

HOUSE AMENDMENTS TO HOUSE BILL 3021

By COMMITTEE ON VETERANS AND EMERGENCY SERVICES

April 24

1 On page 1 of the printed bill, delete lines 15 through 17 and insert:

2 “(1) ‘Emergency service activities’ means:

3 “(a) The provision of emergency services; and

4 “(b) Engaging in training under the direction of a public body, whether by reason of the training
5 being conducted or approved by a public body, for the purpose of preparing qualified emergency
6 service volunteers to perform emergency services.”.

7 On page 2, delete lines 6 through 22 and insert:

8 **“SECTION 3. Application. Sections 2 to 5 of this 2009 Act apply only to a qualified emer-
9 gency service volunteer who is performing emergency service activities under the direction
10 of a public body without compensation from the public body other than reimbursement for
11 food, lodging, costs of transportation and other expenses.**

12 **“SECTION 4. Coverage under Oregon Tort Claims Act. (1) A qualified emergency service
13 volunteer is an agent of a public body under ORS 30.260 to 30.300 for the purpose of acts and
14 omissions of the volunteer that are within the course and scope of the volunteer’s duties if
15 the acts or omissions occur:**

16 **“(a) While the volunteer is performing emergency service activities under the direction
17 of the public body during a state of emergency declared under ORS 401.015 to 401.039, or
18 during a state of public health emergency proclaimed under ORS 433.441; or**

19 **“(b) While the volunteer is engaged in training being conducted or approved by a public
20 body for the purpose of preparing the volunteer to perform emergency services.**

21 **“(2) A public body shall defend, save harmless and indemnify a qualified emergency ser-
22 vice volunteer as required by ORS 30.285 for any tort claim arising out of an act or omission
23 described in subsection (1) of this section.**

24 **“SECTION 5. Workers’ compensation benefits. (1) The Office of Emergency Management
25 shall provide workers’ compensation coverage for qualified emergency service volunteers
26 who are injured in the course and scope of performing emergency service activities under
27 the direction of a public body if the injury occurs:**

28 **“(a) While the volunteer is performing emergency service activities under the direction
29 of the public body during a state of emergency declared under ORS 401.015 to 401.039, or
30 during a state of public health emergency proclaimed under ORS 433.441; or**

31 **“(b) While the volunteer is engaged in training being conducted or approved by a public
32 body for the purpose of preparing the volunteer to perform emergency services.**

33 **“(2) Workers’ compensation coverage shall be provided under this section in the manner
34 provided by ORS 656.039.”.**

35 On page 3, line 18, after “services” insert “that are”.

1 In line 19, after “body” insert “and that are within the course and scope of the health care
2 provider’s duties”.

3 In line 25, after “services” insert “that are”.

4 In line 26, after “body” insert “and that are within the course and scope of the duties of the
5 health care facility or other person”.

6 In line 31, delete “subsections (1) and” and insert “subsection”.

7 On page 4, delete lines 11 through 13 and insert:

8 **“SECTION 12. Application. Sections 11 to 14 of this 2009 Act apply only to a qualified
9 search and rescue volunteer who is performing search and rescue activities without com-
10 pensation other than reimbursement for food, lodging, costs of transportation and other ex-
11 penses.”.**

12 In line 16, after “that” insert “are within the course and scope of the volunteer’s duties and
13 that”.

14 Delete lines 21 through 30 and insert:

15 **“SECTION 14. Benefits for injuries. (1) A county shall provide either workers’ compen-
16 sation coverage or medical insurance for qualified search and rescue volunteers who are in-
17 jured in the course and scope of performing search and rescue activities under the direction
18 of the sheriff of the county or the designee of the sheriff.**

19 **“(2) Workers’ compensation coverage shall be provided under this section in the manner
20 provided by ORS 656.031, except that the application for coverage under ORS 656.031 (2) need
21 not include a resolution of the governing body of the county.**

22 **“(3) Qualified search and rescue volunteers and their beneficiaries are not eligible for
23 workers’ compensation benefits under this section if the volunteer is performing search and
24 rescue activities during an emergency and is provided with workers’ compensation coverage
25 under section 5 of this 2009 Act.”.**

26 On page 13, delete lines 2 through 23 and insert:

27 **“SECTION 32. ORS 401.309 is amended to read:**

28 **“401.309. (1) The governing body of a city or county in this state may declare, by ordi-
29 nance or resolution, that a state of emergency exists within the city or county. The ordi-
30 nance or resolution must limit the duration of the state of emergency to the period of time
31 during which the conditions giving rise to the declaration exist or are likely to remain in
32 existence.**

33 **“[(1)] (2) [Each county, city or other municipal corporation] A city or county** in this state may,
34 by ordinance or resolution, establish procedures to prepare for and carry out any activity to pre-
35 vent, minimize, respond to or recover from an emergency. The ordinance or resolution shall describe
36 the conditions required for the declaration of a state of emergency within the jurisdiction [*and the*
37 *agency or individual authorized to declare that a state of emergency exists*].

38 **“[(2)] (3) An ordinance or resolution adopted under subsection (2) of this section may designate
39 the emergency management agency, if any, or any other agency or official of the [county, city or
40 municipal corporation] city or county as the agency or official charged with carrying out emergency
41 duties or functions under the ordinance.**

42 **“[(3)] (4) A [county, city or municipal corporation] city or county may authorize an agency or
43 official to order mandatory evacuations of residents and other individuals after a [declaration of a]
44 state of emergency [within the jurisdiction] is declared under this section. An evacuation under an
45 ordinance or resolution authorized [by] under subsection (2) of this section shall be ordered only**

1 when necessary for public safety or when necessary for the efficient conduct of activities that min-
2 imize or mitigate the effects of the emergency.

3 “[(4)] (5) Nothing in this section shall be construed to affect or diminish the powers of the
4 Governor during a state of emergency declared under ORS 401.055. The provisions of ORS [401.015
5 to 401.107, 401.115 and 401.125 to 401.145] **401.065 to 401.085** supersede the provisions of an ordi-
6 nance or resolution authorized by this section when the Governor declares a state of emergency
7 within any area in which such an ordinance or resolution applies.

8 “[5) As used in this section, ‘emergency’ has the meaning given that term in ORS 401.025.]”.

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