

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/22/78
Referred: Community &
Regional Affairs and
Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 454

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to volunteer service."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 39.05 is amended by adding new sections to read:

9 ARTICLE 5. VOLUNTEER SERVICE.

10 Sec. 39.05.200. AUTHORIZATION. All state agencies are authorized
11 to recruit, train, and accept without regard to personnel laws, rules,
12 or regulations, including the Public Employment Relations Act (AS 23.-
13 40.070 - 23.40.260), the services of individuals without compensation as
14 volunteers for or in aid of their functions.

15 Sec. 39.05.210. INCIDENTAL EXPENSES. All state agencies are
16 authorized, within appropriation limits, to provide for incidental
17 expenses, such as transportation, lodging, subsistence, and uniforms or
18 special clothing required for the volunteers.

19 Sec. 39.05.220. EMPLOYMENT STATUS. (a) Except as otherwise
20 provided in this section, a volunteer is not a state official or emplo-
21 yee and is not subject to the provisions of law relating to state em-
22 ployment, including those related to hours of work, rates of compensa-
23 tion, leave, unemployment compensation, employee benefits, and employee
24 labor relations; however, a volunteer is a state employee for the pur-
25 poses of AS 39.51.010.

26 (b) For the purposes of tort claims against the state, a volunteer
27 is a state employee.

28 (c) For the purposes of the Alaska Workmen's Compensation Act (AS
29 23.30.005 - 23.30.270), a volunteer is a state employee as provided in

1 AS 23.30.244.

2 Sec. 39.05.230. LIMITATION. Volunteers may be used to supplement
3 existing salaried employees or service contracts but may not be used to
4 supplant them.

5 Sec. 39.05.240. APPLICATION. (a) A person applies to be a volun-
6 teer on a form prescribed by the lieutenant governor and made available
7 at any state agency which uses volunteers. The forms may vary among
8 agencies in accordance with their respective needs. An agency may
9 refuse to accept any application for volunteer service if it believes it
10 cannot reasonably utilize the service.

11 (b) A person who performs volunteer service without first applying
12 as provided by (a) of this section and without having his application
13 accepted is not a volunteer for the purposes of secs. 200 - 250 of this
14 chapter.

15 Sec. 39.05.250. LOCAL OPTION. (a) A municipality may provide, by
16 resolution or ordinance, for volunteer service under this chapter for
17 that municipality.

18 (b) A municipality which provides for volunteer service shall
19 notify the lieutenant governor and request application forms prescribed
20 by him for municipalities.

21 (c) The provisions of secs. 200 - 240 of this chapter apply to any
22 municipality which provides for volunteer service; however,

23 (1) volunteers are considered to be municipal employees for
24 the purposes of tort claims only if the municipality has approved that
25 classification by resolution or ordinance;

26 (2) volunteers are considered to be municipal employees for
27 the purposes of workmen's compensation only if the municipality has
28 approved that classification by resolution or ordinance.

29 (d) Nothing in this section affects the performance of public

1 service for municipalities on a voluntary basis, such as but not limited
2 to, spring clean-ups, municipal celebrations, Fourth of July activities,
3 volunteer fire departments, police reserves, ski patrols, and other
4 forms of voluntary public service which are performed under municipal
5 auspices; however, the municipality may include these services, in whole
6 or in part, under the coverage of secs. 200 - 240 of this chapter as
7 provided by this section.

8 * Sec. 2. AS 23.30 is amended by adding a new section to read:

9 Sec. 23.30.244. VOLUNTEERS. (a) Volunteers whose services are
10 utilized by state agencies or municipalities under the provisions of AS
11 39.05.200 - 39.05.250 are considered employees under this chapter only
12 while actually traveling or working as volunteers of state agencies or
13 municipalities. The average weekly wage of the volunteer, for the
14 purpose of computing compensation, shall be determined in accordance
15 with sec. 220 of this chapter; however, if the volunteer is unemployed
16 or retired and has received no wages for the three calendar years
17 immediately preceding the injury, his average weekly wage shall be
18 considered to be the greater of

19 (1) 75 per cent of the Alaska average weekly wage as deter-
20 mined under sec. 175 of this chapter, or

21 (2) the volunteer's average weekly wage determined in accor-
22 dance with sec. 220 of this chapter for his most recent period of em-
23 ployment.

24 (b) Annual appropriations to fund the coverage provided for in (a)
25 of this section for volunteers whose services are utilized by state
26 agencies shall be provided for in the budget of the Office of the
27 Governor.

28 * Sec. 3. AS 44.19.030 is amended by adding a new paragraph to read:

29 (3) coordinate, promote, and adopt regulations for the pro-

1 gram for full-time and part-time volunteer service authorized by AS
2 39.05.200 - 39.05.230.
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