

**B-Engrossed**  
**House Bill 3490**

Ordered by the Senate May 20  
Including House Amendments dated April 18 and Senate Amendments  
dated May 20

Sponsored by Representative WHISNANT

**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.

Clarifies responsibility of counties to provide workers' compensation coverage to qualified search and rescue volunteers.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to search and rescue; amending ORS 404.200 and 404.215; and declaring an emergency.

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

4 **SECTION 1.** ORS 404.200 is amended to read:

5 404.200. As used in ORS 404.200 to 404.215:

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

7 (a) Registered with the Office of Emergency Management to conduct search and rescue activ-  
8 ities;

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

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

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

14 (2) "Search and rescue activities" means:

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

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

18 **SECTION 2.** ORS 404.215 is amended to read:

19 404.215. *[(1) Any county in which a qualified search and rescue volunteer performs search and*  
20 *rescue activities under the direction of the sheriff of the county or the designee of the sheriff is con-*  
21 *clusively deemed to have filed an election under ORS 656.031 to provide workers' compensation cover-*  
22 *age for the qualified search and rescue volunteer.]*

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

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

27 **(b) Are sent by the sheriff of the county or the designee of the sheriff to perform search**

**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 **and rescue activities under the direction of the sheriff of another county or the designee of**  
2 **the sheriff of the other county.**

3 **(2) When a qualified search and rescue volunteer offers to perform search and rescue**  
4 **activities in a county in which the volunteer is not registered and the volunteer was not sent**  
5 **to the county by the sheriff, or the designee of the sheriff, of a county in which the volunteer**  
6 **is registered, the county in which the volunteer performs search and rescue activities is**  
7 **conclusively deemed to have filed an election under ORS 656.031 to provide workers' com-**  
8 **ensation coverage for the volunteer if the sheriff or the designee of the sheriff acknowl-**  
9 **edges the volunteer's qualifications at the scene.**

10 [(2)] (3) An insurer or self-insured employer may fix assumed wage rates for qualified search and  
11 rescue volunteers, which may be used only for purposes of computations under ORS chapter 656, and  
12 shall require the regular payment of premiums or assessments based on the hours of service by  
13 qualified search and rescue volunteers. A self-insured employer shall submit the assumed wage rates  
14 to the Director of the Department of Consumer and Business Services. If the director finds that the  
15 rates are unreasonable, the director may fix appropriate rates to be used for purposes of this sec-  
16 tion.

17 [(3)] (4) A county that is a self-insured employer under ORS chapter 656 may apply to an insurer  
18 for workers' compensation coverage for qualified search and rescue volunteers only, while continu-  
19 ing to self-insure the other subject workers of the county. If an insurer decides not to provide  
20 workers' compensation coverage for qualified search and rescue volunteers of the county, coverage  
21 shall be provided through the assigned risk pool.

22 [(4)] (5) 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 rescue  
24 activities during an emergency and is provided with workers' compensation coverage under ORS  
25 401.368.

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