

Senate Bill 330

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates intrastate mutual assistance compact. Streamlines process by which local government may request assistance from another local government under certain circumstances.

A BILL FOR AN ACT

1
2 Relating to intrastate compact for resource sharing; creating new provisions; and amending ORS
3 401.025.

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

5 **SECTION 1. The Legislative Assembly finds that:**

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

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

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

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

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

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

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

21 **SECTION 3. (1) There is created an intrastate mutual assistance compact among the lo-**
22 **cal governments within this state.**

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

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

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

26 (3) **The compact does not:**

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 party.

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

3 (a) Prevent, mitigate, respond to or recover from an event; or

4 (b) Work on its own or with other local governments in training, drills or exercises.

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

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

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

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

15 (2) For purposes of the operational and tactical objectives required by the requesting lo-
16 cal government, the resources of a responding local government are under the direct com-
17 mand and control of the requesting local government.

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

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

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

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

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

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

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

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

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

1 **(5) If the local governments cannot resolve the dispute within 90 days after receipt of the**
 2 **notice of alleged noncompliance, either local government in the dispute may submit the dis-**
 3 **pute to arbitration under the commercial arbitration rules of the American Arbitration As-**
 4 **sociation.**

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

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

11 **(2) Employees of a responding local government are agents of the requesting local gov-**
 12 **ernment.**

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

16 **SECTION 10. ORS 401.025 is amended to read:**

17 401.025. As used in ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 **and**
 18 **sections 1 to 9 of this 2007 Act**, unless the context requires otherwise:

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

20 (2) "Commission" means the Seismic Safety Policy Advisory Commission established under ORS
 21 401.337.

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

28 (4) "Emergency management agency" means an organization created and authorized under ORS
 29 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 by the state, county or city to provide
 30 for and assure the conduct and coordination of functions for comprehensive emergency program
 31 management.

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

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

41 (7) "Emergency service agency" means an organization within a local government which per-
 42 forms essential services for the public's benefit prior to, during or following an emergency. This in-
 43 cludes, but is not limited to, organizational units within local governments, such as law enforcement,
 44 fire control, health, medical and sanitation services, public works and engineering, public informa-
 45 tion and communications.

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

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

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

8 (9) "Emergency services" includes those activities provided by state and local government
9 agencies with emergency operational responsibilities to prepare for and carry out any activity to
10 prevent, minimize, respond to or recover from an emergency. These activities include, without limi-
11 tation, coordination, preparedness planning, training, interagency liaison, fire fighting, oil or haz-
12 ardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health
13 and sanitation services, engineering and public works, search and rescue activities, warning and
14 public information, damage assessment, administration and fiscal management, and those measures
15 defined as "civil defense" in [*section 3 of the Act of January 12, 1951, P.L. 81-920 (50 U.S.C. 2252)*]
16 **50 U.S.C. app. 2252.**

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

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

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

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

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

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

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