

House Bill 2583

Sponsored by Representative P SMITH, Senator METSGER

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**.

Allows public agency in agreement for joint or cooperative action with public agency in another state to require that public agency in other state indemnify public agency in this state.

A BILL FOR AN ACT

1
2 Relating to indemnity; amending ORS 190.420.

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

4 **SECTION 1.** ORS 190.420 is amended to read:

5 190.420. (1) Any power or powers, privileges or authority exercised or capable of exercise by a
6 public agency in this state may be exercised and enjoyed jointly with any public agency in another
7 state to the extent that the laws of the other state permit such joint exercise or enjoyment.

8 (2) Public agencies in this state and in another state may enter into agreements with one an-
9 other for joint or cooperative action. Such action must be recorded by ordinance, resolution or in
10 other lawful manner by the governing bodies of the participating public agencies.

11 (3) An agreement under subsection (2) of this section must specify its duration, the organization,
12 composition and nature of any separate legal or administrative entity created to exercise the func-
13 tions agreed upon, the purpose of the agreement, the method of financing the joint or cooperative
14 undertaking, the methods to be employed to terminate the agreement, and any other necessary and
15 proper matters.

16 (4) [*No*] **An** agreement under subsection (2) of this section [*shall*] **may not** relieve any public
17 agency of any obligation or responsibility imposed on it by law.

18 **(5) An agreement under subsection (2) of this section may require that a public agency**
19 **in another state indemnify a public agency in this state against any tort claim or demand,**
20 **whether groundless or otherwise, arising out of an alleged act or omission occurring in the**
21 **performance of an action in the other state.**

22 [(5)] **(6)** Notwithstanding subsection (4) of this section, a public agency in this state may exclude
23 from an agreement under subsection (2) of this section any clause or condition required by ORS
24 279B.220, 279B.225, 279B.230, 279B.235, 279B.270 or 279C.500 to 279C.530.

25

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.