

CS FOR HOUSE BILL NO. 320(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/8/08

Referred: Finance

Sponsor(s): REPRESENTATIVES MEYER, Buch, Holmes

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to search and rescue training and search and rescue parties; requiring**
2 **certain search and rescue volunteers to be considered state employees for purposes of**
3 **workers' compensation coverage; and allowing political subdivisions to elect to provide**
4 **workers' compensation insurance coverage for search and rescue personnel."**

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

6 *** Section 1.** AS 18.60 is amended by adding a new section to article 2 to read:

7 **Sec. 18.60.115. Search and rescue training.** The commissioner of public
8 safety or the commissioner's designee may organize and conduct a search and rescue
9 training exercise to prepare for a response to a search and rescue activity under
10 AS 18.60.120. Only the commissioner or the commissioner's designee may authorize a
11 person to participate in a search and rescue training exercise under this section.

12 *** Sec. 2.** AS 18.60.120 is amended to read:

13 **Sec. 18.60.120. Search and rescue parties.** Upon being notified that a person
14 is lost, injured, killed, or is in need of immediate rescue, the commissioner of public

1 safety or a designee may appoint a competent person to organize, direct, and guide a
 2 search and rescue party for the purpose of rescuing or retrieving the person or the
 3 person's remains. **Only the commissioner, the commissioner's designee, or the**
 4 **person appointed to organize, direct, and guide a search and rescue party may**
 5 **authorize a person to participate in the search and rescue party.**

6 * **Sec. 3.** AS 18.60.125 is amended to read:

7 **Sec. 18.60.125. Civil immunity.** A person may not bring a civil action for
 8 damages against the state, a political subdivision of the state, or the officers, agents, or
 9 employees of the state or a political subdivision of the state for a death, personal
 10 injury, or property damage that results from an act or omission in performing or failing
 11 to perform activities or duties authorized under **AS 18.60.115 - 18.60.175**
 12 [AS 18.60.120 - 18.60.175]. This section does not apply to a civil action for damages
 13 as a result of intentional misconduct within the course and scope of employment or
 14 agency and with complete disregard for the safety and property of others.

15 * **Sec. 4.** AS 18.60.175 is amended to read:

16 **Sec. 18.60.175. Regulations.** The Department of Public Safety shall adopt
 17 regulations necessary to carry out the duties assigned by **AS 18.60.115 - 18.60.170**
 18 [AS 18.60.120 - 18.60.170], including regulations dealing with the handling of
 19 nonexpendable property purchased during a search or rescue mission and expenditures
 20 of money for search and rescue. The regulations shall be adopted in accordance with
 21 AS 44.62 (Administrative Procedure Act).

22 * **Sec. 5.** AS 23.30.092 is amended to read:

23 **Sec. 23.30.092. Volunteer ambulance attendants', police officers', [AND]**
 24 **fire fighters', and search and rescue personnel's insurance.** A political subdivision
 25 may elect to provide benefits and compensation to its volunteer ambulance attendants,
 26 police officers, [OR] fire fighters, **or search and rescue personnel** by obtaining
 27 insurance that would provide its volunteer ambulance attendants, police officers, [OR]
 28 fire fighters, **or search and rescue personnel** with benefits and compensation at least
 29 equivalent to those conferred upon volunteer ambulance attendants, police officers,
 30 [OR] fire fighters, **or search and rescue personnel** by this chapter, and the election
 31 shall be considered compliance with the coverage and insurance provisions of this

1 chapter. The election shall be made by filing copies of the insurance policy or policies
2 with the commissioner.

3 * **Sec. 6.** AS 23.30 is amended by adding a new section to read:

4 **Sec. 23.30.246. Search and rescue personnel as state employees.** (a) A
5 resident of the state who temporarily volunteers to participate in a search and rescue
6 training exercise or a search and rescue activity and who suffers injury or death during
7 the course and within the scope of training for or providing search and rescue services
8 is considered an employee of the state for purposes of this chapter if, at the time of the
9 injury or death, the volunteer

10 (1) is an authorized participant in a search and rescue training exercise
11 under AS 18.60.115 or a search and rescue activity under AS 18.60.120; and

12 (2) is not otherwise covered for that injury or death by an employer's
13 workers' compensation insurance policy or self-insurance certificate.

14 (b) Notwithstanding the methods for calculating an employee's gross weekly
15 earnings under AS 23.30.220, the gross weekly earnings for a resident of the state
16 temporarily engaged as a volunteer under (a) of this section are equal to the state
17 average weekly wage, but the gross weekly earnings for calculating compensation
18 may not be less than the minimum wage computed based on 40 hours of work a week.