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COMMITTEE REPORT  
SENATE

FURTHER:

Date: 1/23/54

Mr. President:

The Committee on INTERNAL SECURITY has had 21

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:

\_\_\_\_\_

*[Handwritten signature]*

\_\_\_\_\_

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CHAIRMAN

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

LABOR AND COMMERCE COMMITTEE, CHAIRMAN  
RESOURCES COMMITTEE  
JUDICIARY COMMITTEE  
FISHERIES SUB-COMMITTEE



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MEMORANDUM

TO: Sen. Bill Ray, Chair  
Senate Judiciary Committee

FROM: Sen. Dick Eliason

DATE: May 18, 1983

RE: SB 26 - "An Act providing for immunity from civil liability for certain persons who render services in response to hazardous materials emergencies."

As requested, I have reviewed the above-referenced legislation and I am now reporting my findings to you.

SB 26, introduced by Senators Ziegler and Halford, would add a new section to the "Alaska Good Samaritan Act" to include civil liability cases involving a person responding to a hazardous materials emergency. This legislation would grant immunity from civil liability to those individuals who render assistance during a hazardous materials emergency at the request of trained professionals. It does not guarantee immunity in cases of gross negligence or intentional misconduct.

SB 26 - IMMUNITY FROM CIVIL LIABILITY TO PERSONS RESPONDING TO HAZARDOUS MATERIALS EMERGENCIES.

SECTION 1

(a) GRANTS CIVIL LIABILITY EXEMPTION TO A PERSON REQUESTED TO RESPOND TO A HAZARDOUS MATERIALS EMERGENCY FOR AN ACT OR OMISSION WHILE GIVING AID.

(b) DOES NOT PRECLUDE LIABILITY FOR A PERSON RENDERING AID IF THAT PERSON CAUSES DAMAGES THROUGH GROSS NEGLIGENCE, RECKLESS OR INTENTIONAL MISCONDUCT; OR THROUGH SIMPLE NEGLIGENCE IN THE ORDINARY CONDUCT OF THAT PERSON'S BUSINESS (EXCEPT FOR THOSE REQUIRED TO RESPOND TO AN EMERGENCY BY THEIR PROFESSION); OWNS, LEASES OR CONTROLS THAT WHICH IS INVOLVED IN THE ACCIDENT; OR A PERSON EXPECTING REIMBURSEMENT FOR SERVICES.

(c) IMMUNITY GRANTED IN (a) EXTENDS TO THE PERSON'S EMPLOYER OR ANY PERSON OR ENTITY RESPONSIBLE FOR THE PERSON RESPONDING TO THE EMERGENCY FOR ACTS OR OMISSIONS OF THE PERSON.

(d) DEFINES HAZARDOUS MATERIAL AS A SUBSTANCE CLASSIFIED AS HAZARDOUS BY THE STATE OR FEDERAL GOVERNMENTS OR A CHEMICAL, PETROLEUM PRODUCT, GAS, OR OTHER SUBSTANCE THAT IS LIKELY TO CAUSE HARM IF RELEASED

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

Expenditure Type  
 Revenue Type

I. REQUEST

Bill/Resolution No. SB 26  
Title "...immunity from civil liability..."  
Requested by senate HSS Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
Program Category Affected Administration of Justice  
BRU, Program, Or Subprogram(s) Affected Alaska State Troopers  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0			

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0			

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact is anticipated.

RECEIVED

FEB 8 1983

LEGISLATIVE FINANCE

IV. DATE January 19, 1983 PREPARED BY Francis C. Allan Phone 269-5691

Original: Legislative Finance DIVISION State Troopers Initials mck  
cc: Budget and Management DEPARTMENT OF PUBLIC SAFETY Initials mck

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

CRB Reviewed by: Eric Laschauer



# ALASKA STATE FIREFIGHTERS ASSOCIATION

P.O. Box 187

~~145-01000-1170~~

Juneau, Alaska 99801 99802

## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Hearing on Senate Bill No. 26 "Providing for Immunity from Civil Liability for Certain Persons who Render Service in Response to Hazardous Materials Emergencies"

May 2, 1983

Mr. Chairman:

My name is E. Robert Haag representing the Alaska State Firefighters Association and the Alaska Fire Chiefs Association.

We wish to speak in favor of Senate Bill No. 26 now before your Committee. Our two Associations, at their annual meetings last October 1982, passed a number of resolutions pertaining to the Fire Service. One of the resolutions concerned supporting of a State enacted "Hazardous Materials Good Samaritan Act".

Senate Bill No. 26 would provide for a new section to AS 09.65 to add to the "Alaska Good Samaritan Act" (AS 09.65.090) a section "Civil Liability for Responding to Hazardous Material Emergency". The existing AS 09.65.090 covers only "Civil Liability for Emergency Aid". A copy of this section is enclosed for your general information. It covers "a person at a hospital or any other location who renders emergency care or emergency counseling to an injured, ill, or emotionally distraught person....".

Alaska Fire Chiefs and Firefighters are concerned since incidents involving hazardous materials are happening with increased frequency in all areas of the State of Alaska. These incidents often require immediate assistance of

persons with technical expertise to advise the Fire Service as to how to deal with the hazardous materials accident or spill. Many persons, outside of the Fire Service, who are technical experts, are reluctant to provide advice because of fear of legal liability.

Take an example of a Fire Chief in a small community who encounters a hazardous materials accident. When he arrives on the scene he finds a powdered substance spilled from a container. He does not know what it is and the container is not marked. His quick reaction is to call the local high school chemistry teacher to see if he can possibly identify the powder. That teacher could refuse to make a test in fear of a civil liability. If the proposed Statute were law, that same teacher would feel more at ease to make the test since he could be protected under the "Civil Liability Act".

A number of States have enacted "Good Samaritan Acts" similar to the proposal before your Committee.

Mr. Chairman and members of the Committee, we strongly urge your "DO PASS" on this Bill so that it may proceed through the Senate and the House to become a valuable Statute. The saving of even one life, by the passage of this Bill, would make you feel proud that you had an important part in its becoming law. Mr. Chairman, if we can provide you with any information to assist in the Bill's passage, please let us know.

We thank you for your valuable time in allowing us to testify.

*Alaska Fire Chiefs' Association*



RESOLUTION No. 82-3

WHEREAS incidents involving hazardous materials are happening with increased frequency in all areas of the State of Alaska; and

WHEREAS these incidents often require assistance of persons with technical expertise to help with their management; and

WHEREAS many persons outside of the fire service are reluctant to provide this advice because of legal liability,

NOW, THEREFORE, BE IT RESOLVED that the Alaska Fire Chiefs' Association support the concept of a State enacted "Hazardous Materials Good Samaritan Act" patterned on similar acts recently enacted in other states; and

BE IT FURTHER RESOLVED that the Alaska Fire Chiefs' Association urges the Alaska State Legislature to pass such a law in the next legislative session.

APPROVED in conference October 20, 1982 in Ketchikan, Alaska.

\_\_\_\_\_  
BASIL J. SANDS, Jr., President

ALASKA STATE FIREFIGHTERS ASSOCIATION

RESOLUTION No. 82-16

WHEREAS incidents involving hazardous materials are happening with increased frequency in all areas of the State of Alaska; and

WHEREAS these incidents often require assistance of persons with technical expertise to help with their management; and

WHEREAS many persons outside of the fire service are reluctant to provide this advice because of legal liability,

NOW, THEREFORE, BE IT RESOLVED that the Alaska State Firefighters Association support the concept of a State enacted "Hazardous Materials Good Samaritan Act" patterned on similar acts recently enacted in other states; and

BE IT FURTHER RESOLVED that the Alaska State Firefighters Association support and assist the Alaska Fire Chiefs' Association in this regard.

ACTION Passed

DATE: October 23, 1982

Leigh Gallagher  
LEIGH GALLAGHER, President, ASFA

## GOOD SAMARITAN ACT

Sec. 09.65.090. Civil liability for emergency aid. (a) A person at a hospital or any other location who renders emergency care or emergency counseling to an injured, ill, or emotionally distraught person who reasonably appears to the person rendering the aid to be in immediate need of emergency aid in order to avoid serious harm or death is not liable for civil damages as a result of an act or omission in rendering emergency aid.

(b) This section does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct. (§ 1 ch 32 SLA 1967; am § 1 ch 119 SLA 1971; am § 38 ch 102 SLA 1976)

**Cross references.** — As to amendment (rewrote subsection (a) and deleted the second sentence of subsection (b) which read "Gross negligence means reckless, wilful, or wanton misconduct." constitutionality of ch. 102, SLA 1976, see notes to AS 09.55.536 and Alas. Const., art. II, § 14.

**Effect of amendments.** — The 1976