

Enrolled Senate Bill 62

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CHAPTER

AN ACT

Relating to intrastate mutual assistance; amending ORS 402.200, 402.205, 402.210, 402.215, 402.220, 402.225, 402.230, 402.235 and 402.240.

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

SECTION 1. ORS 402.200 is amended to read:

402.200. The Legislative Assembly finds that:

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

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

SECTION 2. ORS 402.205 is amended to read:

402.205. As used in ORS 402.200 to 402.240:

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

(2) "Local government" has the meaning given that term in ORS 174.116.

(3) "**Participant**" means **the state or a local or tribal government that participates in the Oregon Resource Coordination Assistance Agreement**.

[(3)] (4) "Requesting *[local government]* **participant**" means a *[local government]* **participant** that requests assistance from other *[local governments]* **participants**.

[(4)] (5) "Resources" means employees, services, equipment and supplies of a responding *[local government]* **participant**.

[(5)] (6) "Responding *[local government]* **participant**" means a *[local government]* **participant** that has responded to a requesting *[local government]* **participant** by providing resources.

(7) "**State government**" has the meaning given that term in ORS 174.111.

(8) "**Tribal government**" has the meaning given that term in ORS 401.305.

SECTION 3. ORS 402.210 is amended to read:

402.210. (1) There is created an intrastate mutual assistance *[compact among the local governments within this state.]* **agreement called the Oregon Resource Coordination Assistance Agreement**.

(2)(a) The state government and, except as provided in this subsection, each local government is a participant in the agreement.

(b) A local government may opt out of participation in the agreement by adopting a resolution or ordinance so declaring and transmitting a copy of the resolution or ordinance to the Director of the Office of Emergency Management.

(c) An opt-out by a local government under this subsection is effective upon receipt by the director of a copy of the resolution or ordinance.

(3)(a) A tribal government is not a participant in the agreement unless it opts in as described in this subsection.

(b) A tribal government may opt in to participation in the agreement by adopting a resolution so declaring and transmitting the resolution to the Director of the Office of Emergency Management.

(c) An opt-in by a tribal government is effective upon receipt by the director of a copy of the resolution.

[2)] (4) The *[compact]* agreement streamlines the process by which a *[local government]* participant:

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

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

[3)] (5) The *[compact]* agreement does not:

(a) Require a *[local government]* participant to provide resources to a requesting *[local government]* participant.

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

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

(6) The Office of Emergency Management shall develop, adopt and disseminate:

(a) Guidelines and procedures for requesting and providing assistance under the agreement;

(b) Requirements for recordkeeping by participants; and

(c) Other procedures and guidelines that the office considers necessary to implement the agreement in an effective and efficient manner.

SECTION 4. ORS 402.215 is amended to read:

402.215. (1) A *[local government]* participant 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]* participants 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]* participant or the chief executive officer *[or chief executive officer's designee]* of the requesting *[local government]* participant, or a designee of the presiding officer or chief executive officer.

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

(4) *[Response and the extent of the response are]* A response to a request for assistance is voluntary and may be terminated at any time.

SECTION 5. ORS 402.220 is amended to read:

402.220. (1) A responding *[local government]* participant may withhold resources to the extent necessary to provide reasonable protection and services for the responding *[local government]* participant.

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

(3) Unless otherwise directed by the requesting [*local government*] **participant**:

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

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

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

SECTION 6. ORS 402.225 is amended to read:

402.225. Subject to any limitations and conditions the governing body of the requesting [*local government*] **participant** may prescribe, if an employee of a responding [*local government*] **participant** 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*] **participant** for the duration of the event or the training, drills or exercises.

SECTION 7. ORS 402.230 is amended to read:

402.230. (1) The intent of the intrastate mutual assistance [*compact*] **agreement** created under ORS 402.210 is to provide for nonreimbursable assistance to a requesting [*local government*] **participant**.

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

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

(4) Request and provision of reimbursement are the sole responsibility of the requesting and responding participants. The Office of Emergency Management is not responsible for requesting or providing reimbursement unless the office is a requesting or responding participant.

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

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

SECTION 8. ORS 402.235 is amended to read:

402.235. If a person is an employee of a responding [*local government*] **participant** 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*] **participant**.

SECTION 9. ORS 402.240 is amended to read:

402.240. (1) Assistance rendered by an employee of a responding [*local government*] **participant** is a governmental function.

(2) Employees of a responding [local government] **participant** are agents of the requesting [local government] **participant**.

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

Passed by Senate March 27, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 23, 2017

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State