

House Bill 2805

Sponsored by Representative LIM

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 payment of workers' compensation benefits to injured volunteer search and rescue personnel of county, city or other municipality if coverage has been elected for volunteer even if employer has no full-time employees performing similar duties. Authorizes Director of Department of Consumer and Business Services to pay premium assessment for volunteer search and rescue personnel of county, city or other municipality under certain circumstances. Limits amount director may pay for premiums.

A BILL FOR AN ACT

1
2 Relating to workers' compensation coverage for volunteer search and rescue personnel; amending
3 ORS 656.031 and 656.605.

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

5 **SECTION 1.** ORS 656.031 is amended to read:

6 656.031. (1) All municipal personnel, other than those employed full-time, part-time, or substi-
7 tutes therefor, shall, for the purpose of this chapter, be known as volunteer personnel and shall not
8 be considered as workers unless the municipality has filed the election provided by this section.

9 (2) The county, city or other municipality utilizing volunteer personnel as specified in subsection
10 (1) of this section may elect to have such personnel considered as subject workers for purposes of
11 this chapter. Such election shall be made by filing a written application to the insurer, or in the case
12 of a self-insured employer, the Director of the Department of Consumer and Business Services, that
13 includes a resolution of the governing body declaring its intent to cover volunteer personnel as
14 provided in subsection (1) of this section and a description of the work to be performed by such
15 personnel. The application shall also state the estimated total number of volunteer personnel on a
16 roster for each separate category for which coverage is elected. The county, city or other muni-
17 cipality shall notify the insurer, or in the case of self-insurers, the director, of changes in the esti-
18 mated total number of volunteers.

19 (3) Upon receiving the written application the insurer or self-insured employer may fix assumed
20 wage rates for the volunteer personnel, which may be used only for purposes of computations under
21 this chapter, and shall require the regular payment of premiums or assessments based upon the es-
22 timated total numbers of such volunteers carried on the roster for each category being covered. The
23 self-insured employer shall submit such assumed wage rates to the director. If the director finds that
24 the rates are unreasonable, the director may fix appropriate rates to be used for purposes of this
25 section.

26 (4) The county, city or municipality shall maintain separate official membership rosters for each
27 category of volunteers. A certified copy of the official membership roster shall be furnished the
28 insurer or director upon request. Persons covered under this section are entitled to the benefits of
29 this chapter and they are entitled to such benefits if injured as provided in ORS 656.202 while per-

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 forming any duties arising out of and in the course of their employment as volunteer personnel, if
 2 the duties being performed are among those:

3 (a) Described on the application of the county, city or municipality; and

4 (b) Required of similar full-time paid employees.

5 (5) The filing of claims for benefits under this section is the exclusive remedy of a volunteer or
 6 a beneficiary of the volunteer for injuries compensable under this chapter against the state, its
 7 political subdivisions, their officers, employees, or any employer, regardless of negligence.

8 **(6)(a) Notwithstanding subsection (4)(b) of this section, a county, city or municipality**
 9 **may elect to provide coverage under this section for volunteer search and rescue personnel**
 10 **even if the county, city or municipality has no full-time employees performing search and**
 11 **rescue duties. If a volunteer for whom coverage has been elected under this paragraph is**
 12 **injured while performing duties arising out of and in the course of their employment as a**
 13 **volunteer, the volunteer is entitled to benefits as provided in ORS 656.202.**

14 **(b) If a county, city or municipality elects coverage for volunteer search and rescue**
 15 **personnel under this subsection and cannot pay the premiums assessed for the coverage, the**
 16 **county, city or municipality may request payment of the assessment by the director from**
 17 **the Workers' Benefit Fund created by ORS 656.605. The director shall limit payment of all**
 18 **premiums assessed for coverage of volunteer search and rescue personnel under this para-**
 19 **graph to \$500,000 per biennium.**

20 **SECTION 2.** ORS 656.605 is amended to read:

21 656.605. (1) The Workers' Benefit Fund is created in the State Treasury, separate and distinct
 22 from the General Fund. Moneys in the fund shall be invested in the same manner as other state
 23 moneys and investment earnings shall be credited to the fund. The fund shall consist of the follow-
 24 ing:

25 (a) Moneys received pursuant to ORS 656.506.

26 (b) Moneys recovered under ORS 656.054.

27 (c) Fines and penalties recovered under ORS 656.735.

28 (d) All moneys received by the Director of the Department of Consumer and Business Services
 29 pursuant to law or from any other source for purposes for which the fund may be expended.

30 (2) Moneys in the Workers' Benefit Fund may be expended for the following purposes:

31 (a) Expenses of programs under ORS 656.445, 656.506, 656.622, 656.625, 656.628 and 656.630.

32 (b) Proceedings against noncomplying employers pursuant to ORS 656.054 and 656.735.

33 (c) Expenses of vocational assistance on claims, the cost of which was imposed pursuant to
 34 section 15, chapter 600, Oregon Laws 1985.

35 (d) Payment of supplemental temporary disability benefits for workers employed in more than
 36 one job at the time of injury and reimbursement of the costs of administering payments resulting
 37 from elections by insurers and self-insured employers as provided by ORS 656.210 (5).

38 (e) Payments made to injured workers pursuant to section 6a, chapter 865, Oregon Laws 2001.

39 (f) Expenses of the Bureau of Labor and Industries for enforcing ORS 659A.040, 659A.043,
 40 659A.046, 659A.049 and 659A.052, subject to an agreement between the Director of the Department
 41 of Consumer and Business Services and the Commissioner of the Bureau of Labor and Industries.
 42 The agreement must include, but is not limited to, the amount of funds to be transferred to the bu-
 43 reau for enforcing ORS 659A.040, 659A.043, 659A.046, 659A.049 and 659A.052 and the information
 44 relating to the enforcement of ORS 659A.040, 659A.043, 659A.046, 659A.049 and 659A.052 that the
 45 bureau must report to the director.

1 (g) Reimbursement to the insurer or self-insured employer for the amount of permanent total
2 disability benefits paid after the date of the notice of closure that was upheld pursuant to ORS
3 656.206.

4 (h) Reimbursement of vocational benefit expenses as provided in ORS 656.313.

5 **(i) Payment of premium assessments for volunteer search and rescue personnel for**
6 **whom coverage has been elected as provided in ORS 656.031 (6).**

7 (3) Subject to the following provisions, all moneys in the fund are appropriated continuously to
8 the Director of the Department of Consumer and Business Services to carry out the activities for
9 which the fund may be expended:

10 (a) Moneys received pursuant to ORS 656.054 and 656.735 and transfers made pursuant to ORS
11 705.148 may be expended only to carry out the provisions of ORS 656.054 and 656.735 and section
12 15, chapter 600, Oregon Laws 1985.

13 (b) Moneys received pursuant to ORS 656.506 and the transfers of unexpended and unobligated
14 moneys in the Retroactive Reserve, Reemployment Assistance Reserve, Reopened Claims Reserve
15 and Handicapped Workers Reserve referred to in ORS 656.506, 656.622, 656.625 and 656.628 (All 1993
16 Edition) may be expended only to carry out the programs referred to in ORS 656.506, 656.622,
17 656.625, 656.628 and 656.630.

18 (4) Notwithstanding any other provision of this chapter, if the director determines at any time
19 that there are insufficient moneys in the Workers' Benefit Fund to pay the expenses of programs for
20 which expenditure of the fund is authorized, the director may reduce the level of benefits payable
21 accordingly.

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