

SENATE BILL REPORT

SSB 6014

As Passed Senate, March 14, 2005

Title: An act relating to industrial insurance claims made due to disaster response.

Brief Description: Concerning industrial insurance claims made due to disaster response.

Sponsors: Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kline, Parlette, Kohl-Welles and Keiser).

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/25/05 [DPS].
Passed Senate: 3/14/05, 47-0.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6014 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Parlette, Ranking Minority Member; Honeyford, Keiser and Prentice.

Staff: Alison Mendiola (786-7483)

Background: Recent tragic events such as the Oklahoma City bombing and the terrorist attacks of September 11th, 2001 have caused communities around the country to devote more resources to planning for both natural and man-made disasters.

The U.S. Department of Homeland Security held a First Response and Skilled Trades Stakeholder Summit in Seattle in November, 2003. This summit has provided an impetus for moving forward on a local, state, and national level to build on the existing emergency response infrastructure to create a system that improves the country's ability to prevent loss of life and property following man-made disasters.

In the event of such a disaster, there are special provisions for volunteers, citizens who are commandeered, and for emergency relief workers, yet there are little to no provisions for non-governmental employers or their workers who want to assist with relief efforts in the aftermath of a natural or man-made disaster.

Summary of Bill: When a worker of a non-governmental employer is injured or develops an occupational disease due to an exposure while employed in response to a request for assistance in the life and rescue phase of an emergency, the cost of workers compensation benefits is reimbursed from the disaster response account to the appropriate workers' compensation fund, or to the self-insured employer. The cost of such injuries or occupational diseases is not charged to the experience record of a state fund employer.

"Life and rescue phase" is defined as the first 72 hours after a natural or man-made disaster in which a state or local entity, including fire service or law enforcement, acknowledges or

declares such a disaster and requests assistance from the private sector in locating and rescuing survivors.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Testimony For: This bill is necessary to protect our community. First responders, fire and police, can't respond to disasters alone, assistance is needed from the private sector. The labor, equipment, and expertise of the private sector is critical and provisions to protect such employers is vital to ensure that their experience rating damaged as a result of assistance provided in a disaster. This group has been meeting for two years working on improving disaster response.

Testimony Against: None.

Who Testified: PRO: Senator Adam Kline; Vickie Kennedy, Department of Labor and Industries; Bob Abbott, Laborers District Council; A.D. Vickery, Seattle Fire Department; David Letwich, Laborers District Council; Rick Slunaker, Associated General Contractors; and Doug Buman, Laborers Tri-Funds.

House Amendment(s): The amendment authorizes the Department of Labor and Industries to adopt rules implementing reimbursements and noncharging of benefits paid to nongovernment workers injured while assisting in the life and rescue phase of emergencies.

Passed House: 96-0.