

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

CS FOR HOUSE BILL NO. 320(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/19/08

Referred: Rules

Sponsor(s): REPRESENTATIVES MEYER, Buch, Holmes, Kerttula, Lynn, Guttenberg, Roses

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.