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Rhode Island Emergency Management and Homeland Security Statutory Authorities

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Summary

Rhode Island's emergency management statute sets forth the roles of the governor, state agencies, and local governments in disaster prevention, preparation, response and recovery. The statute authorizes, and provides for, the coordination of emergency management activities by state agencies and officers. A constitutional provision authorizes the General Assembly to provide for succession and to ensure the continuity of government operations. The seat of state and local government may be moved to emergency temporary locations when necessary.

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

Entities with Key Responsibilities

Governor: The governor is authorized to issue, amend or rescind executive orders, proclamations, and regulations related to emergency management; cooperate with federal authorities and governors or other officials of other states; prepare a comprehensive plan and program for disasters (including response and recovery) that is coordinated with the plans of other states to the fullest possible extent; and coordinate disaster plans made by political subdivisions. Other authorized tasks include: procuring supplies and equipment;

instituting training and public information programs; mobilizing disaster organizations in advance of a disaster; and ensuring that adequately trained and equipped disaster personnel are available (R.I. Gen. Laws §30-15-7 (1-2), (4-5)).

During disaster emergencies the governor may: suspend the provisions of any regulatory statute, order, rule, or regulation, if strict compliance would impede necessary action; use all available resources; transfer the direction, personnel, or functions of state departments and agencies; commandeer or utilize any private property; compel the evacuation of all or part of the population from any stricken or threatened area; control ingress to and egress from a high risk area; suspend specified commercial activities; and make provision for the availability and use of temporary emergency shelters. Cities and towns are to be reimbursed by the state out of the general fund for all expenses incurred for the use of personnel or equipment. Whenever, due to a disaster, there will likely be a serious shortage in the supply of any necessity of life or defense, and federal authorities are not adequately dealing with the situation, the governor may regulate the sale, purchase, or distribution of necessities and prohibit wasting, hoarding or profiteering (R.I. Gen. Laws §30-15-9(e)(1-10)).

Emergency Management Advisory Council: The council is authorized to: advise the governor and adjutant general on all disaster preparedness matters; review emergency management plans; establish priorities and goals on an annual basis; review the coordination of state programs with appropriate authorized agencies; and review local disaster preparedness plans (R.I. Gen. Laws §30-15-6).

Emergency management preparedness agency: The agency, headed by the adjutant general, coordinates activities of all organizations for disasters and maintains liaison with disaster agencies of other states and the federal government (R.I. Gen. Laws §30-15-5).

Local emergency management agency: Each city and town is required to establish an emergency management agency similar to the state agency. Local agencies must cooperate with and assist the state agency and perform such services as may be requested, and may act jointly with other agencies. The chief executive officer of each city or town may exercise emergency management duties similar to those of the governor (R.I. Gen. Laws §30-15-12 (a-b)).

State radiation control agency: The director of health must designate a unit within the department of health to be the state radiation control agency. Whenever the state radiological emergency response plan is implemented, the agency acts as principal advisor to the governor or authorized representative regarding the degree of potential hazard to the state's population as well as types of actions to be taken to protect the health and safety of the public (R.I. Gen. Laws §23-1.3-2).

Preparedness

The statute directs the state archivist to submit and annually update a disaster preparedness plan for the state archives. The plan must be filed with the secretary of state, department of state library services, and the general assembly. (R.I. Gen. Laws §42-8.1-5(13)).

See “Entities with Key Responsibilities” — *Governor, Emergency management preparedness agency.*

Declaration Procedures

The governor is authorized to declare a state of emergency by executive order or proclamation if a disaster has occurred or is imminent. The state of disaster emergency continues until the threat or danger has passed. A state of disaster emergency may not continue for longer than 30 days unless renewed by the governor. The General Assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. Such an executive order or proclamation activates state and local disaster emergency plans and serves as the authority for the deployment and use of any forces and the use or distribution of any supplies, equipment, materials and facilities (R.I. Gen. Laws §30-15-9(b-d)).

A local disaster emergency may be declared only by the principal executive officer of a political subdivision and cannot be continued or renewed for a period in excess of seven days, except by or with the consent of the governing board of the political subdivision. Such a declaration activates the mitigation response and recovery aspects of the local disaster emergency plans and authorizes the furnishing of aid and assistance (R.I. Gen. Laws §30-15-13(a-b)).

The governor is authorized to designate as a special emergency health and sanitation area any such area seriously damaged by a disaster (R.I. Gen. Laws §30-15-9(e)(11)).

Types of Assistance

During a declared disaster emergency the governor may purchase, lease, or make other arrangements with any federal agency for temporary housing units for disaster victims, and may make such units available to any political subdivision. The governor is authorized to help local governments acquire sites, and suspend or modify, for not more than 60 days, any public health, safety, zoning, transportation or other requirement of law when essential to provide temporary housing for victims. The statute authorizes political subdivisions to acquire sites required for the installation of temporary housing units for disaster victims, and to enter into arrangements necessary to prepare those sites for housing units. The statute does not limit the governor's ability to apply for any grants, gifts, or payments for disaster prevention, preparedness, response, or recovery (R.I. Gen. Laws §30-15.6 et seq).

During a declared disaster emergency the governor is authorized to accept federal funds for individual or family expenses or serious needs that cannot be adequately met by other means of assistance. The governor may pledge the state to provide funding (up to 25% of costs), and, if state funds are not otherwise available, to accept an advance of the state share from the federal government to be repaid when the state is able to do so. The statute limits the amount of the grant that may be awarded, allows the General Assembly to appropriate sums out of the general treasury, and directs the governor to make necessary regulations for standards of eligibility for benefits as well as procedures for grant applications (R.I. Gen. Laws §30-15.7 et. seq.).

During a declared disaster emergency the governor may order debris and wreckage removal from publicly or privately owned land or water. The statute authorizes acceptance of federal funds, and requires that political subdivisions, corporations, organizations, or individuals must give unconditional authorization and, in the case of

private property, indemnify the state against claims arising from debris and wreckage removal (R.I. Gen. Laws Chapter §30-15.4).

Mutual Aid

The Interstate Emergency Management and Disaster Compact is codified (R.I. Gen. Laws §30-15-14).

The Emergency Management Assistance Compact is codified (R.I. Gen. Laws Chapter §30-15.9).

A governor may enter into an agreement with any bordering state pledging participation in a mutual aid plan in the event of a disaster. The agreement may be activated only when the governor or the President has declared a disaster in the state or a bordering state. With the approval of the local council a city or town police chief may enter into agreements with other cities or towns adjacent to the state to provide mutual aid and assistance for all police services. The governor may suspend such agreements in the interest of public safety (R.I. Gen. Laws Chapter §30-15.8 et seq.).

Funding

The president of the senate, the speaker of the house, and the chairs of the senate and house finance committees comprise the disaster emergency funding board. In the event of an emergency the first recourse is to funds regularly appropriated to state and local agencies. If funding needs for a particular disaster require, the governor may make funds available — with the concurrence of the funding board — by transferring moneys appropriated for other purposes, or may borrow from the federal government or any private source for no more than two years. The governor may apply for and expend any grants, gifts, or payments, in aid of disaster prevention, preparedness, response, or recovery (R.I. Gen. Laws §30-15-10).

An emergency claims commission consisting of three qualified electors of the state appointed within 10 days after the governor proclaims an emergency determines the amount to be provided in compensation for property taken. Whenever the governor takes possession of real or personal property pursuant to the statute, the commission must be notified. The statute provides for an appeals process if awards made by the commission do not meet the property owner's or the state attorney general's expectations (R.I. Gen. Laws §30-15-11).

During a declared disaster emergency the governor is authorized to apply to the federal government for aid on behalf of a local government. The governor is authorized to determine the amount needed by any applicant local government to restore or resume its governmental functions, and to certify that amount to the federal government. Such amount is limited to 25% of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs. The governor may recommend cancellation of all or any part of repayment when the local government is unable to meet operating expenses (R.I. Gen. Laws Chapter §30-15.5).

The statute established an environmental response fund as a separate fund within the general fund to consist of any appropriated sums or those recovered by any fines brought for environmental violations. Funds are to be used for various levels of environmental responses, including waste disposal or spill response, analysis, containment, and cleanup, and temporary resident relocation during emergency response activities (R.I. Gen. Laws §23-19.1-23).

Hazard Mitigation

The governor is to consider steps that could be taken to prevent or reduce the harmful consequences of disasters and direct appropriate state agencies to make studies of disaster prevention-related matters. The governor may make recommendations to the General Assembly, local governments, and other appropriate public and private entities to facilitate measures for mitigation of the harmful consequences of disasters (R.I. Gen. Laws §30-15-7 (3)).

Continuity of Government Operations

Whenever, due to an actual or impending disaster, it becomes imprudent, inexpedient, or impossible to conduct state government at the normal location, the governor declares an emergency temporary location for the seat of government, within or without the state, and issues orders necessary for an orderly transition of the affairs of state government to that location. That location remains the seat of government until the General Assembly establishes a new location by law, or until the emergency is declared to be ended by the governor (R.I. Gen. Laws Chapter §30-15.1).

Whenever, due to an actual or impending disaster, it becomes imprudent or impossible to conduct local government at its regular location, the governing body may be called to establish an emergency temporary location of government, within or without the state (R.I. Gen. Laws Chapter §30-15.2).

During an emergency caused by enemy attack the General Assembly has the power to provide for temporary succession to the powers and duties of public offices, and may convene at any place within or without the state. The Assembly may adopt other measures as may be necessary to insure the continuity of governmental operations. During the period of emergency the General Assembly has the power to incur state debts exceeding standard constitutional limitations. The statute limits these powers and any laws enacted during the emergency two years following the inception of an enemy attack (R.I. Constitution, Article VI, Section 21).

Other

The governor or designated representative is authorized to create mobile support units as necessary to reinforce disaster organizations in stricken areas and appoint a commander for each unit. Mobile support units are called to duty by the governor and perform their functions in any part of the state or, under certain conditions, in other states (R.I. Gen. Laws §30-15-8).

The school committee of each town, city, and regional school department must adopt a comprehensive school safety plan regarding crisis intervention, emergency response, and management. The plan must include policies and procedures for responding to bomb threats, hostage-takings, intrusions, kidnappings and other school violence, and the establishment of internal and external communication systems in emergencies (R.I. Gen. Laws §16-21-23 to 24).

Members of disaster response forces who are killed or sustain disability or injury while in training for, or on, disaster response duty are construed to be employees of the state and compensated in the same manner as state employees (R.I. Gen. Laws §28-31-12). Sums payable by the federal government as compensation for death, disability, or injury of disaster response workers are to be considered when determining the settlement of any claim (R.I. Gen. Laws §28-31-14).

Any state employee who is a certified disaster service volunteer may be granted up to 10 days of leave per year to participate in specialized disaster relief services for the American Red Cross, without loss of pay, vacation time, sick leave or earned overtime accumulation. The statute provides for compensation at the employee's regular rate of pay (R.I. Gen. Laws §28-49-1, 3).

Key Terms

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

Terms	Citations
Disaster	R.I. Gen. Laws §30-15-3 (1), §28-49-2
Emergency	R.I. Gen. Laws §30-15.6-5
Major disaster	R.I. Gen. Laws §30-15.6-5
Temporary housing	R.I. Gen. Laws §30-15.6-5

For Further Research

The citations noted above and other elements of the state code for Rhode Island may be searched at: [<http://www.rilin.state.ri.us/Statutes/Statutes.html>].