

LEGAL SERVICES

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MEMORANDUM

April 14, 2015

SUBJECT: Nonprofit and university fire departments,
HCS CSSB 43(); (Work Order No. 29-LS0325\I)

TO: Senator John Coghill
Attn: Jordan Shilling

FROM: Susie L. Shutts
Legislative Counsel

Enclosed is the committee substitute you requested for CSSB 43(JUD).

Subsection (c) of this CS states that "[t]he immunity afforded by this section supplements any immunity under other law." This has been included because there are several other statutory immunities that may apply to university or nonprofit fire departments. For example, AS 09.65.090 covers civil liability for emergency aid, and under AS 18.70.150, "a city, other incorporated entity, and other fire protection groups" can organize a mutual-aid program that allows them to aid one another and receive the same immunity as when the fire department, company, squad, or patrol performs the same functions in its own area. Other statutory provisions that may apply to the fire departments covered by this bill are AS 18.60.120 (search and rescue parties) and AS 18.08.086 (emergency medical services). In addition, it is not entirely clear that a volunteer fire department would not be covered by the municipal immunity under AS 09.65.070(d) as an agent of the municipality.

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Enclosure