

SENATE CS FOR HOUSE BILL NO. 269(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/15/06

Referred: Rules

Sponsor(s): REPRESENTATIVES RAMRAS, Gara

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to contribution actions relating to the release of a hazardous**
2 **substance; and providing for an effective date."**

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

4 *** Section 1.** AS 46.03.822(j) is amended to read:

5 (j) A person may seek contribution from any other person who is liable under
6 (a) of this section during or after a civil action under (a) of this section **or after the**
7 **issuance of a potential liability determination by the department.** Actions under
8 this subsection shall be brought under the Alaska Rules of Civil Procedure and are
9 governed by state law. In resolving claims for contribution under this section, the court
10 may allocate damages and costs among liable parties using equitable factors
11 determined to be appropriate by the court. This subsection does not diminish the right
12 of a person to bring an action for contribution in the absence of a civil action under (a)
13 of this section.

14 *** Sec. 2.** AS 46.03.822(m) is amended by adding a new paragraph to read:

1 (2) "potential liability determination" means an administrative
2 determination issued by the department notifying a person of the person's potential
3 liability under (a) of this section as the result of the release or threatened release of
4 hazardous substances and includes a

5 (A) letter notifying the person that the person is a potentially
6 responsible party;

7 (B) notice to a person of state interest in a release or threatened
8 release of a hazardous substance;

9 (C) request to the person for site characterization or cleanup;

10 (D) notice of violation; and

11 (E) similar notification by the department of a person's
12 potential liability under this section.

13 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **APPLICABILITY.** The changes made by secs. 1 and 2 of this Act apply to liability
16 for the release or threatened release of a hazardous substance that occurred

17 (1) before the effective date of this Act and for which a final judgment
18 regarding liability was not entered before the effective date of this Act; or

19 (2) on or after the effective date of this Act.

20 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).