

A-Engrossed
House Bill 3480

Ordered by the House June 26
Including House Amendments dated June 26

Sponsored by Representatives SHIELDS, BARTON, MATTHEWS; Representatives BARKER, GELSNER, KAHL, KOMP, STIEGLER, VANORMAN

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.

Authorizes Oregon Military Department to make payments to members of Oregon National Guard who *[were exposed to hexavalent chromium while serving at Qarmat Ali water treatment plant in Basra, Iraq, in 2003 and who develop cancer as result of exposure]* **develop cancer as result of exposure to hexavalent chromium while serving in Iraq in 2003.**

Directs department to adopt rules for determining eligibility for and amounts of payments.

Appropriates moneys from General Fund for purposes of making payments.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to chemical exposure of members of the Oregon National Guard; appropriating money; and
3 declaring an emergency.

4 Whereas members of the Oregon National Guard were called up and honorably served their
5 country, their state and the people of Iraq in Operation Iraqi Freedom; and

6 Whereas Halliburton Company and its former subsidiaries, including KBR, Kellogg Brown and
7 Root Services and KBR Technical Services, as part of Operation Restore Iraqi Oil (Project RIO),
8 contracted to and were charged with assessment, restoration and protection of personnel at KBR's
9 Qarmat Ali project near Basra, southern Iraq; and

10 Whereas certain members of the Oregon National Guard while serving at Qarmat Ali were ex-
11 posed to toxic chemicals, including in particular hexavalent chromium, a component of sodium
12 dichromate, present since at least April 2003; and

13 Whereas hexavalent chromium, a component of sodium dichromate, is a known, potent toxin
14 with numerous health effects on exposed humans, including respiratory and other cancers; and

15 Whereas the Oregon Legislative Assembly recognizes and appreciates the service of members
16 of the Oregon National Guard; now, therefore,

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

18 **SECTION 1. (1) The Oregon Military Department may make payments to members of the**
19 **Oregon National Guard who develop cancer as a result of exposure to hexavalent chromium**
20 **while serving in Iraq in 2003. The purposes for which the payments may be made to eligible**
21 **members of the Oregon National Guard include, but are not limited to, assistance with**
22 **medical needs not covered by the United States Department of Veterans Affairs, assistance**
23 **with nonmedical needs or compensation for lost wages.**

24 **(2) The Oregon Military Department shall adopt rules setting procedures for determining:**

25 **(a) An individual's eligibility to receive payments; and**

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 **(b) The amounts and number of payments an eligible individual may receive.**

2 **(3) If the Oregon Military Department makes a payment under subsection (1) of this**
3 **section, the department is subrogated, to the extent of the payment, to the rights of the**
4 **recipient of the payment against any person or other entity that is liable for the exposure**
5 **to hexavalent chromium that led to the payment made under subsection (1) of this section.**
6 **The department may commence an appropriate action in any court, in the name of the state,**
7 **to enforce the rights.**

8 **(4) The Oregon Military Department may not pay any expenses of administering this**
9 **section out of moneys appropriated to the department for purposes of making payments un-**
10 **der this section.**

11 **SECTION 2. There is appropriated to the Oregon Military Department, for the biennium**
12 **beginning July 1, 2009, out of the General Fund, the amount of \$30,000 for the purpose of**
13 **carrying out the provisions of section 1 of this 2009 Act.**

14 **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
16 **July 1, 2009.**