

Senate Bill 62

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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**.

Amends intrastate mutual assistance compact to require state government participation and allow tribal government participation. Directs Office of Emergency Management to adopt procedures for requesting and providing intrastate assistance.

A BILL FOR AN ACT

1
2 Relating to intrastate mutual assistance; amending ORS 402.200, 402.205, 402.210, 402.215, 402.220,
3 402.225, 402.230, 402.235 and 402.240.

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

5 **SECTION 1.** ORS 402.200 is amended to read:

6 402.200. The Legislative Assembly finds that:

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

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

14 **SECTION 2.** ORS 402.205 is amended to read:

15 402.205. As used in ORS 402.200 to 402.240:

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

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

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

21 [(3)] (4) "Requesting [*local government*] **participant**" means a [*local government*] **participant** that
22 requests assistance from other [*local governments*] **participants**.

23 [(4)] (5) "Resources" means employees, services, equipment and supplies of a responding [*local*
24 *government*] **participant**.

25 [(5)] (6) "Responding [*local government*] **participant**" means a [*local government*] **participant**
26 that has responded to a requesting [*local government*] **participant** by providing resources.

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

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

29 **SECTION 3.** ORS 402.210 is amended to read:

30 402.210. (1) There is created an intrastate mutual assistance [*compact among the local govern-*

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 *ments within this state.] agreement called the Oregon Resource Coordination Assistance*
 2 **Agreement.**

3 **(2)(a) The state government and, except as provided in this subsection, each local gov-**
 4 **ernment is a participant in the agreement.**

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

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

10 **(3)(a) A tribal government is not a participant in the agreement unless it opts in as de-**
 11 **scribed in this subsection.**

12 **(b) A tribal government may opt in to participation in the agreement by adopting a re-**
 13 **solution so declaring and transmitting the resolution to the Director of the Office of Emer-**
 14 **gency Management.**

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

17 **[(2)] (4) The [compact] agreement streamlines the process by which a [local government] par-**
 18 **ticipant:**

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

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

22 **[(3)] (5) The [compact] agreement does not:**

23 **(a) Require a [local government] participant to provide resources to a requesting [local govern-**
 24 **ment] participant.**

25 **(b) Preclude a [local government] participant from entering into any other agreement with an-**
 26 **other [local government] participant.**

27 **(c) Affect any other agreement to which a [local government] participant is a party or may be-**
 28 **come a party.**

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

30 **(a) Guidelines and procedures for requesting and providing assistance under the agree-**
 31 **ment;**

32 **(b) Requirements for recordkeeping by participants; and**

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

35 **SECTION 4.** ORS 402.215 is amended to read:

36 **402.215. (1) A [local government] participant may request assistance to:**

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

38 **(b) Work on its own or with other [local governments] participants in training, drills or exer-**
 39 **cises.**

40 **(2) A request for assistance must be made by or through the presiding officer of the governing**
 41 **body of a requesting [local government] participant or the chief executive officer [or chief executive**
 42 **officer's designee] of the requesting [local government] participant, or a designee of the presiding**
 43 **officer or chief executive officer.**

44 **(3) A request for assistance may be oral or written. If a request is oral, [the] a responding [local**
 45 **government] participant must document its response to the requesting [local government] partic-**

1 **ipant** in writing within 30 days from the date on which the request was made.

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

4 **SECTION 5.** ORS 402.220 is amended to read:

5 402.220. (1) A responding *[local government]* **participant** may withhold resources to the extent
 6 necessary to provide reasonable protection and services for the responding *[local government]* **par-**
 7 **ticipant.**

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

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

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

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

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

22 **SECTION 6.** ORS 402.225 is amended to read:

23 402.225. Subject to any limitations and conditions the governing body of the requesting *[local*
 24 *government]* **participant** may prescribe, if an employee of a responding *[local government]* **partic-**
 25 **ipant** holds a license, certificate, permit or similar documentation that evidences the employee's
 26 qualifications in a professional, technical or other skill, the employee is considered to be licensed,
 27 certified or permitted in the jurisdiction of the requesting *[local government]* **participant** for the
 28 duration of the event or the training, drills or exercises.

29 **SECTION 7.** ORS 402.230 is amended to read:

30 402.230. (1) The intent of the intrastate mutual assistance *[compact]* **agreement** created under
 31 ORS 402.210 is to provide for nonreimbursable assistance to a requesting *[local government]* **partic-**
 32 **ipant.**

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

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

38 (4) **Request and provision of reimbursement are the sole responsibility of the requesting**
 39 **and responding participants. The Office of Emergency Management is not responsible for**
 40 **requesting or providing reimbursement unless the office is a requesting or responding par-**
 41 **ticipant.**

42 [(4)] (5) If a dispute regarding reimbursement arises between a requesting *[local government]*
 43 **participant** and a responding *[local government]* **participant**, the involved *[local governments]* **par-**
 44 **ticipants** shall make every effort to resolve the dispute within 30 days of written notice of the dis-
 45 pute given by the *[local government]* **participant** asserting noncompliance to the other *[local*

1 *government*] **participant**.

2 [(5)] (6) If the [*local governments*] **participants** cannot resolve the dispute within 90 days after
3 receipt of the notice of alleged noncompliance, either [*local government*] **participant** in the dispute
4 may submit the dispute to arbitration under the commercial arbitration rules of the American Ar-
5 bitration Association.

6 **SECTION 8.** ORS 402.235 is amended to read:

7 402.235. If a person is an employee of a responding [*local government*] **participant** and the per-
8 son sustains injury in the course of providing requested assistance, the person is entitled to all ap-
9 plicable benefits, including workers' compensation, normally available to the employee while
10 performing regular duties for the responding [*local government*] **participant**.

11 **SECTION 9.** ORS 402.240 is amended to read:

12 402.240. (1) Assistance rendered by an employee of a responding [*local government*] **participant**
13 is a governmental function.

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

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

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