

29-LS0325\I
Shutts
4/14/15

HOUSE CS FOR CS FOR SENATE BILL NO. 43()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS COGHILL, Stoltze, Egan, Micciche, Stevens, Bishop, MacKinnon, Giessel, McGuire, Dunleavy, Ellis

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to immunity for a fire department and employees or members of a fire**
2 **department."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 09.65 is amended by adding a new section to read:

5 **Sec. 09.65.083. Civil liability of nonprofit and university fire departments.**

6 (a) An action for tort or breach of a contractual duty based on the act or omission of an
7 employee or member of a nonprofit or university fire department in the execution of a
8 function for which the department is established may not be maintained against an
9 employee or member of the nonprofit or university fire department.

10 (b) An action for tort or breach of a contractual duty based on the act or
11 omission of an employee or member of a nonprofit or university fire department in the
12 execution of a function for which the department is established may not be maintained
13 against the nonprofit or university fire department unless the action

14 (1) alleges intentional misconduct or gross negligence; or

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(2) is based on the act or omission of an employee or member of the nonprofit or university fire department in the execution of a duty under contract with a private entity.

(c) The immunity afforded by this section is in addition to any immunity under other law.

(d) In this section, "nonprofit or university fire department" means a fire department registered with the state fire marshal that is

(1) operated and maintained by a university; or

(2) a nonprofit that provides services under contract or agreement with a municipality or village.