

Enrolled House Bill 3490

Sponsored by Representative WHISNANT

CHAPTER

AN ACT

Relating to search and rescue; amending ORS 404.200 and 404.215; and declaring an emergency.

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

SECTION 1. ORS 404.200 is amended to read:

404.200. As used in ORS 404.200 to 404.215:

(1) "Qualified search and rescue volunteer" means a person who is:

(a) Registered with the Office of Emergency Management to conduct search and rescue activities;

(b) Registered with a sheriff to conduct search and rescue activities;

(c) A member of a designated search and rescue organization that is registered with a sheriff or the Office of Emergency Management; or

(d) Acknowledged in writing as a qualified search and rescue volunteer by the Office of Emergency Management, or by a sheriff **or the designee of a sheriff**, at the scene of a search or rescue.

(2) "Search and rescue activities" means:

(a) Searching for, rescuing or recovering any person who is missing, injured or deceased; and

(b) Training to perform the activities described in paragraph (a) of this subsection that is either conducted or approved by a public body.

SECTION 2. ORS 404.215 is amended to read:

404.215. *[(1) Any county in which a qualified search and rescue volunteer performs search and rescue activities under the direction of the sheriff of the county or the designee of the sheriff is conclusively deemed to have filed an election under ORS 656.031 to provide workers' compensation coverage for the qualified search and rescue volunteer.]*

(1) A county is conclusively deemed to have filed an election under ORS 656.031 to provide workers' compensation coverage for qualified search and rescue volunteers who:

(a) Perform search and rescue activities under the direction of the sheriff of the county or the designee of the sheriff; or

(b) Are sent by the sheriff of the county or the designee of the sheriff to perform search and rescue activities under the direction of the sheriff of another county or the designee of the sheriff of the other county.

(2) When a qualified search and rescue volunteer offers to perform search and rescue activities in a county in which the volunteer is not registered and the volunteer was not sent to the county by the sheriff, or the designee of the sheriff, of a county in which the volunteer is registered, the county in which the volunteer performs search and rescue activities is conclusively deemed to have filed an election under ORS 656.031 to provide workers' com-

pensation coverage for the volunteer if the sheriff or the designee of the sheriff acknowledges the volunteer's qualifications at the scene.

[(2)] (3) An insurer or self-insured employer may fix assumed wage rates for qualified search and rescue volunteers, which may be used only for purposes of computations under ORS chapter 656, and shall require the regular payment of premiums or assessments based on the hours of service by qualified search and rescue volunteers. A self-insured employer shall submit the assumed wage rates to the Director of the Department of Consumer and Business Services. If the director finds that the rates are unreasonable, the director may fix appropriate rates to be used for purposes of this section.

[(3)] (4) A county that is a self-insured employer under ORS chapter 656 may apply to an insurer for workers' compensation coverage for qualified search and rescue volunteers only, while continuing to self-insure the other subject workers of the county. If an insurer decides not to provide workers' compensation coverage for qualified search and rescue volunteers of the county, coverage shall be provided through the assigned risk pool.

[(4)] (5) Qualified search and rescue volunteers and their beneficiaries are not eligible for workers' compensation benefits under this section if the volunteer is performing search and rescue activities during an emergency and is provided with workers' compensation coverage under ORS 401.368.

SECTION 3. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House April 25, 2011

Received by Governor:

Repassed by House May 26, 2011

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Approved:

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Ramona Kenady Line, Chief Clerk of House

.....M.,....., 2011

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Bruce Hanna, Speaker of House

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John Kitzhaber, Governor

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Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

.....M.,....., 2011

Passed by Senate May 24, 2011

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State