

2024 -- H 7936

LC005197

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

Introduced By: Representatives Cotter, Tanzi, Cortvriend, Casimiro, Edwards,
Speakman, Donovan, McEntee, Morales, and McGaw

Date Introduced: March 05, 2024

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 30-15-15 of the General Laws in Chapter 30-15 entitled "Emergency
2 Management" is hereby amended to read as follows:

3 **30-15-15. Immunity from liability — Compensation for death or injury of disaster**
4 **response workers.**

5 (a) All functions under this chapter, and all other activities relating to disaster response, are
6 hereby declared to be governmental functions. Neither the state, nor any political subdivision
7 thereof, nor other agencies of the state or political subdivision thereof, nor, except in cases of willful
8 misconduct, gross negligence, or bad faith, any disaster response worker complying with, or
9 reasonably attempting to comply with this chapter, or any order, rule, or regulation promulgated
10 pursuant to the provisions of this chapter, or pursuant to any ordinance relating to precautionary
11 measures enacted by any political subdivision of the state, shall be liable for the death of, or injury
12 to, persons, or for damage to property, as a result of disaster response activity. The provisions of
13 this section shall not affect the right of any person to receive benefits to which he or she would
14 otherwise be entitled under this chapter, nor under the Workers' Compensation Act, chapters 29 —
15 38 of title 28, nor under any pension law, nor the right of any person to receive any benefits or
16 compensation under any act of Congress.

17 (b) Any requirement for a license to practice any professional, mechanical, or other skill
18 shall not apply to any authorized disaster response worker who shall, in the course of performing
19 his or her duties as such, practice such professional, mechanical, or other skill during a disaster

1 emergency.

2 (c) In the absence of any other benefits as provided by law, all disaster response workers
3 who shall be killed or sustain disability or injury while in training for or on disaster response duty
4 shall be construed to be employees of the state, any other provisions of the law to the contrary
5 notwithstanding, and shall be compensated in like manner as state employees are compensated
6 under the provisions of chapters 29 — 38 of title 28.

7 (d) In the absence of any other benefits as provided by law, any and all authorized disaster
8 response workers who shall, in the course of performing their duties as such, practice professional,
9 mechanical, or other skill during a disaster emergency, shall be considered a state employee and
10 shall be entitled to all rights in like manner as state employees under the provisions of chapters 29
11 through 38 of title 28 and under § 9-31-8.

12 ~~(d)~~(e) As used in this section, the term “disaster response worker” shall include any full-
13 or part-time paid, volunteer, or auxiliary employee of this state, other states, territories, or
14 possessions, the District of Columbia, the federal government, any neighboring country, or any
15 political subdivision thereof, or any agency or organization, or any private person, firm, or
16 corporation performing disaster response services at any place in this state subject to the order or
17 control of, or pursuant to a request of, the state government or any political subdivision thereof.

18 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

1 This act would provide that any disaster response worker shall, in the course of their duties,
2 be considered a state employee and be entitled to all rights in like manner as state employees under
3 the provisions of chapters 29 through 38 of title 28 (Workers Compensation) and under § 9-31-8
4 (Defense of state employees by Attorney general).

5 This act would take effect upon passage.

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