to local governments of the state.

(2) To assist any local government of this state which requires temporary housing for disaster victims following the declaration of a state of emergency to acquire and prepare a site to receive and utilize temporary housing units by:

(a) Advancing or lending funds available to the Governor from any appropriation made by the Legislative Assembly or from any other source; and

(b) Passing through funds made available by any public or private agency. [Formerly 401.074]

401.186 Waiver of waiting period for unemployment benefits. If the Governor by proclamation has declared a state of emergency under ORS 401.165, the Governor may waive the one-week waiting period required by ORS 657.155 for persons making a claim for unemployment benefits who reside within the geographical area subject to the proclamation and specified by the Governor. [2008 c.23 §2]

Note: Section 4, chapter 23, Oregon Laws 2008, provides:

Sec. 4. Sections 1 and 2 [401.186] of this 2008 Act and the amendments to ORS 657.155 by section 3 of this 2008 Act become operative when federal law permits without penalty a waiver under section 2 of this 2008 Act of the one-week waiting period required by ORS 657.155. [2008 c.23 §4]

401.188 Management of resources during emergency; rules. 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 that may be necessary for the management of resources following an emergency. [Formerly 401.085]

401.190 [Amended by 1963 c.528 §5; repealed by 1983 c.586 §49]

401.192 Effect of rules and orders during emergency; scope; effect; termination. (1) All rules and orders issued under authority conferred by ORS 401.165 to 401.236 shall have the full force and effect of law both during and after the declaration of a state of emergency. All existing laws, ordinances, rules and orders inconsistent with ORS 401.165 to 401.236 shall be inoperative during the period of time and to the extent such inconsistencies exist.

(2) The authority exercised under ORS 401.165 to 401.236 may be exercised with respect to the entire territory over which the Governor has jurisdiction, or to any specified part thereof.

(3) When real or personal property is taken under power granted by ORS 401.188, the owner of the property shall be entitled to reasonable compensation from the state.

(4) The powers granted to the Governor by ORS 401.165 to 401.236 shall continue until termination of the state of emergency. The powers granted to the Governor by ORS 401.185 may continue beyond the termination of the state of emergency and shall be terminated by proclamation of the Governor or by joint resolution of the Legislative Assembly. [Formerly 401.095]

401.195 [1981 c.763 §2; repealed by 1983 c.586 §49]

401.198 Seizure of firearms during emergency. (1) As used in this section, "unit of government" means any department or agency of the federal government and any public body as defined by ORS 174.109.

(2) Notwithstanding ORS 401.165 to 401.236, a unit of government may not seize a firearm from an individual who lawfully possesses the firearm during a state of emergency declared under ORS 401.165.

(3) If a unit of government seizes a firearm from an individual during a state of emergency in violation of this section, the individual may recover from the unit of government that seized the firearm all costs incurred in the recovery of the firearm, including attorney fees, court costs and any other costs incurred in the recovery of the firearm. [Formerly 401.039]

401.200 [1981 c.763 §3; 1983 c.586 §27; renumbered 401.355]

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

(2) The state of emergency proclaimed by the Governor may be terminated at any time by joint resolution of the Legislative Assembly. [Formerly 401.105]

401.205 [1981 c.763 §4; 1983 c.586 §28; renumbered 401.365]

401.210 [Formerly 401.820; 1983 c.586 §29; renumbered 401.375]

401.215 [Formerly 401.830; 1983 c.586 §30; renumbered 401.385]

401.220 [1981 c.763 §5; 1983 c.586 §31; renumbered 401.395]

401.225 [1981 c.763 §6; 1983 c.586 §32; renumbered 401.405]

401.230 [1981 c.763 §7; 1983 c.586 §33; renumbered 401.415]

(Declaration of Major Disaster)

401.232 Federal financial assistance to political subdivision. Whenever, at the request of the Governor, the President of the United States has declared a major disaster to exist in this state, the Governor is authorized:

(1) Upon determination that a political subdivision of the state will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, to apply to the federal government, on behalf of the political subdivision, for a loan; and to receive and disburse the proceeds of any approved loan to any applicant political subdivision.

(2) To determine the amount needed to restore or resume its governmental functions, and to certify the same to the federal government, provided, however, that no application amount shall exceed 25 percent of the annual operating budget of the applicant political subdivision for the fiscal year in which the major disaster occurs.

(3) To recommend to the federal government, based upon the review of the Governor, the cancellation of all or any part of repayment when, in the first three full fiscal year period following the major disaster, the revenues of the political subdivision are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal operation character. [Formerly 401.125]

401.234 Federal financial assistance to individuals or families. Whenever the President of the United States, at the request of the Governor, with the concurrence of the Emergency Board or Joint Ways and Means Committee of the Legislative Assembly, has declared a major disaster to exist in this state, the Governor is authorized:

(1) Upon determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, to accept a grant by the federal government

to fund such financial assistance, subject to such terms and conditions as may be imposed upon the grant.

(2) To enter into an agreement with the federal government, or any officer or agency thereof, pledging the state to participate in the funding of the assistance authorized in subsection (1) of this section in an amount not to exceed 25 percent thereof.

(3) To make financial grants to help meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot otherwise adequately be met from other means of assistance. [Formerly 401.135]

401.235 [1981 c.763 §8; 1983 c.586 §34; renumbered 401.425]

(Rules for States of Emergency and Major Disasters)

401.236 Rules. The Governor is authorized to make rules and regulations necessary to carry out the purposes of ORS 401.165 to 401.236. [Formerly 401.155]

401.240 [1981 c.763 §9; 1983 c.586 §35; renumbered 401.435]

401.245 [1981 c.763 §10; 1983 c.586 §36; renumbered 401.445]

401.250 [1981 c.763 §11; 1983 c.586 §37; renumbered 401.455]

401.255 [1981 c.763 §12; 1983 c.586 §38; renumbered 401.465]

401.257 [2007 c.740 §2; 2009 c.718 §35; renumbered 401.052 in 2009]

401.259 [2007 c.740 §8; 2009 c.595 §224; renumbered 401.054 in 2009]

401.260 [1983 c.586 §10; 1993 c.187 §4; repealed by 2007 c.740 §42]

401.261 [2007 c.740 §3; renumbered 401.062 in 2009]

401.263 [2007 c.740 §4; renumbered 401.072 in 2009]

401.265 [2007 c.740 §5; renumbered 401.076 in 2009]

401.267 [2007 c.740 §6; renumbered 401.082 in 2009]

401.269 [2007 c.740 §7; renumbered 401.088 in 2009]

401.270 [1983 c.586 §11; 1993 c.187 §5; 2003 c.556 §2; 2005 c.526 §10; 2005 c.813 §3; 2005 c.825 §10; 2007 c.740 §22; 2009 c.718 §42; renumbered 401.092 in 2009]

401.271 [2007 c.98 §1; renumbered 401.975 in 2009]

401.272 [2007 c.98 §3; 2009 c.718 §30; renumbered 401.977 in 2009]

401.273 [2007 c.98 §4; renumbered 404.350 in 2009]

401.274 [2007 c.98 §5; 2009 c.718 §31; renumbered 401.978 in 2009]

401.275 [1993 c.187 §8; 2007 c.740 §23; 2009 c.718 §36; renumbered 401.094 in 2009]

401.280 [1983 c.586 §22; 1993 c.187 §6; 2007 c.740 §24; 2008 c.18 §8; renumbered 401.096 in 2009]

401.282 [2005 c.526 §1; renumbered 403.400 in 2009]

401.284 [2005 c.526 §3; renumbered 403.405 in 2009]

401.286 [2005 c.526 §4; renumbered 403.410 in 2009]

401.288 [2005 c.526 §5; renumbered 403.415 in 2009]

401.290 [2005 c.526 §6; renumbered 403.420 in 2009]

401.292 [2005 c.526 §7; renumbered 403.425 in 2009]

401.294 [2005 c.526 §8; renumbered 403.430 in 2009]

401.296 [2005 c.526 §9; renumbered 403.435 in 2009]

401.300 [2005 c.813 §2; 2007 c.740 §25; 2009 c.595 §225; renumbered 401.910 in 2009]

EMERGENCY MANAGEMENT BY CITIES AND COUNTIES

(Emergency Management Agency)

401.305 Emergency management agency of city or county; emergency program manager; coordination of emergency management functions. (1) Each county of this state shall, and each city may, establish an emergency management agency which shall be directly responsible to the executive officer or governing body of the county or city.

(2) The executive officer or governing body of each county and any city which participates shall appoint an emergency program manager who shall have responsibility for the organization, administration and operation of such agency, subject to the direction and control of the county or city.

(3) The local governing bodies of counties and cities that have both city and county emergency management programs shall jointly establish policies which provide direction and identify and define the purpose and roles of the individual emergency management programs, specify the responsibilities of the emergency program managers and staff and establish lines of communication, succession and authority of elected officials for an effective and efficient response to emergency conditions.

(4) Each emergency management agency shall perform emergency program management functions within the territorial limits of the county or city and may perform such functions outside the territorial limits as required under any mutual aid or cooperative assistance agreement or as authorized by the county or city.

(5) The emergency management functions shall include, as a minimum:

(a) Coordination of the planning activities necessary to prepare and maintain a current emergency operations plan, management and maintenance of emergency operating facilities from which elected and appointed officials can direct emergency and disaster response activities;

(b) Establishment of an incident command structure for management of a coordinated response by all local emergency service agencies; and

(c) Coordination with the Office of Emergency Management to integrate effective practices in emergency preparedness and response as provided in the National Incident Management System established by the

Homeland Security Presidential Directive 5 of February 28, 2003. [1983 c.586 §12; 1993 c.187 §9; 2005 c.825 §11]

401.307 Emergency management agency appropriation; tax levy. (1) Each county and city may make appropriations, in the manner provided by law for making appropriations for the expenses of the county or city, for the payment of expenses of its emergency management agency and may levy taxes upon the taxable property within the county or city.

(2) An appropriation made under subsection (1) of this section shall be budgeted so that it is possible to identify it as a distinguishable expense category. [Formerly 401.325]

(Declaration of State of Emergency)

401.309 Declaration of state of emergency by city or county; procedures; mandatory evacuations. (1) The governing body of a city or county in this state may declare, by ordinance or resolution, that a state of emergency exists within the city or county. The ordinance or resolution must limit the duration of the state of emergency to the period of time during which the conditions giving rise to the declaration exist or are likely to remain in existence.

(2) A city or county in this state may, by ordinance or resolution, establish procedures to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency. The ordinance or resolution shall describe the conditions required for the declaration of a state of emergency within the jurisdiction.

(3) An ordinance or resolution adopted under subsection (2) of this section may designate the emergency management agency, if any, or any other agency or official of the city or county as the agency or official charged with carrying out emergency duties or functions under the ordinance.

(4) A city or county may authorize an agency or official to order mandatory evacuations of residents and other individuals after a state of emergency is declared under this section. An evacuation under an ordinance or resolution authorized under subsection (2) of this section shall be ordered only when necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency.

(5) Nothing in this section shall be construed to affect or diminish the powers of the Governor during a state of emergency declared under ORS 401.165. The provisions of ORS 401.165 to 401.236 supersede the provisions of an ordinance or resolution author-

ized by this section when the Governor declares a state of emergency within any area in which such an ordinance or resolution applies. [1997 c.361 §2; 2009 c.718 §32]

401.310 [Amended by 1953 c.394 §10; 1969 c.80 §12; repealed by 1983 c.586 §49]

401.315 City or county authorized to incur obligations for emergency services; county determination of emergency. In carrying out the provisions of this chapter, counties or cities may enter into contracts and incur obligations necessary to mitigate, prepare for, respond to or recover from an emergency or major disaster. A county shall assess whether an emergency exists. [1983 c.586 §13; 1991 c.418 §2; 2009 c.718 §44]

401.320 [Amended by 1953 c.394 §10; repealed by 1983 c.586 §49]

401.325 [1983 c.586 §14; renumbered 401.307 in 2009]

401.330 [Amended by 1953 c.394 §10; repealed by 1983 c.586 §49]

401.335 Temporary housing for disaster victims; political subdivision's authority. Any political subdivision of this state is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into arrangements necessary to prepare or equip such sites to utilize the housing units. [Formerly 401.620]

401.337 [1991 c.956 §2; 1993 c.187 §10; 1995 c.511 §1; 1997 c.520 §§1,1a; 2007 c.740 §26; renumbered 401.915 in 2009]

401.340 [Amended by 1953 c.394 §10; repealed by 1983 c.586 §49]

401.343 [1991 c.956 §4; 1997 c.520 §2; 2005 c.813 §4; renumbered 401.918 in 2009]

401.345 [1991 c.956 §§5,6,7; 1995 c.511 §2; 1997 c.520 §3; renumbered 401.920 in 2009]

401.347 [1991 c.956 §8; 2007 c.740 §27; 2009 c.595 §226; renumbered 401.922 in 2009]

401.350 [Amended by 1953 c.394 §10; repealed by 1983 c.586 §49]

401.353 [1991 c.956 §9; renumbered 401.925 in 2009]

401.355 [Formerly 401.200; repealed by 2009 c.718 §6]

EMERGENCY SERVICE VOLUNTEERS

401.358 Definitions. As used in ORS 401.358 to 401.368:

(1) "Emergency service activities" means:

(a) The provision of emergency services; and

(b) Engaging in training under the direction of a public body, whether by reason of the training being conducted or approved by a public body, for the purpose of preparing qualified emergency service volunteers to perform emergency services.

(2) "Qualified emergency service volunteer" means a person who is:

(a) Registered with the Office of Emergency Management or other public body to perform emergency service activities;

(b) Acknowledged in writing as a qualified emergency service volunteer, at the time the person offers to volunteer during an emergency, by the Office of Emergency Management or by another public body; or

(c) A member of the Oregon State Defense Force. [2009 c.718 §2]

401.360 [Amended by 1953 c.394 §10; repealed by 1983 c.586 §49]

401.362 Application. ORS 401.358 to 401.368 apply only to a qualified emergency service volunteer who is performing emergency service activities under the direction of a public body without compensation from the public body other than reimbursement for food, lodging, costs of transportation and other expenses. [2009 c.718 §3]

401.364 Coverage under Oregon Tort Claims Act. (1) A qualified emergency service volunteer is an agent of a public body under ORS 30.260 to 30.300 for the purpose of acts and omissions of the volunteer that are within the course and scope of the volunteer's duties if the acts or omissions occur:

(a) While the volunteer is performing emergency service activities under the direction of the public body during a state of emergency declared under this chapter, or during a state of public health emergency proclaimed under ORS 433.441; or

(b) While the volunteer is engaged in training being conducted or approved by a public body for the purpose of preparing the volunteer to perform emergency services.

(2) A public body shall defend, save harmless and indemnify a qualified emergency service volunteer as required by ORS 30.285 for any tort claim arising out of an act or omission described in subsection (1) of this section. [2009 c.718 §4]

401.365 [Formerly 401.205; repealed by 2009 c.718 §6]

401.368 Workers' compensation benefits. (1) The Office of Emergency Management shall provide workers' compensation coverage for qualified emergency service volunteers who are injured in the course and scope of performing emergency service activities under the direction of a public body if the injury occurs:

(a) While the volunteer is performing emergency service activities under the direction of the public body during a state of emergency declared under this chapter, or during a state of public health emergency proclaimed under ORS 433.441; or

(b) While the volunteer is engaged in training being conducted or approved by a public body for the purpose of preparing the volunteer to perform emergency services.

(2) Workers' compensation coverage shall be provided under this section in the manner provided by ORS 656.039. [2009 c.718 §5]

401.370 [Amended by 1953 c.394 §10; repealed by 1983 c.586 §49]

401.375 [Formerly 401.210; repealed by 2009 c.718 §6]

401.378 Leaves of absence for certified disaster relief volunteers; requirements; maximum period; effect on status of employees. (1) State agencies and political subdivisions described in ORS 243.325 (2) to (6) may grant leaves of absence to any public employee who is a certified disaster services volunteer of the American Red Cross to participate in disaster relief services in the State of Oregon. Cumulative leave granted shall not exceed 15 work days in any 12-month period. Such leave granted shall not result in a loss of compensation, seniority, vacation time, sick leave or accrued overtime for which the employee is otherwise eligible. Compensation to an employee granted leave under this section shall be at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

(2) As used in this section, "disaster" means those disasters designated at level II and above by the American Red Cross. [Formerly 401.485]

401.380 [1953 c.394 §8; 1959 c.403 §1; 1983 c.586 §39; renumbered 401.535]

401.385 [Formerly 401.215; 1989 c.361 §9; 1993 c.187 §11; repealed by 2009 c.718 §6]

401.395 [Formerly 401.220; 1993 c.187 §12; 2007 c.70 §157; repealed by 2009 c.718 §6]

401.405 [Formerly 401.225; repealed by 2009 c.718 §6]

401.410 [1967 c.480 §1; repealed by 1983 c.586 §49]

401.415 [Formerly 401.230; repealed by 2009 c.718 §6]

401.420 [1967 c.480 §2; repealed by 1983 c.586 §49]

401.425 [Formerly 401.235; 1993 c.187 §13; 2007 c.740 §28; repealed by 2009 c.718 §6]

401.430 [1967 c.480 §3; repealed by 1983 c.586 §49]

401.435 [Formerly 401.240; 1993 c.187 §14; repealed by 2009 c.718 §6]

401.440 [1967 c.480 §4; repealed by 1983 c.586 §49]

401.445 [Formerly 401.245; 1993 c.187 §15; 2007 c.740 §29; repealed by 2009 c.718 §6]

401.450 [1967 c.480 §5; repealed by 1983 c.586 §49]

401.455 [Formerly 401.250; repealed by 2009 c.718 §6]

401.460 [1967 c.480 §6; repealed by 1983 c.586 §49]

401.465 [Formerly 401.255; 1993 c.187 §16; repealed by 2009 c.718 §6]

401.470 [1967 c.480 §7; repealed by 1983 c.586 §49]

401.480 [1983 c.586 §15; renumbered 402.010 in 2009]

401.485 [1995 c.70 §1; renumbered 401.378 in 2009]

401.490 [1983 c.586 §16; 2009 c.718 §45; renumbered 402.015 in 2009]

401.500 [1983 c.586 §17; renumbered 402.020 in 2009]

FUNDING OF EMERGENCY SERVICES

401.505 Acceptance of aid for emergency services. Whenever any organization, agency, person, firm, corporation or officer thereof offers to the state or to any county or city, services, equipment, supplies, material or funds by way of gift, grant or loan for purposes of emergency program management or emergency services, the state, acting through the Governor, or the county or city, acting through its executive officer or governing body, may accept the offer. Upon acceptance, the Governor or executive officer or governing body of a county or city, as the case may be, may authorize any officer thereof to receive the services, equipment, supplies, materials or funds on behalf of the state, county or city, subject to the terms of the offer and any rules of the agency making the offer. [1983 c.586 §19]

401.510 [Repealed by 1983 c.586 §49]

401.515 [1983 c.586 §20; 2005 c.825 §12; repealed by 2009 c.718 §6]

401.520 [Repealed by 1983 c.586 §49]

401.525 Use of moneys and property for emergency services authorized. (1) The expenditure of necessary money and use of state property by any agency in performing duties in an emergency is authorized. Moneys so expended shall be deemed an administrative expense of the agency.

(2) If the Governor finds that funds regularly appropriated to state and local governments are not sufficient to cope with a particular emergency, the Governor may, with the concurrence of the Joint Committee on Ways and Means or the Emergency Board, when the Legislative Assembly is not in session, transfer and expend moneys appropriated for other purposes. [1983 c.586 §21]

401.530 [Amended by 1983 c.586 §39a; renumbered 401.115]

401.532 Oregon Pre-Disaster Mitigation Fund; rules. (1) The Oregon Pre-Disaster Mitigation Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys received from federal grants for pre-disaster mitigation efforts shall be deposited into the Oregon Pre-Disaster Mitigation Fund. Moneys in the fund are continuously appropriated to the Oregon Military Department to be used to:

(a) Help state agencies and local government units with Federal Emergency Management Agency approved mitigation plans

in this state prior to the occurrence of natural disasters; and

(b) Ensure, to the extent possible, that state and local agencies and officials are prepared to respond to threats of human-caused disaster, including but not limited to acts of terrorism.

(2) The Oregon Pre-Disaster Mitigation Fund may receive gifts, grants, bequests, endowments and donations from public and private sources for purposes related to the fund.

(3) The Oregon Military Department shall adopt rules for the disbursement of moneys from the Oregon Pre-Disaster Mitigation Fund. [2008 c.18 §4]

Note: 401.532 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.534 Oregon Disaster Response Fund; rules. (1) The Oregon Disaster Response Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys received from federal grants for disaster response efforts shall be deposited into the Oregon Disaster Response Fund. Moneys in the fund are continuously appropriated to the Oregon Military Department to be used to:

(a) Help state agencies and local government units with immediate disaster response and recovery efforts related to federally declared disasters in this state; and

(b) Implement long-term hazard mitigation measures after a federally declared disaster in this state during the period of immediate recovery from the disaster.

(2) The Oregon Disaster Response Fund may receive gifts, grants, bequests, endowments and donations from public and private sources for purposes related to the fund.

(3) The Office of Emergency Management of the Oregon Military Department shall adopt rules for the disbursement of moneys from the Oregon Disaster Response Fund.

(4) If there are expenditures from the Oregon Disaster Response Fund, the Adjutant General of the Oregon Military Department shall report to the Emergency Board, or to the Legislative Assembly if it is in session, on:

(a) The nature and severity of the disaster;

(b) The actual and projected deposits into the fund;

(c) The sources of actual and projected expenditures from the fund;

(d) The nature of in-kind donations received; and

(e) The rationale for expenditures and allocation of payments to state agencies and local government units.

(5) Following the final expenditure for a particular disaster, the Adjutant General of the Oregon Military Department shall issue a final report to the Emergency Board, or to the Legislative Assembly if it is in session. The report must include an aggregate description of the factors described in subsection (4) of this section. [2008 c.18 §5]

Note: 401.534 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.535 [Formerly 401.380; 1993 c.187 §17; 2005 c.755 §30; 2007 c.740 §30; repealed by 2008 c.18 §7]

401.536 Oregon Local Disaster Assistance Loan Account; Local Disaster Assistance Review Board. (1) The Oregon Local Disaster Assistance Loan Account is established as an account in the Oregon Disaster Response Fund. The account consists of moneys appropriated by the Legislative Assembly and any other moneys deposited into the account pursuant to law.

(2) Moneys in the account are continuously appropriated to the Oregon Military Department for:

(a) Providing loans to local governments, as defined in ORS 174.116, and school districts to match, either in full or in part, moneys from federal programs for federally declared disaster relief that require a match; and

(b) Subject to subsection (4) of this section, paying the department's expenses for administering the account.

(3) The department shall deposit into the account any amounts repaid on loans made under this section.

(4) The department may not charge the account more than five percent of the maximum amount in the account during a biennium for administrative expenses.

(5) An applicant may apply to the department for a loan from the account. The department shall consider the application, make a recommendation and submit the application and recommendation to the Local Disaster Assistance Review Board established under subsection (6) of this section.

(6) The department shall establish a Local Disaster Assistance Review Board to:

(a) Review the recommendations of the department regarding loans from the account;

(b) Approve, by a majority vote of members, the amount of any loan; and

(c) Approve, by a majority vote of members, the terms and conditions of any loan.

(7) The review board shall include:

(a) Three members of county governing bodies, with at least one member representing a county from east of the crest of the Cascade Mountains, with membership determined by the Association of Oregon Counties;

(b) Three members of city governing bodies, with at least one member representing a city from east of the crest of the Cascade Mountains, with membership determined by the League of Oregon Cities;

(c) A representative of the office of the State Treasurer;

(d) A representative of the Oregon Military Department;

(e) A representative of school districts, with membership determined by the Oregon School Boards Association;

(f) A representative of special districts, with membership determined by the Special Districts Association of Oregon;

(g) A representative of the Oregon Department of Administrative Services; and

(h) Two additional members determined jointly by the department, the Association of Oregon Counties and the League of Oregon Cities.

(8) The Office of Emergency Management of the Oregon Military Department shall adopt rules establishing:

(a) A loan application process and application forms;

(b) Reasonable financial terms and conditions for loans, including interest and the repayment of the loans;

(c) Eligibility requirements for loan applicants;

(d) The maximum amount an applicant for a loan may receive;

(e) The methodology the department will use for charging the account for administrative expenses; and

(f) Procedures for submission of loan recommendations to the review board.

(9) The Oregon Military Department shall provide staff support for the review board. [2008 c.18 §6]

Note: 401.536 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.537 [1991 c.310 §4; renumbered 455.448 in 1995]

401.538 [2001 c.366 §1; renumbered 401.900 in 2009]

401.539 [1991 c.310 §5; renumbered 455.449 in 1995]

401.540 [Repealed by 1983 c.586 §49]

- 401.543** [2001 c.366 §2; renumbered 401.902 in 2009]
401.546 [2001 c.366 §3; renumbered 401.904 in 2009]
401.550 [1983 c.586 §23; 1993 c.18 §93; 2009 c.718 §25; renumbered 404.100 in 2009]
401.555 [Formerly 835.075; 2007 c.740 §31; renumbered 404.105 in 2009]
401.560 [1983 c.586 §25; 1993 c.187 §18; 2007 c.530 §1; 2009 c.718 §21; renumbered 404.110 in 2009]
401.570 [1983 c.586 §24; 1993 c.187 §19; 2009 c.718 §22; renumbered 404.115 in 2009]
401.573 [1985 c.470 §2; 1993 c.18 §94; 1993 c.187 §20; 2007 c.530 §2; renumbered 404.120 in 2009]
401.576 [1985 c.470 §3; 1993 c.187 §21; 2007 c.530 §3; renumbered 404.125 in 2009]
401.580 [1983 c.586 §26; 1993 c.187 §22; 2009 c.718 §46; renumbered 404.130 in 2009]
401.582 [2007 c.530 §4; renumbered 404.135 in 2009]
401.584 [2007 c.530 §5; renumbered 404.250 in 2009]
401.590 [1995 c.570 §1; 2009 c.718 §33; renumbered 404.270 in 2009]
401.600 [1975 c.624 §4; repealed by 1983 c.586 §49]
401.605 [1987 c.915 §1; 1993 c.18 §95; renumbered 404.300 in 2009]
401.610 [1975 c.624 §5; repealed by 1983 c.586 §49]
401.615 [1987 c.915 §2; renumbered 404.305 in 2009]
401.620 [1975 c.624 §6; renumbered 401.335]
401.625 [1987 c.915 §4; renumbered 404.310 in 2009]
401.627 [1987 c.915 §3; 2007 c.530 §8; renumbered 404.315 in 2009]
401.630 [1975 c.624 §7; renumbered 401.125]
401.635 [1987 c.915 §5; 1993 c.18 §96; repealed by 2007 c.530 §7]
401.638 [2005 c.651 §1; renumbered 401.930 in 2009]
401.639 [2005 c.651 §2; renumbered 401.932 in 2009]
401.640 [1975 c.624 §11; renumbered 401.135]
401.641 [2005 c.651 §3; 2009 c.718 §47; renumbered 401.935 in 2009]
401.643 [2005 c.651 §4; renumbered 401.938 in 2009]
401.645 [2005 c.651 §5; renumbered 401.940 in 2009]
401.650 [1975 c.624 §§8,9,10; renumbered 401.145]

EMERGENCY HEALTH CARE SERVICES

401.651 Definitions. As used in ORS 401.651 to 401.670:

(1) “Health care facility” means a health care facility as defined in ORS 442.015 that has been licensed under ORS chapter 441.

(2) “Health care provider” means:

(a) An individual licensed, certified or otherwise authorized or permitted by the laws of this state or another state to administer health care services in the ordinary course of business or practice of a profession; and

(b) A person entered in the emergency health care provider registry under ORS 401.658.

(3) “Health professional regulatory board” has the meaning given that term in ORS 676.160. [2003 c.298 §2; 2009 c.382 §1; 2011 c.89 §3]

401.654 Registry of emergency health care providers; rules. (1) The Oregon Health Authority may establish an emergency health care provider registry that includes emergency health care providers who are available to provide health care services during an emergency or crisis. As a condition of inclusion in the registry, the authority may require:

(a) Training related to the provision of health care services in an emergency or crisis as a condition of registration; and

(b) Criminal background checks for applicants and persons who have been registered.

(2) The authority shall issue identification cards to health care providers entered in the emergency health care provider registry established under this section that:

(a) Identify the health care provider;

(b) Indicate that the health care provider is registered as an Oregon emergency health care provider;

(c) Identify the license or certification held by the health care provider, or previously held by the health care provider if the health care provider is entered in the emergency health care provider registry under ORS 401.658; and

(d) Identify the health care provider’s usual area of practice, and the types of health care that the health care provider is authorized to provide, if that information is available and the authority determines that it is appropriate to provide that information.

(3) The authority by rule shall establish a form for identification cards issued under subsection (2) of this section.

(4) The authority shall support and provide assistance to the Office of Emergency Management in emergencies or crises involving the public health or requiring emergency medical response.

(5) The authority may enter into agreements with other states to facilitate the registry of out-of-state health care providers in the emergency health care provider registry established under this section. [2003 c.298 §3; 2009 c.595 §227; 2009 c.828 §1; 2011 c.89 §4]

401.655 Practice by out-of-state health care provider during emergency. During a state of emergency declared under ORS 401.165 or a state of public health emergency proclaimed under ORS 433.441, a health care provider who is licensed, certified or otherwise authorized or permitted by the laws of another state to administer health care services and who is registered under ORS 401.654 may administer health care services in this state as if the health care provider were licensed in this state. [2009 c.382 §4]

401.656 Provision of health care services by members of Oregon National Guard during emergency. When the Governor declares a state of emergency under ORS 401.165 or a public health emergency under ORS 433.441, the Governor, as part of the declaration of emergency, may authorize members of the Oregon National Guard on active state duty or Title 32 orders to provide health care services in Oregon without being subject to the Oregon licensing requirements for health care providers, provided that each member is qualified by virtue of the member's military duty position, training and qualifications to perform the same or similar functions as an Oregon licensed health care provider for the Armed Forces of the United States under either state or federal status. [2009 c.346 §1]

Note: 401.656 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.657 Emergency health care facility; emergency operations plan; credentialing plan; rules. (1) The Oregon Health Authority may designate all or part of a health care facility or other location as an emergency health care center. If the Governor declares a state of emergency under ORS 401.165, or proclaims a state of public health emergency under ORS 433.441, emergency health care centers may be used for:

(a) Evaluation and referral of individuals affected by the emergency;

(b) Provision of health care services; and

(c) Preparation of patients for transportation.

(2) The Oregon Health Authority may enter into cooperative agreements with local public health authorities that allow local public health authorities to designate emergency health care centers under this section.

(3) An emergency health care center designated under this section must have an emergency operations plan and a credentialing plan that governs the use of emergency health care providers registered under ORS 401.654 and other health care providers who volunteer to perform health care services at the center under ORS 401.651 to 401.670. The emergency operations plan and credentialing plan must comply with rules governing those plans adopted by the Oregon Health Authority. [2003 c.298 §4; 2007 c.445 §39; 2009 c.595 §228; 2009 c.718 §7]

401.658 Provision of health care services by former health care provider during emergency; rules. (1) The Oregon Health Authority may include in the emergency health care provider registry established under ORS 401.654 a person who was

previously licensed, certified or otherwise authorized to provide health care services in Oregon by a health professional regulatory board if:

(a) The person was licensed, certified or otherwise authorized to provide health care services not more than 10 years before entry in the registry; and

(b) The person meets such other criteria as may be established by the authority.

(2) Notwithstanding any other law prohibiting a person from providing health care services without a license, certificate or other authorization from a health professional regulatory board, a person entered in the emergency health care provider registry under subsection (1) of this section may provide health care services during a state of emergency declared under ORS 401.165 or a state of public health emergency proclaimed under ORS 433.441 without a license, certification or other authorization if:

(a) The person is in compliance with all rules adopted by the authority for persons providing health care services under this section; and

(b) The authority has directed the person to provide health care services under ORS 401.661 (1).

(3) The authority may adopt rules, after consulting with the appropriate health professional regulatory boards, that establish criteria and requirements for including persons in the emergency health care provider registry under this section, including but not limited to:

(a) Educational requirements;

(b) Training requirements;

(c) Verification of previous licenses, certifications or other authorization by a health professional regulatory board;

(d) Verification that the previous licenses, certifications or other authorization of the person was not revoked by reason of unprofessional conduct or any other reason that would affect the person's ability to safely provide health care services; and

(e) Limitations on the type of health care services that may be provided by the person under this section and the places at which those services may be provided. [2011 c.89 §2]

401.660 [1975 c.624 §12; 1983 c.586 §40; renumbered 401.155]

401.661 Provision of health care services after declaration of emergency. If the Governor declares a state of emergency under ORS 401.165 or proclaims a state of public health emergency under ORS 433.441:

(1) The Oregon Health Authority, in conjunction with the Department of Human

Services for facilities licensed by the department, may direct emergency health care providers registered under ORS 401.654 who are willing to provide health care services to proceed to any place in this state where health care services are required by reason of the emergency or crisis;

(2) Pursuant to the Emergency Management Assistance Compact and the Pacific Northwest Emergency Management Arrangement, the Oregon Health Authority may direct emergency health care providers registered under ORS 401.654 who are willing to provide health care services in another state to proceed to another state where emergency health care services are required by reason of an emergency in that state; and

(3) Any emergency health care provider registered under ORS 401.654 or other health care provider may volunteer to perform health care services described in ORS 401.657 at any emergency health care center or health care facility in the manner provided by ORS 401.664. [2003 c.298 §5; 2007 c.445 §40; 2009 c.595 §229; 2009 c.718 §8; 2011 c.89 §5]

401.664 Emergency operations plan; credentialing plans. (1) Emergency health care providers registered under ORS 401.654 and other health care providers who volunteer to perform health care services under ORS 401.651 to 401.670 must provide those services in accordance with the emergency operations plan and credentialing plan adopted by the emergency health care center or by the health care facility at which the services are rendered.

(2) An emergency health care center or health care facility may determine the services to be provided by any emergency health care provider registered under ORS 401.654 or other health care provider who volunteers to perform health care services under ORS 401.651 to 401.670. [2003 c.298 §6]

401.667 Coverage under Oregon Tort Claims Act. (1) If the Governor declares a state of emergency under ORS 401.165, or proclaims a state of public health emergency under ORS 433.441, emergency health care providers registered under ORS 401.654 and other health care providers who volunteer to perform health care services under ORS 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are provided under ORS 401.651 to 401.670 pursuant to directions from a public body and that are within the course and scope of the health care provider's duties, without regard to whether the health care provider is compensated for the services.

(2) If the Governor declares a state of emergency under ORS 401.165, or proclaims

a state of public health emergency under ORS 433.441, health care facilities designated under ORS 401.657 and other persons operating emergency health care centers designated under ORS 401.657 are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are provided through those centers or facilities under ORS 401.651 to 401.670 pursuant to directions from a public body and that are within the course and scope of the duties of the health care facility or other person, without regard to whether the health care facility or other person is compensated for the services.

(3) An emergency health care provider registered under ORS 401.654 participating in training authorized by the Oregon Health Authority under ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of that training.

(4) The provisions of subsection (2) of this section apply only to emergency health care centers or health care facilities that have adopted emergency operations plans and credentialing plans that govern the use of emergency health care providers registered under ORS 401.654 and other health care providers who volunteer to perform health care services under ORS 401.651 to 401.670. An emergency operations plan and a credentialing plan must comply with rules governing those plans adopted by the authority. [2003 c.298 §7; 2009 c.595 §230; 2009 c.718 §9]

401.670 Rules. The Oregon Health Authority shall adopt all rules necessary for the implementation of ORS 401.651 to 401.670. [2003 c.298 §8; 2009 c.595 §231]

401.706 [2003 c.556 §1; 2009 c.203 §1; renumbered 403.100 in 2009]

401.710 [1981 c.533 §1; 1987 c.447 §125; 1987 c.525 §5; 1987 c.671 §15; 1989 c.793 §2; 1991 c.743 §1; 1993 c.187 §23; 1995 c.276 §1; 1999 c.1093 §13; 2007 c.70 §158; 2007 c.740 §32; 2009 c.203 §2; renumbered 403.105 in 2009]

401.715 [1989 c.793 §5; 1991 c.743 §2; 2009 c.203 §3; renumbered 403.110 in 2009]

401.720 [1981 c.533 §2; 1989 c.793 §8; 1991 c.743 §3; 1999 c.241 §1; 2009 c.203 §4; renumbered 403.115 in 2009]

401.730 [1981 c.533 §3; 1989 c.793 §9; 1991 c.743 §4; 2009 c.203 §5; renumbered 403.120 in 2009]

401.733 [1991 c.743 §24; 1993 c.808 §5; repealed by 1995 c.79 §205]

401.735 [1989 c.793 §9a; 1991 c.742 §12; repealed by 2009 c.203 §37]

401.740 [1981 c.533 §4; repealed by 1989 c.793 §17]

401.750 [1981 c.533 §5; 1987 c.447 §127; repealed by 1989 c.793 §17]

401.755 [1989 c.793 §4; 1991 c.743 §8; 2009 c.203 §7; renumbered 403.130 in 2009]

401.760 [1981 c.533 §6; 1989 c.793 §10; repealed by 1991 c.743 §22]

401.765 [1991 c.751 §2; 1999 c.1093 §14; 2003 c.382 §1; 2009 c.203 §8; renumbered 403.135 in 2009]

- 401.770** [1981 c.533 §7; 1985 c.633 §6; 1989 c.793 §11; 2009 c.203 §9; renumbered 403.140 in 2009]
- 401.773** [1989 c.793 §6; 1995 c.276 §11; 2007 c.70 §159; 2009 c.203 §10; renumbered 403.145 in 2009]
- 401.775** [1989 c.793 §7; 1991 c.743 §10; 2009 c.203 §11; renumbered 403.150 in 2009]
- 401.780** [1981 c.533 §8; 1989 c.793 §12; 1991 c.743 §11; 2009 c.203 §12; renumbered 403.155 in 2009]
- 401.785** [1991 c.743 §9; 1995 c.781 §42; 2003 c.598 §43; 2007 c.740 §33; 2009 c.203 §13; renumbered 403.160 in 2009]
- 401.790** [1981 c.533 §9; 1987 c.447 §128; 1989 c.793 §13; 2009 c.203 §14; renumbered 403.165 in 2009]
- 401.792** [1981 c.533 §10; 1989 c.793 §1; 1991 c.743 §12; 1993 c.808 §1; 1995 c.276 §2; 2001 c.740 §2; 2002 s.s.1 c.5 §1; 2009 c.203 §15; renumbered 403.200 in 2009]
- 401.794** [1981 c.533 §11; 1995 c.276 §3; renumbered 403.205 in 2009]
- 401.796** [1981 c.533 §12; 1991 c.743 §13; 1995 c.276 §4; renumbered 403.210 in 2009]
- 401.798** [1981 c.533 §13; 1991 c.743 §14; 1993 c.808 §2; 1995 c.276 §5; 2009 c.203 §16; renumbered 403.215 in 2009]
- 401.800** [1981 c.533 §14; 1982 s.s.1 c.16 §22; 1991 c.743 §15; 1993 c.808 §3; 1995 c.276 §6; 2009 c.203 §17; renumbered 403.220 in 2009]
- 401.802** [1981 c.533 §15; 1991 c.743 §16; 1995 c.276 §7; 2005 c.22 §268; 2009 c.203 §18; renumbered 403.225 in 2009]
- 401.804** [1981 c.533 §16; 1991 c.743 §17; 1995 c.276 §8; 1995 c.650 §53; 2009 c.203 §19; 2009 c.797 §7; renumbered 403.230 in 2009]
- 401.805** [1955 c.679 §1; 1967 c.595 §5; 1969 c.247 §3; 1975 c.379 §13; repealed by 1980 c.19 §6]
- 401.806** [1981 c.533 §17; 1991 c.743 §18; 1993 c.808 §4; 1995 c.276 §9; 2001 c.740 §2a; 2009 c.203 §20; 2009 c.885 §47; renumbered 403.235 in 2009]
- 401.807** [1987 c.671 §1; 1989 c.793 §21; renumbered 401.818 in 2003]
- 401.808** [1981 c.533 §18; 1987 c.218 §1; 1989 c.793 §14; 1991 c.743 §19; 1993 c.707 §11; 1995 c.276 §10; 2001 c.740 §2b; 2009 c.203 §21; 2009 c.758 §3; renumbered 403.240 in 2009]
- 401.810** [1955 c.679 §§2,3; repealed by 1980 c.19 §6]
- 401.812** [1987 c.671 §2; 1989 c.793 c.22; 1989 c.1063 §1; 1993 c.441 §1; renumbered 401.821 in 2003]
- 401.814** [1981 c.533 §20; 1989 c.793 §16; 1991 c.743 §21; 2001 c.740 §2c; 2009 c.203 §22; renumbered 403.245 in 2009]
- 401.815** [1955 c.679 §11; repealed by 1980 c.19 §6]
- 401.816** [2001 c.740 §6; renumbered 403.250 in 2009]
- 401.817** [1987 c.671 §5; renumbered 401.823 in 2003]
- 401.818** [Formerly 401.807; renumbered 403.300 in 2009]
- 401.820** [1955 c.679 §5; 1980 c.19 §3; renumbered 401.210]
- 401.821** [Formerly 401.812; 2009 c.203 §23; renumbered 403.305 in 2009]
- 401.822** [1987 c.671 §3; 1989 c.1063 §2; renumbered 403.310 in 2009]
- 401.823** [Formerly 401.817; renumbered 403.315 in 2009]
- 401.825** [1955 c.679 §18; 1967 c.595 §6; repealed by 1980 c.19 §6]
- 401.827** [1987 c.671 §6; 2009 c.203 §24; renumbered 403.320 in 2009]
- 401.830** [1955 c.679 §20; 1967 c.595 §7; 1980 c.19 §4; renumbered 401.215]
- 401.832** [1987 c.671 §4; 1989 c.1063 §3; 2009 c.203 §25; renumbered 403.325 in 2009]
- 401.833** [1989 c.1063 §5; 2009 c.203 §26; renumbered 403.330 in 2009]
- 401.834** [1989 c.1063 §6; 2009 c.203 §27; renumbered 403.335 in 2009]
- 401.835** [1955 c.679 §4; 1957 c.353 §1; 1973 c.466 §1; repealed by 1980 c.19 §6]
- 401.836** [1989 c.1063 §7; 2009 c.203 §28; renumbered 403.340 in 2009]
- 401.837** [1987 c.671 §7; renumbered 401.857]
- 401.838** [1989 c.1063 §8; 2009 c.203 §29; renumbered 403.345 in 2009]
- 401.839** [1989 c.1063 §9; 1995 c.79 §206; 1995 c.534 §17; 2009 c.203 §30; renumbered 403.350 in 2009]
- 401.840** [1955 c.679 §9; repealed by 1980 c.19 §6]
- 401.841** [1989 c.1063 §10; 2009 c.203 §31; renumbered 403.355 in 2009]
- 401.842** [1987 c.671 §8; 1989 c.793 §23; 2001 c.104 §139; 2003 c.802 §111; 2009 c.203 §32; renumbered 403.360 in 2009]
- 401.844** [1995 c.333 §36; 2007 c.783 §180; 2009 c.203 §33; renumbered 403.365 in 2009]
- 401.845** [1955 c.679 §10; repealed by 1980 c.19 §6]
- 401.847** [1987 c.671 §9; 1991 c.459 §396; 1995 c.333 §33; 2009 c.203 §34; renumbered 403.370 in 2009]
- 401.850** [1955 c.679 §§6,7; 1965 c.285 §80; repealed by 1980 c.19 §6]
- 401.852** [1989 c.1063 §11; 2001 c.138 §26; renumbered 403.375 in 2009]
- 401.855** [1955 c.679 §17; repealed by 1980 c.19 §6]
- 401.857** [Formerly 401.837; 2009 c.203 §36; renumbered 403.380 in 2009]
- 401.860** [1955 c.679 §8; repealed by 1980 c.19 §6]
- 401.861** [2005 c.819 §1; renumbered 401.950 in 2009]
- 401.863** [2005 c.819 §2; renumbered 401.952 in 2009]
- 401.864** [2005 c.819 §4; renumbered 401.955 in 2009]
- 401.865** [1955 c.679 §12; 1967 c.335 §48; 1967 c.637 §§9,9a; repealed by 1980 c.19 §6]
- 401.870** [1955 c.679 §15; repealed by 1980 c.19 §6]
- 401.871** [2005 c.825 §3; 2007 c.740 §34; 2009 c.454 §1; 2009 c.595 §232; renumbered 403.450 in 2009]
- 401.872** [2005 c.825 §4; 2007 c.740 §35; renumbered 403.455 in 2009]
- 401.874** [2005 c.825 §5; 2007 c.740 §36; renumbered 403.460 in 2009]
- 401.875** [1955 c.679 §21; repealed by 1980 c.19 §6]
- 401.880** [1955 c.679 §19; repealed by 1980 c.19 §6]
- 401.881** [2005 c.825 §8; renumbered 401.109 in 2009]
- 401.885** [1955 c.679 §16; repealed by 1980 c.19 §6]
- 401.890** [1955 c.679 §14; repealed by 1980 c.19 §6]

EARTHQUAKES

(Drills)

401.900 State and local agency earthquake drills. (1) Each state or local agency shall drill agency employees working in office buildings on emergency procedures so that the employees may respond to an earthquake emergency without confusion or panic. The agencies shall conduct the drills in accordance with Office of Emergency Management rules. The drills must include familiarization with routes and methods of exiting the building and methods of “duck,

cover and hold” during an earthquake. An agency shall conduct the drills annually. The Office of Emergency Management may, by rule or on application, grant exemptions from the drill requirement for good cause.

(2) As used in this section, “state or local agency” means a state or local office, department, division, bureau, board or commission that is assigned, renting, leasing, owning or controlling office space for carrying out its duties. “State or local agency” includes the Legislative Assembly when in regular session. [Formerly 401.538]

401.902 Private employer earthquake drills; exemptions. A person employing 250 or more full-time employees within this state shall drill employees working in office buildings on emergency procedures so that the employees may respond to an earthquake emergency without confusion or panic. The person shall conduct the drills in accordance with Office of Emergency Management rules. The drills must include familiarization with routes and methods of exiting the building and methods of “duck, cover and hold” during an earthquake. The employer shall conduct the drills annually during the month of April. The Office of Emergency Management may, by rule or on application, grant exemptions from the drill requirement for good cause. [Formerly 401.543]

401.904 Rules. The Office of Emergency Management, in consultation with the State Department of Geology and Mineral Industries, shall adopt rules governing the conduct of earthquake emergency drills required by ORS 401.900 and 401.902. In addition to the office submitting the rules for publication pursuant to ORS 183.360, the office and the department shall each post the rules on an electronic bulletin board, home page or similar site. [Formerly 401.546]

(Seismic Rehabilitation)

401.910 Grant program for seismic rehabilitation of certain facilities. (1) The Director of the Office of Emergency Management, pursuant to the authority to administer grant programs for seismic rehabilitation provided in ORS 401.092, shall develop a grant program for the disbursement of funds for the seismic rehabilitation of critical public buildings, including hospital buildings with acute inpatient care facilities, fire stations, police stations, sheriffs’ offices, other facilities used by state, county, district or municipal law enforcement agencies and buildings with a capacity of 250 or more persons that are routinely used for student activities by kindergarten through grade 12 public schools, community colleges, education service districts and institutions of

higher education. The funds for the seismic rehabilitation of critical public buildings under the grant program are to be provided from the issuance of bonds pursuant to the authority provided in Articles XI-M and XI-N of the Oregon Constitution.

(2) The grant program shall include the appointment of a grant committee. The grant committee may be composed of any number of persons with qualifications that the director determines necessary. However, the director shall include persons with experience in administering state grant programs and representatives of entities with responsibility over critical public buildings. The director shall also include as permanent members representatives of:

- (a) The Department of Human Services;
- (b) The State Department of Geology and Mineral Industries;
- (c) The Seismic Safety Policy Advisory Commission;
- (d) The Oregon Department of Administrative Services;
- (e) The Department of Education;
- (f) The Oregon Health Authority;
- (g) The Oregon Fire Chiefs Association;
- (h) The Oregon Association Chiefs of Police; and
- (i) The Oregon Association of Hospitals and Health Systems.

(3) The director shall determine the form and method of applying for grants from the grant program, the eligibility requirements for grant applicants, and general terms and conditions of the grants. The director shall also provide that the grant committee review grant applications and make a determination of funding based on a scoring system that is directly related to the statewide needs assessment performed by the State Department of Geology and Mineral Industries. Additionally, the grant process may:

- (a) Require that the grant applicant provide matching funds for completion of any seismic rehabilitation project.
- (b) Provide authority to the grant committee to waive requirements of the grant program based on special circumstances such as proximity to fault hazards, community value of the structure, emergency functions provided by the structure and storage of hazardous materials.
- (c) Allow an applicant to appeal any determination of grant funding to the director for reevaluation.
- (d) Provide that applicants release the state, the director and the grant committee from any claims of liability for providing funding for seismic rehabilitation.

(e) Provide separate rules for funding rehabilitation of structural and nonstructural building elements.

(4) Subject to the grant rules established by the director and subject to reevaluation by the director, the grant committee has the responsibility to review and make determinations on grant applications under the grant program established pursuant to this section. [Formerly 401.300; 2011 c.9 §50]

(Seismic Safety Policy Advisory Commission)

401.915 Seismic Safety Policy Advisory Commission; members; term. (1) There is established a Seismic Safety Policy Advisory Commission consisting of the following members:

(a) The chief officer or the chief officer's designee of the following:

(A) Department of Consumer and Business Services;

(B) State Department of Geology and Mineral Industries;

(C) Department of Land Conservation and Development;

(D) Department of Transportation; and

(E) Office of Emergency Management; and

(b) Thirteen members appointed by the Governor as follows:

(A) One representative of local government;

(B) Six members representing the public interest, including:

(i) One representative of a school district, community college or university;

(ii) Two members of the Legislative Assembly; and

(iii) Three members of the general public; and

(C) Six members representing affected industries or stakeholders.

(2) The term of office of each member, except a member of the Legislative Assembly, appointed under subsection (1)(b) of this section is four years, but a member serves at the pleasure of the Governor. The term of office of a member of the Legislative Assembly expires at the end of the term for which the member is elected. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. [Formerly 401.337]

401.918 Mission of commission. (1) The mission of the Seismic Safety Policy Advisory Commission shall be to reduce exposure to earthquake hazards in Oregon by:

(a) Developing and influencing policy at the federal, state and local levels;

(b) Facilitating improved public understanding and encouraging identification of risk;

(c) Supporting research and special studies;

(d) Supporting appropriate mitigation;

(e) Supporting response and recovery; and

(f) Supporting and assisting in the coordination of a grant program for the disbursement of funds for seismic rehabilitation of schools and emergency facilities.

(2) The commission shall utilize and influence existing agencies and institutions in meeting its goals and is in no way intended to replace or compete with existing authorities relative to earthquakes. Emphasis shall be on coordination and linking of existing resources and authorities.

(3) To improve public understanding of earthquake hazards, reduce such hazards and mitigate the possible effects of potentially damaging earthquakes, the commission shall review and advise the Governor and the Legislative Assembly concerning all plans and proposals addressing seismic hazards in the areas of:

(a) Any legislative proposals.

(b) Plans and proposals of statewide impact.

(c) Lists of recommendations for actions and potential rule changes specifically by state agency. [Formerly 401.343]

401.920 Officers; quorum; meetings; compensation and expenses. (1) The Seismic Safety Policy Advisory Commission shall select one of its members as chairperson and another as vice chairperson, for two-year terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at least once every two months at a place, day and hour determined by the commission. The commission also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission.

(4) Each member of the commission, except a member of the Legislative Assembly, appointed under ORS 401.915 (1)(b) shall re-

ceive compensation and expenses as provided in ORS 292.495. A legislative member shall receive compensation and expenses as provided in ORS 171.072. [Formerly 401.345]

401.922 Support services. The Office of Emergency Management shall provide technical, clerical and other necessary support services to the Seismic Safety Policy Advisory Commission. The Department of Consumer and Business Services, the State Department of Geology and Mineral Industries, the Department of Land Conservation and Development, the Department of Transportation, the Oregon Health Authority, the Water Resources Department and the Oregon University System shall provide assistance, as required, to the commission to enable it to meet its objectives. [Formerly 401.347]

401.925 Advisory and technical committees; expense reimbursement. (1) To aid and advise the Seismic Safety Policy Advisory Commission in the performance of its functions, the commission may establish such advisory and technical committees as it considers necessary. These committees may be continuing or temporary. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint their members.

(2) Members of the committees are not entitled to compensation, but in the discretion of the commission may be reimbursed from funds available to the commission for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to ORS 292.495. [Formerly 401.353]

STRUCTURAL COLLAPSE

401.930 Assignment by Governor of local resources under direction of State Fire Marshal. (1) The Governor may assign and make available for use and duty in any county, city or district, under the direction and command of the State Fire Marshal or a designee of the State Fire Marshal, any personnel or equipment resources of a county, city or district for the purpose of responding to the structural collapse, or the threat of imminent structural collapse, of a fixture to real property. This section does not authorize the Governor to assign and make available the fire-fighting resources of a fire district that possesses only one self-propelled pumping unit.

(2) The Governor may assign and make available local resources under this section without declaring a state of emergency and without regard to the criteria established in ORS 401.032 for assuming authority or responsibility for responding to an event. The State Fire Marshal, or a designee of the

State Fire Marshal, may direct and command the use of the local resources made available by the Governor under this section regardless of whether the county, city or district to which the resources are made available has declared a state of emergency under ORS 401.309.

(3) The State Fire Marshal shall prepare plans for effectively carrying out this section and shall provide advice and counsel to the Governor for the most practical utilization of local resources under this section. [Formerly 401.638]

401.932 Powers and duties of local personnel acting under direction of State Fire Marshal. If county, city or district personnel are assigned and used under ORS 401.930 to respond to a structural collapse or threat of imminent structural collapse in another county, city or district, the personnel have the same powers, duties, rights, privileges and immunities as they have when performing their duties in the county, city or district in which they are normally employed. [Formerly 401.639]

401.935 Liability for expenses incurred and for loss or damage to local equipment; filing claim. (1) If county, city or district equipment is assigned and used under ORS 401.930 to respond to a structural collapse or threat of imminent structural collapse in another county, city or district, the state:

(a) Is liable for any resulting loss of, or damage to, the equipment.

(b) Shall pay any expense incurred by the responding county, city or district for transportation, performance or maintenance of the equipment.

(2) A claim for loss, damage or expense under subsection (1) of this section must be filed within 60 days after the loss, damage or expense is incurred, or within any extension of time for filing the claim granted by the Department of State Police. The claim must include an itemized notice of the claim, signed under oath, and be served by mail or personally upon the department. [Formerly 401.641]

401.938 Liability for expenses incurred using local personnel. If county, city or district personnel are assigned and used under ORS 401.930 to respond to a structural collapse or threat of imminent structural collapse in another county, city or district and the response prevents the personnel from performing their duties in the county, city or district in which the personnel are normally employed, the state shall reimburse the county, city or district supplying the personnel for the compensation paid to the personnel during the response. The state

shall also defray the actual travel and maintenance expenses for responding personnel incurred as a result of the response. [Formerly 401.643]

401.940 Immunity from liability for local personnel acting in line of duty; exception. Personnel assigned under ORS 401.930, the state or a county, city or district is not liable for any injury to person or property resulting from the performance of any duty under ORS 401.930 or an assignment, use or response under ORS 401.930. However, this section does not confer immunity from liability for injury to person or property resulting from intentional misconduct or gross negligence. The immunity from liability provided to responding personnel under this section is in addition to any immunity available to responding personnel under ORS 401.932. [Formerly 401.645]

TSUNAMI

401.950 Definitions. (1) As used in this section:

(a) “Transient lodging facility” means a hotel, motel, inn, condominium, any other dwelling unit or a public or private park that is made available for transient occupancy or vacation occupancy as those terms are defined in ORS 90.100.

(b) “Tsunami inundation zone” means an area of expected tsunami inundation, based on scientific evidence that may include geologic field data and tsunami modeling, determined by the governing board of the State Department of Geology and Mineral Industries, by rule, as required by ORS 455.446 (1)(b) and (c).

(2) The Office of Emergency Management, in consultation and cooperation with the State Department of Geology and Mineral Industries, shall:

(a) Develop and adopt by rule tsunami warning information and evacuation plans for distribution to transient lodging facilities located in a tsunami inundation zone; and

(b) Facilitate and encourage broad distribution of the tsunami warning information and evacuation plans to transient lodging facilities and other locations within tsunami inundation zones frequented by visitors to the area.

(3) The office is not required to carry out the duties assigned under subsection (2) of this section if sufficient moneys are not available under ORS 401.955. [Formerly 401.861]

Note: 401.950 to 401.955 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.952 Uniform tsunami warning signal; rules. (1) The Office of Emergency Management, in consultation with the State Department of Geology and Mineral Industries, shall establish by rule a uniform tsunami warning signal, including rules specifying the type, duration and volume of the warning signal and the location of warning signal delivery devices, for use on the Oregon coast.

(2) The office is not required to carry out the duties assigned under subsection (1) of this section if sufficient moneys are not available under ORS 401.955. [Formerly 401.863]

Note: See note under 401.950.

401.955 Contributions to finance tsunami warning system. The Office of Emergency Management or the State Department of Geology and Mineral Industries may seek and accept gifts, grants and donations from any source to finance all or part of the duties assigned under ORS 401.950 and 401.952. [Formerly 401.864]

Note: See note under 401.950.

ABNORMAL DISRUPTION OF MARKET

401.960 Definitions. For the purposes of this section and ORS 401.962, 401.965 and 401.970:

(1) “Abnormal disruption of the market” means any emergency that prevents ready availability of essential consumer goods or services.

(2) “Essential consumer goods or services” means goods or services that:

(a) Are or may be bought or acquired primarily for personal, family or household purposes, including but not limited to residential construction materials or labor, shelter for payment such as a hotel room, food, water and petroleum products such as gasoline or diesel fuel; and

(b) Are necessary for the health, safety or welfare of consumers. [2009 c.718 §20]

401.962 Legislative findings. (1) The Legislative Assembly finds that during an abnormal disruption of the market, some merchants and wholesalers have taken unconscionable advantage of consumers by charging grossly excessive prices for essential consumer goods and services.

(2) To prevent merchants and wholesalers from taking unconscionable advantage of consumers during an abnormal disruption of the market, the Legislative Assembly declares that the public interest requires that charging unconscionably excessive prices be prohibited and made subject to regulation as an unlawful trade practice. [Formerly 401.106]

401.965 Abnormal disruption of market. (1) As used in subsections (1) to (4) of this section, the terms “merchant” and “wholesaler” do not include a public body as that term is defined in ORS 174.109, a public utility as defined in ORS 757.005 (1)(a)(A) or an electric utility as defined in ORS 757.600.

(2) A merchant or wholesaler may not sell or offer to sell essential consumer goods or services for an amount that represents an unconscionably excessive price during a declaration of an abnormal disruption of the market under subsections (5) to (7) of this section.

(3) It is a question of law whether a price is unconscionably excessive. Proof that a price is unconscionably excessive may be shown by evidence that:

(a) The amount charged for essential consumer goods or services exceeds by 15 percent or more the price at which the goods or services were sold or offered for sale by the merchant or wholesaler in the usual course of business immediately prior to or during a declaration of an abnormal disruption of the market; or

(b) The amount charged for the essential consumer goods or services exceeds by 15 percent or more the price at which the same or similar consumer goods or services were readily obtainable by other consumers in or near the geographical area covered by the declaration of an abnormal disruption of the market.

(4) Evidence described in subsection (3) of this section constitutes prima facie proof of a violation of subsections (1) to (4) of this section. Evidence described in subsection (3) of this section is not prima facie evidence of a violation of subsections (1) to (4) of this section if the amount charged by the merchant or wholesaler is:

(a) Attributable to additional costs imposed by the merchant’s or wholesaler’s suppliers or necessarily incurred in procuring the essential consumer goods or services immediately prior to or during the declaration of an abnormal disruption of the market; or

(b) The result of increased internal costs or expenses related to the declaration of an abnormal disruption of the market or the result of increased costs unrelated to the declaration of an abnormal disruption of the market.

(5) If the Governor determines that an abnormal disruption of the market has occurred, the Governor may declare an abnormal disruption of the market by a proclamation, as part of a state of emergency declared under ORS 401.165, or both.

(6) The Governor’s declaration of an abnormal disruption of the market under subsection (5) of this section shall specify:

(a) The geographical area covered by the declaration. The area may be no larger than necessary to effectively respond to the abnormal disruption of the market.

(b) The date and time at which the abnormal disruption of the market commenced. The date of commencement of the abnormal disruption of the market may precede the date on which the declaration is made.

(c) That the declaration will terminate automatically 30 days after the date on which the Governor makes the declaration unless the Governor extends the declaration in accordance with paragraph (d) of this subsection or unless the Governor or the Legislative Assembly terminates the declaration sooner.

(d) That the Governor may extend the declaration for additional 30-day periods by subsequent declarations that the abnormal disruption of the market continues to exist.

(7) The Governor’s declaration of an abnormal disruption of the market is subject to termination:

(a) By the Governor when the Governor determines that an abnormal disruption of the market no longer exists.

(b) At any time by joint resolution of the Legislative Assembly.

(c) Automatically 30 days after the date on which the Governor makes the declaration unless the Governor or the Legislative Assembly terminates the declaration sooner. The Governor may extend the declaration for subsequent 30-day periods by declaring for each such extension that the abnormal disruption of the market continues to exist. An extension the Governor declares in accordance with this paragraph also terminates 30 days after the date on which the Governor declared the extension unless the Governor declares another extension or unless the Governor or the Legislative Assembly terminates the extension sooner. [Formerly 401.107]

401.970 Applicability of remedies. The remedies provided in ORS 401.965 (1) to (4) and in the amendments to ORS 646.607 by section 6, chapter 223, Oregon Laws 2007, are in addition to any other remedies that may exist under the law. [Formerly 401.108]

ANIMAL RESCUE

401.975 Legislative findings. The Legislative Assembly finds that:

(1) During an evacuation after a major disaster or an emergency, many pet owners are reluctant to leave their pets and are

willing to risk their lives to protect their pets.

(2) Animals are important to their owners and the presence of an animal brings comfort to an owner and may enhance recovery for an owner distressed over injury or damage caused by a major disaster or an emergency.

(3) Significant loss of livestock as a result of a major disaster or an emergency would seriously threaten the economy of Oregon. Therefore, a livestock emergency operations plan will ensure that livestock are provided for during a major disaster or an emergency.

(4) It is essential that the Office of Emergency Management and the State Department of Agriculture work together to develop emergency operations plans for animals and livestock that provide for animals and livestock during a major disaster or an emergency. [Formerly 401.271]

401.977 Animal emergency operations plan. (1) As used in this section:

(a) "Companion animal" means a domestic animal commonly kept as a household pet.

(b) "Service animal" means an animal that assists or performs tasks for a person with a sensory, emotional, mental or physical disability.

(2) The Office of Emergency Management, in cooperation with the State Department of Agriculture and local governments, shall prepare a written animal emergency operations plan that provides for the evacuation, transport and temporary sheltering of companion animals and service animals during a major disaster or an emergency.

(3) The office, in developing the plan, shall emphasize the protection of human life and shall consider:

(a) Allowing owners of service animals to be evacuated, transported and sheltered with their service animals;

(b) Establishing a sufficient number of evacuation shelters equipped to temporarily shelter companion animals and service animals in close proximity to a human sheltering facility;

(c) Allowing owners and their companion animals to be evacuated together whenever possible;

(d) Establishing an identification system to ensure that owners who are separated from their companion animals or service animals during an evacuation are provided with all information necessary to locate and reclaim their animals;

(e) Transporting companion animals or service animals, in cages or carriers that safely and securely confine the animals, in an impending major disaster or emergency;

(f) Recommending that animal shelters, humane societies, veterinary offices, boarding kennels, breeders, grooming facilities, animal testing facilities and any other entity that normally houses companion animals or service animals create evacuation plans for the animals housed at their facilities;

(g) Establishing recommended minimum holding periods for companion animals or service animals that are sheltered during a major disaster or an emergency; and

(h) Creating and promoting an educational campaign for owners of companion animals or service animals that will:

(A) Encourage owners to plan for and incorporate their animals in the owners' personal plans in the event of a major disaster or an emergency; and

(B) Inform owners of companion animals or service animals about the animal emergency operations plan prepared under this section. [Formerly 401.272]

401.978 Livestock emergency operations plan. (1) As used in this section, "livestock" means cattle, horses, sheep and any other animals designated by the State Department of Agriculture.

(2) The State Department of Agriculture, in cooperation with the Office of Emergency Management and local governments, shall prepare a written livestock emergency operations plan that provides for the evacuation, transport and temporary sheltering of livestock during a major disaster or an emergency.

(3) The department, in developing the plan, shall consider:

(a) Methods for providing adequate food and water for livestock during a major disaster or an emergency;

(b) Methods for providing livestock with adequate shelter or protection from harsh weather conditions during a major disaster or an emergency;

(c) Creating and promoting an educational campaign for owners of livestock that will:

(A) Encourage owners to plan for and incorporate their livestock in the owners' personal plans in the event of a major disaster or an emergency; and

(B) Inform owners of livestock about the livestock emergency operations plan prepared under this section; and

(d) Any other methods or arrangements that the department determines would pro-

tect livestock during a major disaster or an emergency. [Formerly 401.274]

any of the rules, regulations or orders adopted and promulgated under this chapter, shall, upon conviction thereof, be guilty of a Class C misdemeanor. [1967 c.480 §8; 1977 c.248 §4; 1983 c.586 §41; 2009 c.718 §48]

PENALTIES

401.990 Penalties. Any person knowingly violating any provision of this chapter, or
