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131



THE ALASKA CHAPTER

ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.



SKILL
RESPONSIBILITY
INTEGRITY

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RICHARD M. FITTINGER
MANAGER

February 24, 1983

The Honorable Bill Ray
Senate Judiciary Committee
Alaska Senate
Pouch V
M.S. 3100
Juneau, Alaska 99811

RE: Senate Bill 131

Dear Senator Ray:

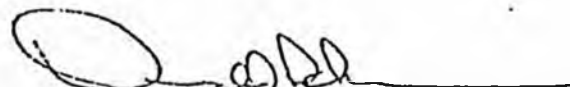
On behalf of the Alaska Chapter of Associated General Contractors of America, I offer support to the passage of SB 131. Similar statutes have been enacted by Michigan, Kansas, Oregon, Texas, Wisconsin, Hawaii, Idaho, Ohio, New Hampshire and Pennsylvania.

Obviously, Alaska has had its share of disasters -- from the 1964 earthquake to the 1967 flood in Fairbanks. As you are undoubtedly aware, most disaster assistance operations depend upon quick and effective mobilization of the communities' resources. Increasing litigation and the potential liability resulting therefrom, makes it extremely important to minimize the impact of any lawsuits arising out of any disaster assistance operation. Persons providing disaster assistance should not be held to the same standard of care as persons performing the same operations under normal circumstances. It would be a sorry state of affairs if a person failed to render disaster assistance when needed solely because of fear of legal liability.

We believe enactment of SB 131 will help preserve the natural tendency of persons to render assistance when necessary. I urge you and your fellow Senators to expeditiously move this bill through the Senate.

Sincerely,

ALASKA CHAPTER
ASSOCIATED GENERAL CONTRACTORS


Derald Schoon
President

cc: Senator Bettye Fahrenkamp ✓
Senator Pappy Moss
Senator Robert H. Ziegler, Sr.

/bj



SD 31 - Moss

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

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HUBERT BEATTY, *Executive Vice President*

Disaster Assistance Bulletin #82-2
June 18, 1982

TO: Chapter Managers
Disaster Assistance Committee

SUBJECT: HOLD HARMLESS STATUTES

The following states have been identified as having existing statutes which protect a contractor from liability for his actions during a disaster relief operation which are ordered by a government official or agent of the government:

Michigan
Kansas
Oregon
Texas
Wisconsin

Hawaii
Idaho
Ohio
New Hampshire
Pennsylvania

Although the language varies in each statute, an example of typical and effective language appears in the Wisconsin statute as follows:

Exemption from Liability - No person who provides equipment or services under the direction of the governor, the secretary or the head of emergency government services in any county, town or municipality during a state of emergency declared by the governor is liable for the death of or injury to any person or damage to any property caused by his or her actions, except where the trier of fact finds that the person acted intentionally or with gross negligence. This subsection does not affect the right of any person to receive benefits to which he or she would otherwise be entitled under the worker's compensation law or under any pension law, nor does it affect entitlement to any other benefits or compensation authorized by state or federal law.

- 2 -

The Disaster Assistance Committee has encouraged chapters to attempt to have hold-harmless, good samaritan or other similar legislation passed on the state level to protect contractors working in disaster relief operations. If you would like copies of the statutes from any of the above listed states, please let me know.

Sincerely,

Brian Deery

BRIAN DEERY
Secretary
Disaster Assistance Committee

BD:chh

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 131 Date on Bill: 2/17/83
 Title: "An Act providing for immunity...(for) persons...(rendering)...disaster relief."
 Sponsor: Moss
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86	
Capital							
Operating							
Total			-0-	-0-	-0-	-0-	

b. Revenues:

Revenue							
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2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor.

3. Assumptions:

No fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared by: Francis C. Allan *G.C.A.* Phone: 269-5691
 Division: Alaska State Troopers Date: 3-9-83

Approved by Commissioner: *[Signature]* Date: 3/10/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83