

**House Committee on
General Government and Consumer Protection**

MEASURE: HB 4001
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SUBMITTED BY: Mike Caldwell

Opening Remarks:

Chair Holvey and Whisnant, members of the Committee,

For the record, I am BG Mike Caldwell, Deputy Director of Oregon Military Department and Interim Director of the Office of Emergency Management. I would like to provide a statement regarding HB 4001.

The Office of Emergency Management supports emergency operations / functions at all levels of government. Emergency Management is a collaborative process. Collaboration is what enables a coordinated and timely response, effective emergency asset and resource management, and ultimately enables Oregon to quickly recovery from the impacts disasters impose upon the State.

The critical point of collaboration and coordination during an Incident is the Emergency Operations Centers. The emergency operations center network stretches from the from the Federal Regional Emergency Operations Center, to the State Emergency Coordination Center, to the County Emergency Operations Center, to the local city Emergency Operations center, and ultimately to the Incident Command Post at the crisis site.

Collaboration between these emergency operations centers at each level is key; however the collaboration that occurs inside of each of the centers is the foundation upon what emergency management is based upon. In most of these Centers you will find a diverse combination of government employees, volunteers, and private / public sector partners all working as a team to meet the needs of the jurisdictions they serve. Without these partnerships effective response and quick recovery will suffer.

It is because of Emergency Management's necessity for collaboration that Emergency Managers at all levels strive to foster an environment of inclusion. Experience has shown to exclude or hamper a sectors ability to assist will directly affect that jurisdictions ability to effectively respond to and recovery from emergency incidents.

We do not have the background of why this bill was created. We saw it for the first time when it was released last week. From our reading I am interpreting this legislation is a tiered approach. Meaning OEM must do fingerprint based checks which go through the OSP ID Services to the FBI, and Cities / Counties must do name based checks performed with a computer via the Law Enforcement Data System (LEDS). However, if a person meets a condition of the clauses listed it would also require an additional fingerprint check at the City/County level.

With this said and understanding of how important inclusion and collaboration is to the Emergency Management process especially at the Emergency Operations Center Level, I would like to draw your attention to some potential impacts that this bill may have:

1. There is a fiscal impact to this legislation. At the state level to support our Emergency Coordination Center it would be minimally \$4,000.00. The Oregon State Police Identity Services Section Director provided us with a fee structure. At a minimum it will cost \$28.00 each person OSP would process. Then in most (not all) circumstances the fingerprint check is forwarded to the FBI and they will charge an additional \$16.50 – the total now is \$44.50 for that person. It should also be noted that each person who is forwarded to the FBI will take anywhere from 12 to 24 hours to complete. Until this is complete they will be prohibited from entering the ECC.

2. The State Emergency Coordination Center is not unlike the County and City Jurisdictions in that we are staffed by partners from a variety of sectors. Our ECC is comprised of 32 different state agencies, or their components which are identified as members of the Oregon Emergency Response System (OERS). Additionally, we consistently have 3 volunteer organizations that are active members of our ECC: ham radio organization (ARES/RACES), American Red Cross (ARC), and trained public information officers that volunteer in our Joint Information Center (JIC) which is located in the ECC. When we were doing our initial calculations for fiscal impact purposes we subtracted the 5 state agencies that we believe do fingerprint checks (OSP, DOC, OSFM, OR NG, and OEM). The remaining agencies that would be affected would be 27 agencies. These figures represent just one shift. Currently, we use 3 shifts as a practice - day, night, and relief. So, 3 shift times 27 equals 81 people. Add in volunteer groups (ARES/RACES, ARC, and JIC staff) and we are at 90 plus.
3. Reliability of our staffing at the State level is fairly consistent. We know "what" agencies will support the staffing but "who" is much less clear. Take into account: turnover, job rotations, furloughs, vacation, and sickness, etc. During many actual incidents we do not know "who" the agency representative is until the individual shows up at our front door, this is only compounded by the 24/7 nature of emergency operations. The volunteers that are essential to our operations are even less certain.
4. At the City/County level the reliance on the volunteer is even greater. During our most recent flooding event the City of Salem had approximately 32 volunteers answering public inquiry and damage notification questions on the 24/7 phone bank. This would require taking a potential responder from response duties and have them dedicated to performing named based checks in order to support this one operation of the EOC. Time is always emergency management's enemy. Imagine during the Vernonia response if we had to wait 12 hours to get a Ham operator qualified to work at their EOC and the impacts this would have had on this community that relied on this vital volunteer organization as their sole source of communications to the outside world.
5. One aspect to any background check is it is only a snapshot in time. You can only verify their background up to the point of it being printed, which implies to meet the spirit of the bill, an annual check requirement will exist.
6. This bill is silent on what happens after the check occurs and something is on the individual's record. Could there be unintended consequences. Do we leave it to the existing HR policies or is there a greater level of screening required for access into emergency centers?

Since December 2010, we have activated our Emergency Coordination Center 6 different times and have had two Presidential Declarations and are now working on the State's third. Again, everything we do requires a level of inclusion and collaboration. State agencies and volunteers want to be involved. In fact, they are disappointed if they hear of an activation occurring, and they were not initially notified. This bill could cause EOCs at all levels to call a "timeout" just to insure all the staff reporting has a fingerprint based background check and ask for their parent agency to provide the funding could hamper our efforts and impact our results.

I would like to conclude my testimony with encouraging this committee to hear what the effects of this bill could be at the city or county level. I can provide the committee with several referrals if they would like since we have just concluded our response to the most recent winter storm on 17 – 21 JAN 2012. I will be happy to answer any questions?