

AMENDMENT

#1 Adopted

OFFERED IN THE HOUSE
TO: SB 202

BY REPRESENTATIVE CLAMAN

1 Page 1, line 6:

2 Delete "and (n)"

3 Delete "exception set out in (i)"

4 Insert "exceptions [EXCEPTION] set out in (i) and (n)"

5

6 Page 2, line 27, through page 3, line 1:

7 Delete all material and insert:

8 "(n) A Native corporation that acquired land under 43 U.S.C. 1601 et seq.
9 (Alaska Native Claims Settlement Act) is not liable under this section for a release or
10 threatened release of a hazardous substance on the land unless the Native corporation,
11 by an act or omission, caused or contributed to the release or threatened release of the
12 hazardous substance."

AMENDMENT #2 Withdrawn

OFFERED IN THE HOUSE
TO: SB 202

BY REPRESENTATIVE LEDOUX

1 Page 1, line 1:

2 Delete "Native corporation"

3 Insert "person"

4

5 Page 2, line 24, through page 3, line 2:

6 Delete all material and insert:

7 "** Sec. 2. AS 46.03.822(d) is amended to read:

8 (d) To establish that a person had no reason to know that the hazardous
9 substance was disposed of on, in, or at the facility, as provided in (c)(1) and (l) of this
10 section, or to establish that a person had no reason to know that the hazardous
11 substance was present on the land at the time the ownership of the land was
12 transferred to the person, as provided in (n) of this section, the person must have
13 undertaken, at the time of voluntary acquisition, all reasonable inquiries into the
14 previous ownership and uses of the property consistent with good commercial or
15 customary practice in an effort to minimize liability. For purposes of this subsection a
16 court shall take into account all relevant facts, including

17 (1) any specialized knowledge or experience the person has;

18 (2) the relationship of the purchase price to the value of the property if
19 it were uncontaminated;

20 (3) commonly known or reasonably ascertainable information about
21 the property;

22 (4) the obviousness of the presence or likely presence of contamination
23 at the property; and

1 (5) the ability to detect contamination by appropriate inspection.

2 * Sec. 3. AS 46.03.822 is amended by adding a new subsection to read:

3 (n) In an action to recover damages or costs, a person otherwise liable under
4 this section for a release or threatened release of a hazardous substance on the person's
5 land is relieved from liability under this section if the person proves that the

6 (1) person did not know and had no reason to know that the hazardous
7 substance was present on the land at the time the ownership of the land was transferred
8 to the person; and

9 (2) hazardous substance was present on the land at the time the
10 ownership of the land was transferred to the person."

AMENDMENT

#3 Ruled Out of
Order

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: SB 202

1 Page 2, line 29, following the first occurrence of "the":

2 Insert "(1)"

3

4 Page 2, line 31:

5 Delete "and the"

6 Insert ";

7 (2)"

8

9 Page 3, line 1, following "granted":

10 Insert "; and

11 (3) Native corporation did not have control of the land at the time the

12 hazardous substance was disposed of or placed on the land"