

SENATE BILL REPORT

SB 5054

As Reported By Senate Committee On:
Government Operations & Elections, January 29, 2007

Title: An act relating to emergency workers.

Brief Description: Concerning limited emergency worker volunteer immunity.

Sponsors: Senators Kastama, Haugen, Fairley, Roach, Kline and Kilmer; by request of Military Department.

Brief History:

Committee Activity: Government Operations & Elections: 1/23/07, 1/29/07 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5054 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline, Pridemore and Swecker.

Staff: Mac Nicholson (786-7445)

Background: The state provides indemnity to persons appointed and regularly enrolled as emergency workers for damage to property or injury or death to persons caused by acts done or attempted by the emergency worker within the scope of their assigned duties. In other words, any legal liability for damage or injury caused by an emergency worker is the obligation of the state, provided the acts of the emergency worker do not constitute willful misconduct, gross negligence or bad faith.

Volunteers who are registered as emergency workers and are licensed as retired volunteer medical workers are immune from liability for damages that arise while providing assistance or transportation during an emergency or disaster or participating in an approved training or exercise in preparation for an emergency or disaster. This immunity extends to the volunteer's supervisor, health care facilities and employees, property and vehicle owners, the local organization that registered the volunteer, and to the state and state or local government entities.

Summary of Bill: The activity covered by the indemnity provisions for emergency workers includes acts done or attempted during or while traveling to or from an emergency or disaster, search and rescue, or training or exercise authorized by the Washington Military Department.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The immunity afforded to registered retired volunteer medical workers is extended to all volunteer emergency workers who are: (1) not receiving or expecting compensation from the state or local government; (2) not a state or local government employee unless on leave without pay status; and (3) are registered with and hold an identification card issued by the state or local emergency management director for the purpose of engaging in authorized emergency management activities. The employer of a covered volunteer emergency worker is also immune from liability for acts of the volunteer emergency worker.

The types of activities covered by the immunity provisions are expanded to include search and rescue activities.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Government Operations & Elections): Emergency workers enjoy indemnity while participating in a training or exercise authorized by the department, but not while traveling to or from the training or exercise.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Recent disasters have shown the need to have volunteer and paid emergency workers plan, train, and exercise together. This bill helps that happen by providing limited immunity to those volunteers. Last year the Legislature provided limited immunity to retired medical workers who volunteer, and this bill expands that immunity to all volunteers. This bill is not a good Samaritan bill, it only provides immunity to registered volunteers who receive an ID card from an emergency management agency, and who are explicitly authorized to participate in the exercise or event by the incident commander. Twenty-two stakeholder groups worked during the interim on this legislation. The threat of being sued is a barrier to becoming a volunteer, and this bill addresses that threat.

Persons Testifying: PRO: Major General Tim Lowenburg, Washington Military Department; Secretary Mary Selecky, Department of Health; Bill Basl, State Commission on National and Community Service; Art Jordan, Search and Rescue Volunteer Advisory Council; Steve Bailey, Washington State Emergency Manager's Association.