

House Bill 2340

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Military Department)

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**.

Modifies provisions requiring public body to provide workers' compensation coverage for qualified emergency service volunteers.

A BILL FOR AN ACT

1
2 Relating to emergency service volunteers; amending ORS 401.358, 401.364 and 401.368.

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

4 **SECTION 1.** ORS 401.358 is amended to read:

5 401.358. As used in ORS 401.358 to 401.368:

6 [(1) "*Emergency service activities*" means:]

7 [(a) *The provision of emergency services; and*

8 [(b) *Engaging in training under the direction of a public body, whether by reason of the training*
9 *being conducted or approved by a public body, for the purpose of preparing qualified emergency service*
10 *volunteers to perform emergency services.*]

11 (1) "**Emergency service activities**" means **activities performed by a qualified emergency**
12 **service volunteer:**

13 (a) **In the provision of emergency services; or**

14 (b) **In the course of training, for the provision of emergency services, that is conducted**
15 **or approved by the public body with whom the volunteer is registered.**

16 (2) "**Public body**" has the meaning given that term in ORS 174.109.

17 [(2)] (3) "**Qualified emergency service volunteer**" means [*a person*] **an individual** who is:

18 (a) Registered with [*the Office of Emergency Management or other*] **a public body** to perform
19 emergency service activities;

20 (b) Acknowledged **by a public body** in writing as a qualified emergency service volunteer[, *at*
21 *the time the person*] **when the individual** offers to volunteer during an emergency[, *by the Office of*
22 *Emergency Management or by another public body*]; or

23 (c) A member of the Oregon State Defense Force.

24 **SECTION 2.** ORS 401.364 is amended to read:

25 401.364. (1) A qualified emergency service volunteer is an agent of a public body under ORS
26 30.260 to 30.300 for the purpose of acts and omissions of the volunteer that are within the course
27 and scope of the volunteer's duties [*if the acts or omissions occur*:]

28 [(a)] while the volunteer is performing emergency service activities under the direction of the
29 public body. [*during a state of emergency declared under this chapter, or during a state of public*
30 *health emergency proclaimed under ORS 433.441; or*]

31 [(b) *While the volunteer is engaged in training being conducted or approved by a public body for*

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 *the purpose of preparing the volunteer to perform emergency services.]*

2 (2) A public body shall defend, save harmless and indemnify a qualified emergency service vol-
3 unteer as required by ORS 30.285 for any tort claim arising out of an act or omission described in
4 subsection (1) of this section.

5 **SECTION 3.** ORS 401.368 is amended to read:

6 401.368. (1) *[The Office of Emergency Management shall]* **A public body with whom one or more**
7 **qualified emergency service volunteers is registered may** provide workers' compensation cover-
8 age for qualified emergency service volunteers who are injured in the course and scope of perform-
9 ing emergency service activities under the direction of [a] **the public body.** *[if the injury occurs:]*

10 [(a) *While the volunteer is performing emergency service activities under the direction of the public*
11 *body during a state of emergency declared under this chapter, or during a state of public health*
12 *emergency proclaimed under ORS 433.441; or]*

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

15 (2) **A public body that provides** workers' compensation coverage *[shall be provided under this*
16 *section in the manner provided by]* **under this section must provide the coverage in the manner**
17 **described in** ORS 656.039.