

Senate Bill 374

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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**.

Establishes framework for local governments to request and receive mutual assistance from other local governments during declared emergencies and in preparation for emergency response.

A BILL FOR AN ACT

1
2 Relating to emergency intrastate mutual assistance.

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

4 **SECTION 1. Sections 2 to 10 of this 2007 Act are added to and made a part of ORS 401.260**
5 **to 401.325.**

6 **SECTION 2. The Legislative Assembly finds that:**

7 (1) **Emergencies transcend political jurisdictional boundaries.**

8 (2) **Intergovernmental coordination and mutual cooperation in emergency planning and**
9 **response and emergency-related training, exercises and testing are essential for the pro-**
10 **tection of lives and property and for the best use of available emergency planning and re-**
11 **sponse resources.**

12 (3) **It is appropriate to create a system of intrastate mutual assistance between local**
13 **governments in this state for the prevention of, response to and recovery from disasters that**
14 **result in a formal state of emergency within the jurisdiction of one or more local govern-**
15 **ments subject to sections 2 to 10 of this 2007 Act.**

16 **SECTION 3. (1) When the governing body of a local government declares an emergency,**
17 **the governing body may request assistance to provide emergency services from other local**
18 **governments participating in the intrastate mutual assistance program established in**
19 **sections 2 to 10 of this 2007 Act.**

20 (2) **A responding local government shall provide all practicable assistance to the re-**
21 **questing local government that is needed to respond to the emergency.**

22 (3) **Notwithstanding subsection (2) of this section, a responding local government may**
23 **withhold resources to the extent necessary to maintain a reasonable level of services and**
24 **protection within its own jurisdiction.**

25 (4) **When a responding local government provides resources to render emergency services**
26 **to a requesting local government, the emergency service workers and the nonconsumable**
27 **material resources and equipment provided by the responding local government:**

28 (a) **Are under the operational control of the requesting local government for strategic**
29 **and tactical purposes; and**

30 (b) **Are under the direct command and control of the responding local government, using**

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 the standard operating procedures, medical and other protocols and rating procedures used
2 by the responding local government to accomplish the strategic and tactical goals.

3 (5) Notwithstanding any other provision of sections 2 to 10 of this 2007 Act, the governing
4 body of a city or county may delegate the authority provided to the governing body under
5 sections 2 to 10 of this 2007 Act to the emergency program manager of the city or county.

6 **SECTION 4.** (1) The initial request for assistance under section 3 of this 2007 Act may
7 be made orally or in writing.

8 (2) If the initial request for assistance is made orally, the governing body of the re-
9 questing local government shall follow up the oral request with a written confirmation of the
10 request as soon after the initial response to the emergency as practicable.

11 (3) A request for assistance is not required to be made to or through the Office of
12 Emergency Management. However, notice of the request and a copy of the written request
13 or confirmation must be provided to the office as soon after the initial response to the
14 emergency as practicable.

15 **SECTION 5.** (1) Subject to any limitations and conditions the governing body of the re-
16 questing local government may prescribe, if an emergency service worker or other individual
17 provided by a responding local government holds a license, certificate or other permit issued
18 by the state or by a local government subject to sections 2 to 10 of this 2007 Act evidencing
19 qualification in a professional, technical or other skill, the emergency service worker or
20 other individual is deemed to be licensed, certified or permitted in the requesting local gov-
21 ernment's jurisdiction for the duration of the declared emergency or the duration of
22 emergency-related training, exercises or testing authorized pursuant to section 10 of this
23 2007 Act.

24 (2) Notwithstanding subsection (1) of this section, for the purpose of emergency-related
25 training, exercises or testing authorized pursuant to section 10 of this 2007 Act, the Office
26 of Emergency Management is designated as the requesting local government and the office
27 assumes the rights and responsibilities that are otherwise identified in sections 2 to 10 of this
28 2007 Act as the rights and responsibilities of the requesting local government. However,
29 nothing in sections 2 to 10 of this 2007 Act requires the office to reimburse participating local
30 governments for costs incurred while participating in mandatory emergency-related training,
31 exercises or testing.

32 **SECTION 6.** (1) If a local government requests assistance from another local government
33 under section 3 of this 2007 Act, the requesting local government shall reimburse the re-
34 sponding local government for the costs of rendering assistance as required by rules of the
35 Office of Emergency Management that implement the guidelines and procedures approved
36 by the Oregon Intrastate Mutual Assistance Committee established under section 10 of this
37 2007 Act.

38 (2) A request for reimbursement must be made in compliance with guidelines and pro-
39 cedures approved by the committee and adopted as rules by the office.

40 (3) If there is a dispute regarding reimbursement, the local government asserting non-
41 compliance with the guidelines and procedures adopted by rule by the office shall give written
42 notice of the alleged noncompliance to the alleged noncomplying local government and to the
43 office.

44 (4) If the local governments cannot resolve the dispute within 90 days after receipt of the
45 notice of alleged noncompliance, a party to the dispute may submit the dispute to arbitration

1 under the commercial arbitration rules of the American Arbitration Association.

2 **SECTION 7.** An emergency service worker or other individual who is an officer or an
3 employee of a responding local government and who sustains injury or death in the course
4 of or arising out of the effort to render assistance to a requesting local government in a
5 declared emergency is entitled to:

6 (1) All applicable benefits normally available to the officer or employee while performing
7 regular duties for the responding local government; and

8 (2) Any additional state and federal benefits that may be available to the officer or em-
9 ployee for injury or death in the line of duty.

10 **SECTION 8.** (1) Assistance rendered by an emergency service worker or other individual
11 under sections 2 to 10 of this 2007 Act during a declared emergency is a governmental func-
12 tion.

13 (2) An emergency service worker or other individual responding to a declared emergency
14 is deemed to be an agent of the requesting local government's emergency management
15 agency.

16 **SECTION 9.** (1) A local government is a participant in the intrastate mutual assistance
17 program established by sections 2 to 10 of this 2007 Act unless the local government has
18 elected not to participate pursuant to this section.

19 (2) If the governing body of a local government elects not to participate in the intrastate
20 mutual assistance program established by sections 2 to 10 of this 2007 Act, the governing
21 body of the local government shall adopt a resolution or ordinance declaring its election not
22 to participate and cause written notice of the election and a copy of the resolution or ordi-
23 nance to be delivered to the Office of Emergency Management.

24 (3) The election not to participate in the intrastate mutual assistance program is effec-
25 tive 90 days after receipt of notice and a copy of the resolution or ordinance by the office.

26 (4) A local government that has elected not to participate in the intrastate mutual as-
27 sistance program may elect to participate as provided in subsections (5) and (6) of this sec-
28 tion.

29 (5) If a local government that has elected not to participate in the intrastate mutual as-
30 sistance program established by sections 2 to 10 of this 2007 Act chooses to participate, the
31 governing body of the local government shall adopt a resolution or ordinance declaring its
32 election to participate and cause written notice of the election and a copy of the resolution
33 or ordinance to be delivered to the office.

34 (6) The election to participate in the intrastate mutual assistance program is effective
35 90 days after receipt of notice of the election and a copy of the resolution or ordinance by
36 the office.

37 **SECTION 10.** (1) The Office of Emergency Management shall establish a committee to
38 be known as the Oregon Intrastate Mutual Assistance Committee.

39 (2) The Director of the Office of Emergency Management, or a designee of the director,
40 shall chair the committee.

41 (3) The director shall appoint members to serve two-year terms on the committee.
42 Committee members serve at the pleasure of the director. Membership must be represen-
43 tative of emergency service agencies and emergency services disciplines, and members must
44 be knowledgeable about the variety of environmental and other local factors faced by local
45 governments in responding to emergencies.

1 **(4) The committee shall develop, in consultation with the Office of Emergency Manage-**
2 **ment, comprehensive guidelines and procedures for intrastate emergency response and**
3 **emergency-related training, exercises and testing that address:**

4 **(a) Projected or anticipated costs;**

5 **(b) Checklists and forms, including checklists and forms for requesting or rendering**
6 **mutual assistance, record keeping, requesting and providing reimbursement and tracking the**
7 **deployment and return of resources; and**

8 **(c) Other necessary or appropriate issues in implementing the intrastate mutual assist-**
9 **ance program established by sections 2 to 10 of this 2007 Act.**

10 **(5) The committee, with the approval of the office, may establish a schedule of**
11 **emergency-related training, exercises and testing to ensure that intrastate mutual assist-**
12 **ance is provided effectively and efficiently when needed.**

13 **(6) At a minimum, the committee shall meet annually to:**

14 **(a) Review the progress and status of intrastate mutual assistance;**

15 **(b) Assist the office in developing methods to track and evaluate activation of the intra-**
16 **state mutual assistance program; and**

17 **(c) Examine issues facing participating local governments regarding the implementation**
18 **of sections 2 to 10 of this 2007 Act.**

19 **(7) The committee shall:**

20 **(a) Prepare an annual report that:**

21 **(A) Includes analysis of the condition and effectiveness of intrastate mutual assistance**
22 **in the state; and**

23 **(B) Makes recommendations for correcting any deficiencies in the intrastate mutual as-**
24 **sistance program, including recommendations for legislation or administrative solutions; and**

25 **(b) Submit the report to the Governor, the President of the Senate and the Speaker of**
26 **the House of Representatives.**

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