

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

January 28, 2008

3:02 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Mark Neuman, Vice Chair
Representative Carl Gatto
Representative Gabrielle LeDoux
Representative Jay Ramras
Representative Robert L. "Bob" Buch
Representative Berta Gardner

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

COMMITTEE CALENDAR

HOUSE BILL NO. 315

"An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date."

- MOVED HB 315 OUT OF COMMITTEE

HOUSE BILL NO. 320

"An Act relating to certification of search and rescue personnel and organizations; requiring certain search and rescue personnel to be considered state employees for purposes of workers' compensation coverage; and allowing municipalities to elect to provide workers' compensation insurance coverage for search and rescue personnel."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 315

SHORT TITLE: EXTEND BIG GAME COMMERCIAL SERVICES BOARD

SPONSOR(S): RULES BY REQUEST OF LEG BUDGET & AUDIT

01/15/08 (H) READ THE FIRST TIME - REFERRALS
01/15/08 (H) L&C, FIN
01/28/08 (H) L&C AT 3:00 PM CAPITOL 17

BILL: HB 320

SHORT TITLE: SEARCH & RESCUE: CERTIFICATION/WORK.COMP
SPONSOR(S): REPRESENTATIVE(S) MEYER

01/15/08 (H) READ THE FIRST TIME - REFERRALS
01/15/08 (H) L&C, FIN
01/28/08 (H) L&C AT 3:00 PM CAPITOL 17

WITNESS REGISTER

LINDA HAY, Staff
To Representative Ralph Samuels
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 315 to the committee.

PAT DAVIDSON, Legislative Auditor
Division of Legislative Audit
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided comments on the audit for the Big Game Commercial Services Board (BGCSB) during the discussion of HB 315.

PAUL JOHNSON, Chair
Big Game Commercial Services Board (BGCSB)
Elfin Cove, Alaska

POSITION STATEMENT: Provided comments and responded to questions during discussion of HB 315.

JENNIFER STRICKLER, Chief
Professional Licensing, Juneau Office
Department of Commerce, Community, & Economic Development
(DCCED)
Juneau, Alaska

POSITION STATEMENT: Provided comments and responded to questions during discussion of HB 315.

RICHARD ROHRER, Guide-Outfitter Member
Big Game Commercial Services Board (BGCSB)
Kodiak, Alaska

POSITION STATEMENT: Provided comments and responded to questions during discussion of HB 315.

REPRESENTATIVE KEVIN MEYER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor of HB 320, presented the bill and responded to questions.

MIKE PAWLOWSKI, Staff
To Representative Kevin Meyer
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on behalf of Representative Kevin Meyer on HB 320.

RODNEY DIAL, Lieutenant; Deputy Commander
A Detachment
Division of Alaska State Troopers (AST)
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Responded to questions on HB 320.

CORY AIST, President
Alaska Search and Rescue Association (ASARA)
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 320.

CHUCK SPRINGER, Past President
Alaska Search and Rescue Association (ASARA)
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 320.

PAUL LISANKIE, Director
Central Office
Division of Workers' Compensation
Department of Labor & Workforce Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during discussion of HB 320.

ACTION NARRATIVE

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at [3:02:48 PM](#). Representatives Buch, Neuman, Ramras, and Olson were present at the call to order.

Representatives Ledoux, Gardner, and Gatto arrived as the meeting was in progress.

HB 315-EXTEND BIG GAME COMMERCIAL SERVICES BOARD

3:03:00 PM

CHAIR OLSON announced that the first order of business would be HOUSE BILL NO. 315, "An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date."

3:03:15 PM

LINDA HAY, Staff to Representative Ralph Samuels, Alaska State Legislature, explained that HB 315 was introduced by the Legislative Budget and Audit Committee and would extend the sunset date of the Big Game Commercial Services Board (BGCSB) until June 30, 2012, which complies with the Division of Legislative Audit which recently reviewed the activities of the BGCSB. She said that Pat Davidson, Legislative Auditor, will walk the committee through the findings and recommendations of the audit.

3:03:40 PM

PAT DAVIDSON, Legislative Auditor, Division of Legislative Audit, Alaska State Legislature, explained that the audit report recommended the following statutory change: to extend the termination date to 2012, which is a four-year extension of the BGCSB. She noted that oftentimes an audit will recommend extending a board for eight years, but since the BGCSB was reconstituted only a couple of years ago, the auditor recommended extending the board only four years. That recommendation allows the auditors to review how well the BGCSB is functioning in four years and to address any issues earlier. The other issues identified in the audit were administrative issues that needed to be dealt with by the Division of Occupational Licensing, Department of Commerce, Community, & Economic Development (DCCED). She said that no deficiencies surfaced with the BGCSB.

3:04:37 PM

REPRESENTATIVE BUCH asked Ms. Davidson to review the first three finding and recommendations as listed on page 9 of the audit.

MS. DAVIDSON reviewed the findings and recommendations and stated that the audit recommends that the Division of Corporations, Business, and Professional Licensing should be certain that its staff assigned to the BGCSB adheres to statute, regulations, and policy and procedures for efficient support of the BGCSB's day-to-day operations. She noted that some of the licensing files were missing certain documents. She explained that generally the auditor examines files for completeness and follows-up on any deficiencies. In this case, the audit identified that the licensing examiner needs to gather and compile additional information for the individual licensing files. With regard to the second recommendation, the audit revealed that one examination did not have adequate public notice. While the aforementioned is a problem, if a person is sitting for an exam, he/she is not generally going to rely solely on the public notice of the examination for information. Although the audit revealed public noticing as a deficiency that should be addressed, it was not of substantial concern to the auditor, she related. The third finding was that the proposed regulations issued by the BGCSB were not issued in a timely manner. She said the auditor found that the licensing support for this board was not "up to snuff". Although staff attempted to public notice the regulations and put them in draft form, they did not follow the right sequence. Normally these items individually would not warrant a recommendation, but taken as a whole, the auditor found the deficiencies were significant enough to warrant a recommendation to DCCED.

[3:07:49 PM](#)

REPRESENTATIVE BUCH inquired as to whether these issues have been resolved to the auditor's satisfaction.

MS. DAVIDSON answered that DCCED responded that it would address the issues, and did make some staff changes.

REPRESENTATIVE NEUMAN requested that Ms. Davidson explain the recommendation to review licensing fees.

MS. DAVIDSON explained that the BGCSB is required to be financially supported by its fees. The auditor found that the costs of operating the board exceeded its incoming revenues. While the auditor does not recommend which particular fee should be addressed, the auditor does identify that the revenues need to be increased. She explained that is up to the division to ensure that the fees are sufficient; however, the division

usually works with the board to determine which fees should be increased.

[3:09:14 PM](#)

REPRESENTATIVE NEUMAN inquired as to whether fee increases will mean an increase in hunting license fees.

MS. DAVIDSON said that the fees are license fees generated by master guide-outfitters, registered guide-outfitters, Class A assistant guide-outfitters, and assistant guide-outfitters. The sport hunting and fishing license fees do not support the BGCSB, but are deposited into the Fish and Game Fund.

REPRESENTATIVE NEUMAN asked who currently serves on the state lands subcommittee of the BGCSB.

MS. DAVIDSON said she did not know.

[3:10:29 PM](#)

PAUL JOHNSON, Chair, Big Game Commercial Services Board (BGCSB), stated that the primary member of the BGCSB State Lands subcommittee is Robert Fithian. The State Lands subcommittee was formed by the BGCSB to identify and address problems guide-outfitters had encountered on state lands and to make recommendations to the board. He said the subcommittee identified some ethical issues that the BGCSB dealt with and Mr. Fithian has been working with the Department of Natural Resources (DNR) to resolve other issues.

MR. JOHNSON, in response to a question by Representative Neuman, said that the State Lands Subcommittee was established by the BGCSB and is charged to identify problems and coordinate its efforts with state agencies. He noted that Mr. Fithian has had major discussions with the Department of Natural Resources (DNR).

[3:12:17 PM](#)

REPRESENTATIVE NEUMAN asked more specifically about the work done by the state lands subcommittee.

MR. JOHNSON further responded that when the BGCSB was reactivated a couple of years ago, a number of guide-outfitters who guide-outfit on state lands complained that the permitting process and rules are complex. He added that while the BGCSB

would like to take action to address the issues identified, the BGCSB lacks the statutory authority to do so.

3:13:18 PM

REPRESENTATIVE GATTO asked for clarification of the recommendation that recommends that the board cease the electronic accumulation of information gathered from hunt records and transporter reports. He opined that sometimes it is best to not collect information because it is just stored and is unusable information.

MS. DAVIDSON explained that the auditor's role is to control and verify data, and therefore the recommendation was highly unusual. However, prior to the reinstatement of the BGCSB, the Division of Legislative Audit found that DCCED was keeping enormous amounts of records that only the auditor ever asked to use. She said that the auditor reviewed the amount of effort involved to compile the data, and while many people thought [certain individuals] were using the data, it seemed that no one was using the data. She noted that DCCED disagrees with this recommendation, and therefore the recommendation is designed to have DCCED identify its users to ensure that the data is maintained in a useable format for the users. She related that the auditor found BGCSB staff in the process of keypunching very old hunt records. While that data might not have been used because it was not previously available, considerable efforts were being taken to enter the data. She suggested that perhaps a digitized hunt record with a searchable data base might be used. However, until the users are identified, DCCED staff should not invest a lot of time and energy into the data entry effort, she opined.

3:15:54 PM

REPRESENTATIVE BUCH referred to a letter in the committee packet and asked whether someone was present to speak to the request by Commissioner Notti that DCCED be allowed to retain the information [contained in hunt records].

MS. DAVIDSON reiterated that the recommendation is based on the fact that no one uses the records. If users can be identified, the division is not opposed to the data being collected.

3:16:42 PM

JENNIFER STRICKLER, Chief, Professional Licensing, Juneau Office, Department of Commerce, Community, & Economic Development (DCCED), related that the specific requirement to collect the data has been a statutory requirement for many years. She explained that guide-outfitters must submit a financial remuneration form for each hunt, which is by statute a confidential report that represents the guide/client contract. She explained that the requirement for the report remains in statute, and thus DCCED continues to collect the data. The data is used primarily by law enforcement agencies, particularly by the Department of Public Safety enforcement officers. There does not seem to be widespread interest outside law enforcement agency requests for the hunt records, she noted. She outlined the process a licensing examiner follows when a trooper requests copies of hunt data, and that the Division of Corporations, Business, and Professional Licensing (DCBPL) has been short staffed so that only one licensing staff assigned to the BGCSB is available to compile and certify copies of the hunt data. Since staff's primary duties include issuing licenses and preparing for examinations, the BGCSB staff has not been able to provide hunt record information in a timely manner. She said that the division is in the process of entering the data in an electronic format so that troopers and other enforcement agencies will be able to do their own queries and download the specific reports. She explained that the DCCED has reduced its backlog and has completed the data entry for transporter activity forms from 1993 to 2007. She noted that the division is currently entering guide-outfitter hunt records for 2007, and will work backwards year-by-year to capture the earlier data.

[3:19:46 PM](#)

REPRESENTATIVE BUCH inquired as to whether other states maintain detailed hunt records.

MS. STRICKLER said she was not sure. The state and federal wildlife officers support the division's efforts to maintain the hunt records, she related.

REPRESENTATIVE LEDOUX pointed out that whether to extend the BGCSB is the matter before the committee. She expressed support to extend the BGCSB.

CHAIR OLSON noted that the only the only matter before the committee with respect to HB 315 is to extend the BGCSB until 2012.

MS. DAVIDSON explained that extending the sunset date in HB 315 is only matter that currently requires a statutory change. The auditor's report provided meets a statutory requirement for the Division of Legislative Audit, which examines a variety of issues pertaining to the BGCSB. She noted that if the auditors had found substantial ongoing problems, they would make recommendations for statutory changes as remedies. In this instance, the recommendations are more for the committee's information to better understand how the board functions and how well the staff supports the board functions. She noted the audit recommends a four-year extension of the board, and it also highlights some areas that are necessary to improve the administrative activities of the board.

[3:22:44 PM](#)

REPRESENTATIVE GARDNER asked if anyone has requested the data now that it is accessible. She further asked whether requests are for data in the 1980s or for more recent year's hunts.

MS. STRICKLER responded that other agencies have expressed interest in hunt records. In fact, there are a few pending requests, including ones from federal enforcement officers and the DPS officers in Fairbanks. She highlighted that any agency requesting the information must have a secure web site in order to access the information. As far as the data entry, DCCED has asked the BGCSB whether it can cut off at a certain date. Some agencies have also offered to offset the costs of data entry, but thus far the division has yet to formulate a specific fee for accessing the data, although it remains a possibility.

REPRESENTATIVE GARDNER added that perhaps charging a fee would help to offset the \$55,000 deficit of the BGCSB, and inquired as to whether the records need to go back as far as 15-20 years.

[3:25:02 PM](#)

MS. DAVIDSON, responded to a question by Representative Gatto whether the board membership was lopsided, answered that with respect to the number of public members on the board vis-à-vis the number of guide-outfitters serving on the board, that most occupational licensing boards have a majority membership of licensed professionals to represent the board.

[3:25:58 PM](#)

MR. JOHNSON stated that, in his view, the 10-year gap without a board did not help the industry, although in some ways it was a healthy process. He noted that guide-outfitting is a \$200 million industry for the state. In response to an earlier question about hunt records, he recommended that the division maintain at least three years of back records. He offered that the nine-member board consists of two members who are private landholders, two members who are transporters, two members who are registered guides, [two] who are public members, and one member who serves on the Board of Game and functions as a liaison between the BGCSB and the Board of Game. He asked the committee to support extending the BGCSB until 2012.

[3:27:45 PM](#)

REPRESENTATIVE NEUMAN inquired as to whether a person needs a transporter's license to transport game by air. For instance, would a constituent who lives near Skwentna and hunts, need a transporter's license.

MR. JOHNSON answered that there is not a specific requirement for a transporter's license in order to transport game by air. However, if the person who is transporting game is compensated, then he/she must hold a commercial operator's certificate issued by the Federal Aviation Administration (FAA) under Part 135, which allows an operator to charge more than a point-to-point fee. The operator would also have to have a transporter's license. He noted there have not been any recent changes to the transporter requirements. He gave a history of the BGCSB, which he said stemmed from a task force chaired by Henry Springer that was created in 1991, when the Guide Board was changed to the BGCSB. The BGCSB sunset happened in 1995 over a litany of issues, but nothing has changed since 1991 in terms of qualifications, he stated.

[3:29:46 PM](#)

REPRESENTATIVE NEUMAN posed an example in which he hunted with his friend in Skwentna. He asked whether the friend would be required to have a transporter's license in order to haul his gear or transport his moose.

MR. JOHNSON specified that if the constituent is paid for his services, he would be required to have a transporter's license. He outlined the requirements for a transporter license, which include: an application, fees, activity reports, and documentation whether he/she provides air services and holds a

commercial operator's certificate issued by the Federal Aviation Administration (FAA) under Part 135, and proof of insurance.

[3:30:50 PM](#)

REPRESENTATIVE NEUMAN inquired as to whether someone would be issued a citation for transporting game without a license.

MR. JOHNSON answered yes, and added that several people have been cited for not following the reporting requirements under state statute.

[3:31:37 PM](#)

RICHARD ROHRER, Big Game Commercial Services Board (BGCSB) Guide-Outfitter board member, encouraged the committee to reauthorize the BGCSB. He explained that the BGCSB members work well together and that he is available to answer questions.

[3:32:13 PM](#)

CHAIR OLSON upon determining no one else wished to testify on HB 315 closed the public testimony.

[3:32:34 PM](#)

REPRESENTATIVE GARDNER moved to report HB 315 out of the House Labor and Commerce Standing Committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 315 was reported from the House Labor and Commerce Standing Committee.

[3:32:46 PM](#)

The committee took an at-ease from 3:32 p.m. to 3:35 p.m.

HB 320-SEARCH & RESCUE: CERTIFICATION/WORK.COMP

[3:35:31 PM](#)

CHAIR OLSON announced that the next order of business would be HOUSE BILL NO. 320, "An Act relating to certification of search and rescue personnel and organizations; requiring certain search and rescue personnel to be considered state employees for purposes of workers' compensation coverage; and allowing municipalities to elect to provide workers' compensation insurance coverage for search and rescue personnel."

REPRESENTATIVE KEVIN MEYER, Alaska State Legislature, speaking as the prime sponsor, explained that HB 320 addresses providing workers' compensation for search and rescue volunteers. Alaskans live here to enjoy and explore the wilderness, although exploring can be a bit dangerous and sometimes people needed to be rescued, he remarked. He highlighted that search and rescue volunteers are often the first responders. In the past six years, search and rescue volunteers and the Alaska State Troopers (AST) rescued more than 2,300 people. Since many search and rescue personnel are volunteers and are not compensated for their efforts, it seems that the least the legislature can do is to provide them with workers' compensation in case they are injured in the course of rescuing or attempting to rescue others, he opined. He noted that currently volunteer emergency medical technicians (EMTS) are covered under workers' compensation and HB 320 would extend the same workers' compensation coverage to search and rescue volunteers. Since it is important to make sure these are legitimate organizations, he relayed that he asked the Department of Public Safety (DPS) to oversee and certify the organizations and to set the standards for certification in regulation. Through that process the groups will have an opportunity to provide input.

[3:38:14 PM](#)

MIKE PAWLOWSKI, Staff to Representative Kevin Meyer, Alaska State Legislature, in response to a question by Representative Ramras, confirmed that the State of Alaska is self-insured.

[3:38:34 PM](#)

REPRESENTATIVE LEDOUX inquired as to whether there have been many instances of volunteer workers suing the state. She explained that although it is not explicitly specified in the bill, providing workers' compensation services would remove the search and rescue volunteer's right to sue the state for civil damages. She inquired as to whether the bill stemmed from a lawsuit.

REPRESENTATIVE MEYER explained that a constituent requested the bill because the constituent participates in a search and rescue organization. He noted that a lawsuit has not yet arisen.

MR. PAWLOWSKI further responded that AS 18.60.125 specifically provides civil immunity to the state. He offered to provide the committee with a copy of the statute. He said that the discussion for HB 320 is about being proactive and acting prior

to a search and rescue person being involved in an accident. Furthermore, the bill may curb what might happen to the volunteer pool if volunteers were to realize they are not covered by workers' compensation if injured while performing search and rescue volunteer work.

[3:40:43 PM](#)

REPRESENTATIVE LEDOUX surmised that since there is already civil immunity, HB 320 would not have a negative impact to the state.

MR. PAWLOWSKI answered that he believes that's the case.

[3:40:53 PM](#)

REPRESENTATIVE GATTO inquired as to whether volunteers are considered state employees while on search and rescue missions.

REPRESENTATIVE MEYER answered yes, just during the volunteer work.

[3:41:05 PM](#)

REPRESENTATIVE GATTO related a scenario in which a person is a laborer who earns \$50 per hour and hurts his back while performing search and rescue volunteer activities such that he can no longer work as a laborer. He asked how that person would be treated under HB 320.

[3:41:39 PM](#)

REPRESENTATIVE RAMRAS referred to page 2, line 15 proposed [AS 23.30.238(b), which refers to the earnings calculation].

REPRESENTATIVE MEYER concurred with Representative Ramras that there is a method in HB 320 for calculating the state's exposure.

REPRESENTATIVE GATTO related his belief that the state would be responsible for rehabilitation and training for a new job. If it is a situation in which the new job does not pay comparable to the laborer position, what would happen, he asked.

[3:42:59 PM](#)

MR. PAWLOWSKI explained that it is a policy call as to how much coverage to pay a volunteer injured while participating in a

mission or a training exercise. He said HB 320 puts the injured volunteer in line with an EMT's salary. He also said there are volunteer firefighters, disaster volunteers, and several other places within the workers' compensation statutes that could be examined to determine the level of coverage. He noted that there is a representative from the Department of Labor & Workforce Development that might be able to assist the committee in making that policy call. In further response to Representative Gatto, Mr. Pawlowski related his understanding that death benefits are included in the workers' compensation statutes.

REPRESENTATIVE GATTO noted his agreement.

[3:44:05 PM](#)

REPRESENTATIVE GARDNER stated that currently the state covers EMTs, firefighters, volunteer ambulance attendants, and police officers under workers' compensation. She asked if volunteer ambulance attendants receive formal training or certification. She expressed concern about adding a layer of certification for volunteers who aren't professionally employed in related fields. She inquired as to DPS's opinion of HB 320. She also asked if the Alaska mountain rescue group has been consulted.

REPRESENTATIVE MEYER related the desire for those various [volunteer] groups to be approved by DPS so that they are qualified and trained volunteers.

MR. PAWLOWSKI explained that DPS and the Alaska Search and Rescue Association (ASARA), an umbrella group, have been contacted. One option being discussed is whether the DPS might prefer to certify the groups rather than its individual members and leave the training to the individual members. He noted that many volunteer groups work in conjunction with the DPS during search and rescue missions. In further response to Representative Gardner, Mr. Pawlowski answered that he was not sure what the specific criteria are for volunteer ambulance attendants. He offered to get back to the committee on that.

REPRESENTATIVE GARDNER inquired as to whether there is a role for the non-professional citizen volunteer, who is not interested in a certification program to help. If so, is the bill an impediment to that activity, she asked.

MR. PAWLOWSKI recalling discussions with different groups said he didn't believe HB 320 would be an impediment. Coverage

should occur for volunteers participating during a sanctioned event by the DPS.

[3:48:44 PM](#)

REPRESENTATIVE GARDNER expressed concern that the layers of sanctions or certifications might curb a person's natural desire to help.

REPRESENTATIVE MEYER said that is not the intent, and offered to clarify that in HB 320. He suggested that perhaps a letter of intent could help so that when regulations are written, the regulations will not prohibit the public from engaging in search efforts.

[3:49:29 PM](#)

REPRESENTATIVE NEUMAN noted that the search and rescue volunteers are generally pretty well trained. He said the volunteers learn to avoid problems, like being involved in an avalanche themselves, but inquired as to how many claims have been filed in the last 20 years by search and rescue volunteers.

REPRESENTATIVE MEYER answered that he was aware of only two instances of claims, although there may be more.

REPRESENTATIVE NEUMAN explained, to keep this in perspective, that there are relatively few instances in which search and rescue volunteers are injured.

[3:50:56 PM](#)

REPRESENTATIVE GATTO inquired as to whether the bill included recovery efforts because those efforts can sometimes be more dangerous than rescue operations.

MR. PAWLOWSKI answered that when coverage should be triggered is part of the ongoing discussions with DPS. He said that AS 18.60.120, gives the DPS commissioner the authority to conduct search and rescue and recovery, but that the coverage should be linked to the commissioner's decision when search and rescue efforts actually become a search and rescue operation.

[3:52:07 PM](#)

REPRESENTATIVE GARDNER asked about the genesis of the bill.

MR. PAWLOWSKI answered that a constituent, who is a member of the ASARA, asked that the state provide workers' compensation for volunteer search and rescue workers.

[3:52:38 PM](#)

REPRESENTATIVE LEDOUX inquired as to how HB 320 would affect a firefighter, who works for a municipality as a paid firefighter, who also volunteers with a search and rescue organization outside the municipality during his off-duty hours. She then requested clarification of the level of wages to which the volunteer would be entitled if he were injured.

REPRESENTATIVE MEYER answered that the bill sets up compensation based on the gross earnings of a medical technician in the city or village nearest to the location of the rescue mission.

CHAIR OLSON added that the person would receive full medical benefits and some compensation, but that currently the volunteer would not be entitled to any compensation.

[3:54:16 PM](#)

REPRESENTATIVE GATTO related that he once worked as an Anchorage firefighter, but that MOA prohibited its employees from volunteering in another location because MOA did not want to train firefighters and lose the training invested in the individual. He added that there is often a mutual response agreement between different areas that allow for reciprocity and mutual response between the firefighter organizations. Therefore, those individuals working in areas with which there were reciprocal organizations would be considered on-duty for the purpose of workers' compensation and injury.

[3:56:01 PM](#)

RODNEY DIAL, Lieutenant Deputy Commander, "A" Detachment, Division of Alaska State Troopers (AST), Department of Public Safety explained that the DPS is somewhat supportive of the bill, as amended, because it removes the responsibility for DPS to set qualifications to certify and maintain a registry. However, DPS believes the coverage should be limited to actual missions and not to training. He expressed concern that there will be an expense for DPS to pay premiums for workers' compensation coverage, although he was uncertain what the cost would be.

[3:57:17 PM](#)

LIEUTENANT DIAL, in response to Representative Gardner, answered that if DPS is required to provide these services, it will result in a substantial fiscal note since it would require additional staff to create a certification program.

REPRESENTATIVE GARDNER inquired as to whether these functions could be delegated to an existing board or organization that currently provides similar services.

LIEUTENANT DIAL said that would have to be discussed with the commissioner.

[3:58:14 PM](#)

REPRESENTATIVE GATTO turned attention to the fiscal note for DPS and asked whether this funding is all for training or if part of it would cover workers' compensation.

LIEUTENANT DIAL answered that the fiscal note is for personnel costs only and that premium coverage for workers' compensation is not included in the fiscal note.

[3:58:48 PM](#)

CORY AIST, President, Alaska Search and Rescue Association (ASARA), said that along with Lieutenant Dial, most search and rescue organizations efforts would support HB 320 to help offset costs of its volunteers who might sustain injuries. He said that numerous search and rescue operations are carried on - weekly or daily - and are a joint effort by AST, other agencies, and a lot of volunteers. He said that with some of the changes HB 320 is moving in the right direction.

[4:00:11 PM](#)

REPRESENTATIVE GARDNER inquired as to the certification provisions of HB 320, and asked whether ASARA currently has a program to certify volunteers. She asked whether Mr. Aist preferred the certification be done under state authority. She also asked how many volunteers he estimates would participate under a proposed state certified program.

MR. AIST explained that certification is a difficult issue because search and rescue organizations are moving away from certifications to standards. He said a standard includes a list

of criteria that must be met in order for the volunteer to be "mission ready". Each organization throughout the state, depending on its expertise, creates a standard that its members must meet to become active. Therefore, when AST calls a mountain rescue group, the mountain rescue group members will already possess specific training and will have met a standard. He noted that the standards vary. From his experience with AST, he opined, the troopers have a good understanding of the rescue organizations and call on them to supply the volunteers needed for a particular mission. He said that whether the AST wants to monitor the standards the organizations are adhering to or to task that function to an association or other group, is worth considering.

REPRESENTATIVE GARDNER inquired as to whether the certification/standard language in HB 320 would change the way the ASARA operates or whether it would be an impediment.

MR. AIST replied that the word "certification" does upset volunteers because "certification" implies a degree. If HB 320 were changed to reflect that organizations must meet certain standards set by DPS, there would be more interest by search and rescue organizations around the state, he opined.

REPRESENTATIVE GARDNER inquired as to the turnover in search and rescue organizations.

MR. AIST acknowledged that there is quite a bit of turnover, but pointed out that a core set of people generally respond to a large majority of the search and rescue operations. However, when a particular search develops and grows, the professional volunteers expand to include spontaneous volunteers, who are generally people in the community who have no training, but who want to help. The trained volunteers oversee the community volunteers involved in any operation.

[4:04:25 PM](#)

REPRESENTATIVE RAMRAS said that he is working with Chair Olson on a steady funding source for the Alaska Fire Standards Council, and asked whether an organization like that one would help to standardize and broaden out search and rescue volunteers' training.

MR. AIST said he was not familiar with that organization, and he was not sure if ASARA would be part of that training effort.

[4:05:16 PM](#)

REPRESENTATIVE GATTO stressed the importance of the work done by ASARA, and asked who bears the expense of the specialized equipment, such as a dry suit or climbing gear. He related it was his understanding that typically the individual volunteer pays for the initial equipment. He asked whether HB 320 would help in any way to pay for the replacement equipment.

MR. AIST agreed that most individuals pay for their own equipment and pay for their own search and rescue training. As a dog handler, he relayed that he has had an incredible relationship with AST on search and rescue operations and has always been treated professionally. He offered his understanding that AST has a budget for replacement of search and rescue equipment when a volunteer's equipment has been damaged or lost on a mission. He suggested that Lieutenant Dial could speak to that matter.

MR. AIST, in response to a question by Representative Buch, specified the AST funding would not cover replacement of rescue dogs.

[4:07:27 PM](#)

CHUCK SPRINGER, Past President, Alaska Search and Rescue Association (ASARA), stated that he is the past president of the ASARA, a volunteer member of the Anchorage Police Department (APD) auxiliary search team, and an observer with the AST HELO 1. He explained that the concept of providing workers' compensation is to protect families of volunteer rescue workers in the event that a search and rescue volunteer is hurt. He expressed concern that in the future there may be an instance in which a search and rescue volunteer is hurt or killed, and that a family could be dramatically and adversely impacted. He said that HB 320 could help families by providing financial support in the form of workers' compensation benefits.

[4:09:17 PM](#)

PAUL LISANKIE, Director, Central Office, Division of Workers' Compensation, Department of Labor & Workforce Development, in response to an earlier question, stated that death benefits are provided under the Workers' Compensation Act, which would be part of the benefits paid out in the event a volunteer search and rescue worker was killed.

REPRESENTATIVE GATTO inquired as to the amount of the death benefits.

MR. LISANKIE explained that it depends on the family status. If single, the death benefit is \$5,000, with a one-time payment to the second injury fund of \$10,000, so long as there are no surviving children or dependent parents. If the volunteer search and rescue worker had a spouse and children, the survivors would receive weekly benefits, roughly the equivalent of total disability, which could be paid out for a significant period of time. However, benefits are cutoff by remarriage or after 12 years, unless the spouse is of a certain age. He reiterated that there is not a specific dollar amount except for the single person who dies without dependants.

REPRESENTATIVE GATTO inquired as to whether there is a federal benefit.

MR. LISANKIE responded he was not aware of specific federal benefits available to search and rescue volunteers who are hurt or killed during rescue missions.

REPRESENTATIVE GATTO said he was strongly suspicious that there is a federal death benefit available.

[4:11:58 PM](#)

CHAIR OLSON announced that public testimony would be held open on HB 320 and that he did not intend to take action on the bill today. He said he anticipates that the committee will have a committee substitute prepared soon.

[4:12:38 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:12 p.m.