

**ALASKA STATE LEGISLATURE**  
**SENATE TRANSPORTATION STANDING COMMITTEE**

March 16, 2004

1:35 p.m.

**TAPE(S) 04-12**

**MEMBERS PRESENT**

Senator John Cowdery, Co-Chair  
Senator Thomas Wagoner, Co-Chair  
Senator Gene Therriault

**MEMBERS ABSENT**

Senator Georgianna Lincoln  
Senator Donny Olson

**COMMITTEE CALENDAR**

SENATE BILL NO. 345

"An Act relating to civil liability associated with aircraft runways, airfields, and landing areas."

MOVED SB 345 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 345

SHORT TITLE: LIABILITY FOR AIRPORTS AND AIRSTRIPS

SPONSOR(S): SENATOR(S) SEEKINS

02/16/04	(S)	READ THE FIRST TIME - REFERRALS
02/16/04	(S)	TRA, JUD
03/16/04	(H)	TRA AT 1:30 PM CAPITOL 17

**WITNESS REGISTER**

MR. JOE MICHEL

Staff to Senator Seekins  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Presented SB 345 for sponsor.

MR. TOM GEORGE

Aircraft Owners and Pilots Association (AOPA)

**POSITION STATEMENT:** Supports SB 345.

SENATOR RALPH SEEKINS  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor of SB 345.

**ACTION NARRATIVE**

**TAPE 04-12, SIDE A**

**CO-CHAIR JOHN COWDERY** called the Senate Transportation Standing Committee meeting to order at 1:35 p.m. Present at the call to order was Senator Therriault, Co-Chair Wagoner, and Co-Chair Cowdery. Also present was Senator Seekins.

**SB 345-LIABILITY FOR AIRPORTS AND AIRSTRIPS**

The committee took up SB 345.

MR. JOE MICHEL, Staff to Senator Seekins, testified that SB 345 removes the word "natural" so that the bill reads, "A person who without compensation maintains or repairs an aircraft runway, airfield...." He drew attention to the distinction between a natural person, an artificial person (created by law) and just a person. "Under AS 01.10.060 the definition of 'person' includes a corporation, company partnership, firm, association, organization, business trust, or society, as well as a natural person." Everything else in the bill remains the same, he stated. Mr. Michel explained that the purpose of SB 345 is to offer civil liability protection to those who maintain airfields or landing areas for no compensation.

MR. TOM GEORGE, representing the Aircraft Owners and Pilots Association (AOPA), testified via teleconference in support of SB 345. He said AOPA's membership is over 400,000 nationally, 4,600 in Alaska, and the organization's interest is in preserving a healthy aviation infrastructure in Alaska, which includes backcountry airstrips. He said SB 345 broadens the current statute that limits civil liability on aircraft runways for companies, corporations, and organizations that devote time and resources to help maintain airstrips in Alaska. He said the broader definition is necessary so that it includes mining companies, lodges, and aviation associations. The state is already struggling to maintain airports and other transportation infrastructure in Alaska and placing reasonable limits on civil liability should provide an incentive for these entities to

perform maintenance, particularly on backcountry airstrips. AOPA sees SB 345 as a step towards protecting airstrips that provide access to public lands. Most backcountry airstrips used today were developed initially for some industrial application such as mineral exploration, and were abandoned when the industrial use was finished. Providing protection for liability will help to keep airstrips usable in years to come.

CO-CHAIR COWDERY wondered about a bill in the 1980s that pertained to a scenario such as flying in a bush area, stopping for fuel in McGrath for example, picking up a passenger wanting a ride to Anchorage, and then trying to waive the liability involved.

SENATOR RALPH SEEKINS responded that a bill passed last year pertaining to a person being notified that the carrier does not have insurance before he/she gets on the aircraft. In that case, there is no liability to the person who is carrying that other person, if it's not for hire. That is, today in Alaska, if someone gets into a person's boat or airplane and he/she says, "I don't have any insurance to cover you" then "you are traveling at your own risk."

CO-CHAIR WAGONER moved to report SB 345 out of committee with individual recommendations and the attached fiscal note.

CO-CHAIR COWDERY acknowledged there were no objections and it was so ordered.

There being no further business before the committee, the Senate Transportation Standing Committee was adjourned at approximately 1:48 p.m.