

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.)

Vote: 3 - 2 - 0

Yeas: Bonamici, Dingfelder, Prozanski

Nays: Boquist, Whitsett

Exc.: 0

Prepared By: Anna Braun, Counsel

Meeting Dates: 5/20, 5/28

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 to serve as agents of a public body under the Oregon Tort Claims Act during a declared emergency event. Requires counties to provide workers compensation coverage to qualified search and rescue volunteers under direction of the sheriff of a county. Allows self insured counties to use workers' compensation assigned risk pool. Reorganizes Chapter 401.

ISSUES DISCUSSED:

- Repealing ORS 401.515 does not affect liability
- Protocols for hospitals in emergencies

EFFECT OF COMMITTEE AMENDMENT: Requires all search and rescue volunteers to be covered by workers' compensation insurance. Requires self insured counties to be able to use the assigned risk pool to cover their volunteers. (Allows them to buy coverage per hour of volunteer time). Resolves conflicts with SB 311 B.

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. After the Senate Judiciary hearing on this bill, a work group was formed to address the issue of requiring workers' compensation for search and rescue workers. The work group agreed to require workers' compensation coverage to all search and rescue workers if the counties that are self-insured are able to access the workers' compensation assigned risk pool.