

House Bill 3490

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 **as introduced**.

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 404.215; and declaring an emergency.

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

4 **SECTION 1.** ORS 404.215 is amended to read:

5 404.215. [(1) Any county in which a qualified search and rescue volunteer performs search and
6 rescue activities under the direction of the sheriff of the county or the designee of the sheriff is con-
7 clusively deemed to have filed an election under ORS 656.031 to provide workers' compensation cover-
8 age for the qualified search and rescue volunteer.]

9 **(1) For qualified search and rescue volunteers who are registered, individually or as a**
10 **member of a designated search and rescue organization, or whose qualifications are ac-**
11 **knowledged in writing at the scene by the sheriff of a county, the county is conclusively**
12 **deemed to have filed an election under ORS 656.031 to provide workers' compensation cov-**
13 **erage for the volunteer when:**

14 **(a) The qualified search and rescue volunteer performs search and rescue activities in**
15 **the county under the direction of the sheriff of the county or the designee of the sheriff.**

16 **(b) The county, in response to a request for assistance by another county, sends the**
17 **qualified search and rescue volunteer to the requesting county to perform search and rescue**
18 **activities in the requesting county under the direction of the sheriff of the requesting county**
19 **or the designee of the sheriff of the requesting county.**

20 **(2) When the services of a qualified search and rescue volunteer have not been requested**
21 **through a county in which the volunteer is registered, individually or as a member of a**
22 **designated search and rescue organization, and when the qualified search and rescue volun-**
23 **teer offers to perform search and rescue activities in a county in which the volunteer has**
24 **not been registered, individually or as a member of a designated search and rescue organ-**
25 **ization, if the sheriff accepts the qualified search and rescue volunteer's qualifications and**
26 **elects to utilize the volunteer's services:**

27 **(a) The sheriff shall acknowledge the qualifications of the qualified search and rescue**
28 **volunteer in writing at the scene; and**

29 **(b) The county is conclusively deemed to have filed an election under ORS 656.031 to**
30 **provide workers' compensation coverage for the qualified search and rescue volunteer as**
31 **required by subsection (1) of this section.**

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

8 [(3)] (4) A county that is a self-insured employer under ORS chapter 656 may apply to an insurer
9 for workers' compensation coverage for qualified search and rescue volunteers only, while continu-
10 ing to self-insure the other subject workers of the county. If an insurer decides not to provide
11 workers' compensation coverage for qualified search and rescue volunteers of the county, coverage
12 shall be provided through the assigned risk pool.

13 [(4)] (5) Qualified search and rescue volunteers and their beneficiaries are not eligible for
14 workers' compensation benefits under this section if the volunteer is performing search and rescue
15 activities during an emergency and is provided with workers' compensation coverage under ORS
16 401.368.

17 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
19 **on its passage.**