

# House Bill 2049

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of State Police)

## 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 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 2005 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 best use of available emergency planning and response**  
11 **resources.**

12 **(3) It is appropriate to create a system of intrastate mutual assistance between local**  
13 **governments in the 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 2005 Act.**

16 **SECTION 3. (1) When the governing body of a local government declares an emergency,**  
17 **as defined in ORS 401.025, the governing body may request assistance to provide emergency**  
18 **services from other local governments participating in the intrastate mutual assistance**  
19 **program established in sections 2 to 10 of this 2005 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 nonconsummable**  
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**  
31 **the standard operating procedures, medical and other protocols and rating procedures used**

**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 by the responding local government to accomplish the strategic and tactical goals.

2 (5) Notwithstanding any other provision of sections 2 to 10 of this 2005 Act, the governing  
3 body of a city or county may delegate the authority provided to it under sections 2 to 10 of  
4 this 2005 Act to the emergency program manager of the city or county.

5 **SECTION 4.** (1) The initial request for assistance under section 3 of this 2005 Act may  
6 be made orally or in writing.

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

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

14 **SECTION 5.** (1) Subject to any limitations and conditions the governing body of the re-  
15 questing local government may prescribe, if an emergency service worker or other person  
16 provided by a responding local government holds a license, certificate or other permit issued  
17 by the state or by a local government subject to sections 2 to 10 of this 2005 Act evidencing  
18 qualification in a professional, technical or other skill, the emergency service worker or  
19 other person is deemed to be licensed, certified or permitted in the requesting local govern-  
20 ment's jurisdiction for the duration of the declared emergency or the duration of  
21 emergency-related training, exercises or testing authorized pursuant to section 10 of this  
22 2005 Act.

23 (2) Notwithstanding subsection (1) of this section, for the purpose of emergency-related  
24 training, exercises or testing authorized pursuant to section 10 of this 2005 Act, the Office  
25 of Emergency Management of the Department of State Police is designated as the requesting  
26 local government and the office assumes the rights and responsibilities that are otherwise  
27 identified in sections 2 to 10 of this 2005 Act as the rights and responsibilities of the re-  
28 questing local government. However, nothing in sections 2 to 10 of this 2005 Act requires the  
29 office to reimburse participating local governments for costs incurred while participating in  
30 mandatory emergency-related training, exercises or testing.

31 **SECTION 6.** (1) If a local government requests assistance from another local government  
32 under section 3 of this 2005 Act, the requesting local government shall reimburse the re-  
33 sponding local government for the costs of rendering assistance as required by rules of the  
34 Office of Emergency Management of the Department of State Police that implement the  
35 guidelines and procedures approved by the Oregon Intrastate Mutual Assistance Committee  
36 established under section 10 of this 2005 Act.

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

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

43 (4) If the local governments cannot resolve the dispute within 90 days after receipt of the  
44 notice of alleged noncompliance, a party to the dispute may submit the dispute to arbitration  
45 under the commercial arbitration rules of the American Arbitration Association.

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

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

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

9       **SECTION 8.** (1) Assistance rendered by an emergency service worker or other person  
 10 under sections 2 to 10 of this 2005 Act during a declared emergency is a governmental func-  
 11 tion.

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

14       **SECTION 9.** (1) A local government is a participant in the intrastate mutual assistance  
 15 program established by sections 2 to 10 of this 2005 Act unless the local government has  
 16 elected not to participate pursuant to this section.

17           (2) If the governing body of a local government elects not to participate in the intrastate  
 18 mutual assistance program established by sections 2 to 10 of this 2005 Act, the governing  
 19 body of the local government shall adopt a resolution or ordinance declaring its election not  
 20 to participate and cause written notice of the election and a copy of the resolution or ordi-  
 21 nance to be delivered to the Office of Emergency Management of the Department of State  
 22 Police.

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

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

28           (5) If a local government that has elected not to participate in the intrastate mutual as-  
 29 sistance program established by sections 2 to 10 of this 2005 Act chooses to participate, the  
 30 governing body of the local government shall adopt a resolution or ordinance declaring its  
 31 election to participate and cause written notice of the election and a copy of the resolution  
 32 or ordinance to be delivered to the office.

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

36       **SECTION 10.** (1) The Office of Emergency Management of the Department of State Police  
 37 shall establish a committee to be known as the Oregon Intrastate Mutual Assistance Com-  
 38 mittee.

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

41           (3) The director shall appoint members to serve two-year terms on the committee.  
 42 However, members serve at the pleasure of the director. Membership must be representative  
 43 of emergency service agencies and emergency services disciplines, and members must be  
 44 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 of the Department of State Police, comprehensive guidelines and procedures for intra-**  
3 **state emergency response and emergency-related training, exercises and testing that**  
4 **address:**

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

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

9       **(c) Other necessary or appropriate issues in implementing the intrastate mutual assist-**  
10 **ance program established by sections 2 to 10 of this 2005 Act.**

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

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

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

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

18       **(c) Examine issues facing participating local governments regarding the implementation**  
19 **of sections 2 to 10 of this 2005 Act.**

20       **(7) The committee shall:**

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

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

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

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

28