



LAWS OF ALASKA

2008

Source
CSHB 320(FIN)

Chapter No.

AN ACT

Relating to search and rescue training and search and rescue parties; requiring certain search and rescue volunteers to be considered state employees for purposes of workers' compensation coverage; and allowing political subdivisions to elect to provide workers' compensation insurance coverage for search and rescue personnel.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

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

5

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.