

S

B

131

# COMMITTEE REPORT

## SENATE

2/17/55

FURTHER:

Date: \_\_\_\_\_

Mr. President:

The Committee on Judiciary has had 59 131

An Act providing for immunity from civil liability for certain persons who render services in response to a disaster relief operation. and 1955. date.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

SENATOR MOSS'S TESTIMONY FOR SB 131

THIS LEGISLATION IS INTRODUCED TO PREVENT A POSSIBLE PROBLEM WHICH COULD ARISE IF A PRIVATE CITIZEN (EITHER AS AN INDIVIDUAL OR AS A PRIVATE COMPANY) WERE PRESSED INTO SERVICE BECAUSE OF A DISASTER AND AT THE REQUEST OF A GOVERNMENT OFFICIAL OF AN AGENT OF THE GOVERNMENT. UNDER PRESENT LAW, IF AN INDIVIDUAL WERE TO PROVIDE SUCH A SERVICE, EVEN ACTING IN GOOD FAITH, HE PERSONALLY COULD BE HELD LIABLE FOR DAMAGE CAUSED.

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.

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				
---------	--	--	--	--

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 *F.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

March 1, 1983

The Honorable Bill Ray,  
Alaska State Senator  
Pouch V  
Juneau, Alaska 99811

Dear Senator Ray:

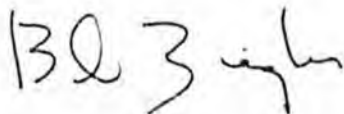
SB 131, an Act providing for immunity from civil liability for certain persons who render service in response to a disaster relief operation, adds a new section to A.S. 09.65. Most of Chapter 65 deals with the non-liability of persons who render various types of aid. (Emergency aid, inspection of aircraft, administration of blood tests. . .)

The new section in Chapter 65 provides that a person who furnishes equipment or services at the request of a police agency, fire department, rescue or emergency squad, or other governmental agency during a state of emergency declared by an authorized representative of the state or local government is not liable for the death of or injury to any person or damage to any property caused by that person's actions, unless intentional, reckless or negligent operation is involved.

Subsection (b) of the new section provides that the above section does not affect the right of a person injured to receive worker's compensation or any other types of compensation due.

The bill is basically another type of good samaritan bill designed to protect a person furnishing goods or services in an emergency situation; I can find nothing objectionable about the bill.

Regards,



Robert H. Ziegler, Sr.

RHZ:lk



SKILL  
RESPONSIBILITY  
INTEGRITY

THE ALASKA CHAPTER  
ASSOCIATED GENERAL CONTRACTORS  
OF AMERICA, INC.

BOX 4-2500 • ANCHORAGE, ALASKA 99509  
TELEPHONE (907) 276-5354  
TELEX 25-394



5201 SPENARD ROAD  
ANCHORAGE  
RICHARD M. PITTENGER  
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:

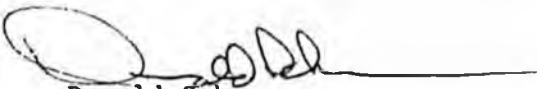
On behalf of the Alaska Chapter of Associated General Contractors of America, I offer support to the passage of SB 131. Similar statutes have been enacted by Michigan, Kansas, Oregon, Texas, Wisconsin, Hawaii, Idaho, Ohio, New Hampshire and Pennsylvania.

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