

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 269
 (H) Publish Date: 4/26/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to contribution actions relating RDU CIVIL
to the release of a hazardous substance..." Component Environmental
 Sponsor Representative Ramras
 Requester House Resources Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would remove uncertainty caused by the United States Supreme Court's December 2004 decision in Cooper Industries v. Aviall Services concerning the contribution rights of persons conducting voluntary cleanups under the state's hazardous substance liability law. HB 269 clarifies that parties responsible for hazardous substance cleanup costs and damages can seek contribution under AS 46.03.822(j) from other responsible parties in the absence of a lawsuit brought by the state or others to force cleanup. Without such clarifying legislation, the Department of Law could incur an increase in costs in the future. The uncertainty caused by Aviall would likely force the state to pursue additional costly administrative or judicial enforcement actions to force cleanups or to undertake cleanups at public expense in absence of voluntary cleanups by private parties. The likelihood and magnitude of these unanticipated

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 Agency Department of Law

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BILL NO. HB 269

ANALYSIS CONTINUATION

and unbudgeted costs to the Department of Law is not known. However, enactment of this legislation would prevent these costs from occurring in the future by removing the uncertainty caused by the Aviall ruling as it applies to the state's hazardous substance liability statute.