

Enrolled
House Bill 2034

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Military Department)

CHAPTER

AN ACT

Relating to emergency management; amending ORS 401.096 and 401.305.

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

SECTION 1. ORS 401.096 is amended to read:

401.096. (1) The Office of Emergency Management is designated as the sole agency of the State of Oregon for the purpose of negotiating agreements with the United States Department of Homeland Security or other appropriate federal agency, on behalf of the state, for the acquisition of federal funds for the purpose of providing emergency program management and emergency services. *[All city or county emergency management programs, emergency service agencies and state agencies applying for such funds shall coordinate with the office on development of proposals and shall submit applications to the department to be reviewed or processed, or both.]*

(2) When applying for funds described in subsection (1) of this section, the following entities shall coordinate with the office on development of proposals and submit applications to the office to be reviewed and processed:

- (a) A city or county operating an emergency management program.**
- (b) An emergency service agency.**
- (c) A state agency.**

(3) A tribal government operating an emergency management program may, when applying for funds, coordinate with the office on development of proposals and submit applications to the office to be reviewed, processed or both.

[(2)] **(4) The office is authorized to accept and receive [on behalf of the state, counties and cities] federal funds for the purposes of emergency program management and emergency services on behalf of the state, counties, cities and participating tribal governments.**

SECTION 2. ORS 401.305 is amended to read:

401.305. *[(1) Each county of this state shall, and each city may, establish an emergency management agency which shall be directly responsible to the executive officer or governing body of the county or city.]*

[(2) The executive officer or governing body of each county and any city which participates shall appoint an emergency program manager who shall have responsibility for the organization, administration and operation of such agency, subject to the direction and control of the county or city.]

[(3) The local governing bodies of counties and cities that have both city and county emergency management programs shall jointly establish policies which provide direction and identify and define the purpose and roles of the individual emergency management programs, specify the responsibilities

of the emergency program managers and staff and establish lines of communication, succession and authority of elected officials for an effective and efficient response to emergency conditions.]

(1) **As used in this section, “tribal government” means a federally recognized sovereign tribal government operating within the borders of this state or an intertribal organization formed by two or more federally recognized sovereign tribal governments operating within this state.**

(2) **Each county of this state shall, and each city or tribal government may, establish an emergency management agency that is directly responsible to the executive officer or governing body of the county, city or tribe.**

(3) **The executive officer or governing body of each county, and any city or tribe that participates, shall appoint an emergency program manager who is responsible for the organization, administration and operation of the emergency management agency, subject to the direction and control of the county, city or tribe.**

(4) **When a city or tribal government has an emergency management agency, the city or tribal government, as applicable, and the counties within which the city or tribal government operates shall jointly establish policies that:**

(a) **Provide direction and identify and define the purpose and roles of the individual emergency management programs;**

(b) **Specify the responsibilities of the emergency program managers and staff; and**

(c) **Establish lines of communication, succession and authority of elected officials for an effective and efficient response to emergency conditions.**

[(4)] (5) **Each emergency management agency shall perform emergency program management functions within the territorial limits of the county [or city], city or tribal government and may perform [such] the functions outside the territorial limits as required under any mutual aid or cooperative assistance agreement or as requested and authorized by the county or city in whose territorial limits the emergency functions are performed.**

[(5)] (6) **The emergency management functions [shall] include, [as] at a minimum:**

(a) **Coordination of the planning activities necessary to prepare and maintain a current emergency operations plan, management and maintenance of emergency operating facilities from which elected and appointed officials can direct emergency and disaster response activities;**

(b) **Establishment of an incident command structure for management of a coordinated response by all local emergency service agencies; and**

(c) **Coordination with the Office of Emergency Management to integrate effective practices in emergency preparedness and response as provided in the National Incident Management System established by the Homeland Security Presidential Directive 5 of February 28, 2003.**

Passed by House March 26, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 16, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State