

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 0 - 2
Yeas:	Boone, Freeman, Komp, Matthews, Riley, Cowan
Nays:	0
Exc.:	Esquivel, Weidner
Prepared By:	David Molina, Administrator
Meeting Dates:	4/7, 4/16, 4/21

WHAT THE MEASURE DOES: Revises laws relating to emergencies and emergency responders. Designates qualified emergency service volunteers, health care providers, health care facilities, operators of emergency health care centers, and search and rescue volunteers (SAR) to serve as agents of a public body under the Oregon Tort Claims Act during a declared emergency event. Provides counties the option to provide either Workers' Compensation coverage or medical insurance to an injured qualified SAR volunteer that meet certain criteria. Reorganizes Chapter 401 to be more user-friendly.

ISSUES DISCUSSED:

- Challenges to SAR personnel due to the lack of insurance coverage
- Risk of liability, medical or disability coverage and concern about possible litigation
- Law enforcement personnel rely on unpaid volunteers for SAR operations
- The need to ensure that liability barriers do not hamper the health care provider response
- The need to clarify SAR volunteers' protection from personal legal liability
- The need to provide Workers' Compensation coverage for volunteers injured during SAR incident
- The need to clarify Oregon Tort Law and make it more effective for SAR volunteers responding in Oregon
- Widespread support among SAR volunteers, office of the governor, human services and emergency management agencies

EFFECT OF COMMITTEE AMENDMENT: Clarifies several sections of the measure based upon recommendations of the Oregon Law Commission. Reorganizes ORS Chapter 401 for better usability. Provides counties an option to provide either Workers' Compensation coverage or medical insurance to an injured qualified SAR volunteer that meet criteria of statute should they be injured.

BACKGROUND: The Oregon Law Commission Work Group on Emergency Preparedness, comprised of 20 persons, met from September 15, 2008 to January 12, 2009 to consider and recommend reforms to address compensation issues related to volunteers when they are injured, or when they inadvertently cause injury to others, as well as to reorganize Chapter 401 to make it more user-friendly and clear.

Provisions of House Bill 3021-A overhaul the system for government compensation of qualified volunteer emergency providers injured in either governor-declared emergencies or search and rescue operations by providing them Workers' Compensation coverage. The measure provides government compensation for people tortiously injured by such emergency providers by treating these providers as agents of the state for purposes of coverage under the Oregon Torts Claims Act.