

Enrolled
Senate Bill 330

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon Emergency Management, Oregon Association Chiefs of Police, Oregon State Sheriffs' Association and Oregon Fire Chiefs Association)

CHAPTER

AN ACT

Relating to intrastate compact for resource sharing; creating new provisions; and amending ORS 401.025.

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

SECTION 1. The Legislative Assembly finds that:

(1) In order to minimize the impact of an event that overwhelms the resources of a local government, one local government should be able to make resources available to another local government as quickly as possible.

(2) It is appropriate to establish an efficient and permissive intrastate mutual assistance compact among local governments that will allow local governments maximum flexibility to protect life and property within their jurisdictions.

SECTION 2. As used in sections 1 to 9 of this 2007 Act:

(1) "Event" means an incident that overwhelms or may overwhelm the resources of a local government.

(2) "Requesting local government" means a local government that requests assistance from other local governments.

(3) "Resources" means employees, services, equipment and supplies of a responding local government.

(4) "Responding local government" means a local government that has responded to a requesting local government by providing resources.

SECTION 3. (1) There is created an intrastate mutual assistance compact among the local governments within this state.

(2) The compact streamlines the process by which a local government:

(a) Requests assistance from another local government whenever an event occurs; and

(b) Temporarily acquires resources for training, drills or exercises.

(3) The compact does not:

(a) Require a local government to provide resources to a requesting local government.

(b) Preclude a local government from entering into any other agreement with another local government.

(c) Affect any other agreement to which a local government is a party or may become a party.

SECTION 4. (1) A local government may request assistance to:

- (a) Prevent, mitigate, respond to or recover from an event; or
- (b) Work on its own or with other local governments in training, drills or exercises.

(2) A request for assistance must be made by or through the presiding officer of the governing body of a requesting local government or the chief executive officer or chief executive officer's designee of the requesting local government.

(3) A request for assistance may be oral or written. If a request is oral, the responding local government must document its response to the requesting local government in writing within 30 days from the date on which the request was made.

(4) Response and the extent of the response are voluntary and may be terminated at anytime.

SECTION 5. (1) A responding local government may withhold resources to the extent necessary to provide reasonable protection and services for the responding local government.

(2) For purposes of the operational and tactical objectives required by the requesting local government, the resources of a responding local government are under the direct command and control of the requesting local government.

(3) Unless otherwise directed by the requesting local government:

(a) The employees of the responding local government shall use the standard operating procedures, medical and other protocols and rating procedures used by the responding local government to accomplish the strategic and tactical goals.

(b) The services, equipment and supplies of the responding local government shall be used under the standard operating procedures, medical and other protocols and rating procedures used by the responding local government to accomplish the strategic and tactical goals.

(4) Notwithstanding subsection (2) of this section, employees of the responding local government remain at all times employees of the responding local government and under the ultimate command and control of the responding local government.

SECTION 6. Subject to any limitations and conditions the governing body of the requesting local government may prescribe, if an employee of a responding local government holds a license, certificate, permit or similar documentation that evidences the employee's qualifications in a professional, technical or other skill, the employee is considered to be licensed, certified or permitted in the jurisdiction of the requesting local government for the duration of the event or the training, drills or exercises.

SECTION 7. (1) The intent of the intrastate mutual assistance compact created under section 3 of this 2007 Act is to provide for nonreimbursable assistance to a requesting local government.

(2) Notwithstanding subsection (1) of this section, a responding local government may request reimbursement and a requesting local government may reimburse the responding local government.

(3) A request for reimbursement must be made and agreed to in writing prior to the provision of resources by the responding local government.

(4) If a dispute regarding reimbursement arises between a requesting local government and a responding local government, the involved local governments shall make every effort to resolve the dispute within 30 days of written notice of the dispute given by the local government asserting noncompliance to the other local government.

(5) If the local governments cannot resolve the dispute within 90 days after receipt of the notice of alleged noncompliance, either local government in the dispute may submit the dispute to arbitration under the commercial arbitration rules of the American Arbitration Association.

SECTION 8. If a person is an employee of a responding local government and the person sustains injury in the course of providing requested assistance, the person is entitled to all applicable benefits, including workers' compensation, normally available to the employee while performing regular duties for the responding local government.

SECTION 9. (1) Assistance rendered by an employee of a responding local government is a governmental function.

(2) Employees of a responding local government are agents of the requesting local government.

(3) The requesting local government shall defend, save harmless and indemnify an employee of a responding local government to the same extent the requesting local government is required to do for its employees as provided in ORS 30.285 and 30.287.

SECTION 10. ORS 401.025 is amended to read:

401.025. As used in ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 **and sections 1 to 9 of this 2007 Act**, unless the context requires otherwise:

(1) "Beneficiary" has the meaning given that term in ORS 656.005.

(2) "Commission" means the Seismic Safety Policy Advisory Commission established under ORS 401.337.

(3) "Emergency" includes any human caused or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage and war.

(4) "Emergency management agency" means an organization created and authorized under ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 by the state, county or city to provide for and assure the conduct and coordination of functions for comprehensive emergency program management.

(5) "Emergency program management" includes all the tasks and activities necessary to provide, support and maintain the ability of the emergency services system to prevent or reduce the impact of emergency or disaster conditions which includes, but is not limited to, coordinating development of plans, procedures, policies, fiscal management, coordination with nongovernmental agencies and organizations, providing for a coordinated communications and alert and notification network and a public information system, personnel training and development and implementation of exercises to routinely test the emergency services system.

(6) "Emergency program manager" means the person administering the emergency management agency of a county or city.

(7) "Emergency service agency" means an organization within a local government which performs essential services for the public's benefit prior to, during or following an emergency. This includes, but is not limited to, organizational units within local governments, such as law enforcement, fire control, health, medical and sanitation services, public works and engineering, public information and communications.

(8) "Emergency service worker" means an individual who, under the direction of an emergency service agency or emergency management agency, performs emergency services and:

(a) Is a registered volunteer or independently volunteers to serve without compensation and is accepted by the Office of Emergency Management or the emergency management agency of a county or city; or

(b) Is a member of the Oregon State Defense Force acting in support of the emergency services system.

(9) "Emergency services" includes those activities provided by state and local government agencies with emergency operational responsibilities to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency. These activities include, without limitation, 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 [section 3 of the Act of January 12, 1951, P.L. 81-920 (50 U.S.C. 2252)]
50 U.S.C. app. 2252.

(10) "Emergency services system" means that system composed of all agencies and organizations involved in the coordinated delivery of emergency services.

(11) "Injury" means any personal injury sustained by an emergency service worker by accident, disease or infection arising out of and in the course of emergency services or death resulting proximately from the performance of emergency services.

(12) "Local government" means any governmental entity authorized by the laws of this state.

(13) "Major disaster" means any event defined as a "major disaster" under 42 U.S.C. 5122(2).

(14) "Oregon emergency management plan" means the state emergency preparedness operations and management plan. The Office of Emergency Management is responsible for coordinating emergency planning with government agencies and private organizations, preparing the plan for the Governor's signature, and maintaining and updating the plan as necessary.

(15) "Search and rescue" means the acts of searching for, rescuing or recovering, by means of ground or marine activity, any person who is lost, injured or killed while out of doors. However, "search and rescue" does not include air activity in conflict with the activities carried out by the Oregon Department of Aviation.

(16) "Sheriff" means the chief law enforcement officer of a county.

Passed by Senate February 26, 2007

.....
Secretary of Senate

.....
President of Senate

Passed by House April 2, 2007

.....
Speaker of House

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

.....
Secretary of State