

HB

340



# Alaska State Legislature

Representative Mike Davis

District 19

P.O. Box V  
Juneau, Alaska 99811  
(907) 456-4930/4941

Interim Office:  
P.O. Box 81435  
Fairbanks, Alaska 99708  
(907) 456-8161

TO: Senate Judiciary Committee  
FROM: Rep. Mike Davis  
DATE: April 28, 1988  
RE: CSHB 340, granting immunity from civil liability for providing volunteer emergency services.

CSHB 340 amends the Good Samaritan Act to protect volunteers in first aid and rescue organizations from liability. The committee heard the identical Senate companion bill, SB 346, last month.

Ordinary citizens who try to help in emergency situations are protected from liability by the Good Samaritan Act, AS 09.65.090. Paramedics and EMTs who are certified by the state are covered in liability questions by AS 18.08.086. However, members of volunteer rescue organizations such as the National Ski Patrol, Civil Air Patrol, and mountain rescue groups may not have any statutory protection.

First aid and rescue volunteers are vulnerable to litigation because they have an obligation to help people while serving in their organizations. The Alaska Supreme Court has ruled that the Good Samaritan Act does not protect those who have a "pre-existing obligation to assist individuals in danger".

CSHB 340 would protect emergency services volunteers from liability for their good faith attempts to aid those in danger. However, they would still be liable for damages as a result of "gross negligence, recklessness, or intentional misconduct" as stated in subsection (b) of the existing Good Samaritan Act.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 11, 1988

SUBJECT: Immunity from civil liability for volunteer  
emergency services (Work Order No. 5-1495)

TO: Representative Mike Davis

FROM: Edward H. Hein *EHA*  
Legislative Counsel

You have asked whether volunteer ski patrol members are in fact open to liability for negligence during rescue operations and whether, therefore, your legislation (Work Order No. 5-1495A) is needed.

Your bill amends AS 09.60.090, Alaska's "Good Samaritan" law. This law provides immunity from civil liability for negligent acts or omissions by persons rendering emergency aid to people in immediate danger of serious harm or death. The purpose of the law is to encourage people to voluntarily come to the aid of persons in need of rescue without having to fear potential civil liability for negligence. Lee v. State, 490 P.2d 1206, 1209 (Alaska 1971).

The Alaska Supreme Court in Lee ruled that the immunity under this statute does not extend to persons, such as state troopers, who are under a "pre-existing duty to rescue." It is an open question whether ski patrollers have a pre-existing duty to rescue. The Alaska courts have not decided that question. It can be argued that ski patrollers are under a pre-existing duty to rescue and are, therefore, not immune from civil liability under Alaska's Good Samaritan Act. In order that ski patrollers and other similar rescue group volunteers are assured of immunity, it would be prudent to have the provisions of your bill or similar language in the statutes.



**NATIONAL SKI PATROL SYSTEM, INC.**  
**ALASKA DIVISION**

\_\_\_\_\_  
DIVISION  
\_\_\_\_\_  
ML

101 College Road  
Fairbanks, Alaska  
January 16, 1988

Representative Mike Davis  
Fairbanks Legislative Delegation  
Fairbanks, Alaska

Dear Representative Davis:

Re: House Bill # 340

Thank you for your interest in amending the "Good Samaritan" act in the State of Alaska.

The Ski Patrol is a volunteer organization dedicated to public service by promoting safe skiing and providing rescue services. All members are trained in emergency first aid care to the level of American Red Cross Advanced First Aid, or beyond. This bill will directly and immediately affect our position as volunteers.

As the Director of the Ski Patrol in Alaska, representing three hundred and fifty members, I strongly urge your support of Senate Bill #346, and request immediate action on said bill.

Thank you.

Sincerely,

Harley Adamson  
DIVISION DIRECTOR  
ALASKA DIVISION  
NATIONAL SKI PATROL SYSTEM



A NON-PROFIT CORPORATION  
AFFILIATED WITH  
MOUNTAIN RESCUE ASSOCIATION

8101 White Drive  
Anchorage, Alaska 99511

EMPLOYER I.D. #92-0084973

February 22, 1988

Representative Mike Davis  
P.O. Box V  
Juneau, Alaska 99811

Re: House Bill No. 340

Dear Representative Davis:

I am writing on behalf of the Alaska Mountain Rescue Group to urge passage of House Bill 340, an amendment to Alaska's Good Samaritan Statute.

The Alaska Mountain Rescue Group is a volunteer organization which performs search and rescue work in the mountains and other difficult terrain. The Group is funded entirely by private contributions. All of its members are volunteers, and all of its members supply their own equipment. The Group was founded more than 20 years ago and has performed hundreds of rescues, often under very dangerous conditions. Many lives have been saved.

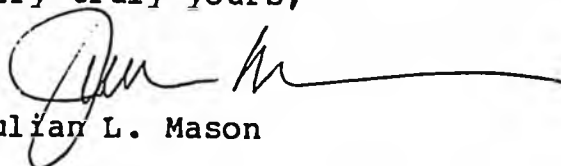
Under present law, Rescue Group members may be exposed to substantial personal liability when they in good faith and to the best of their ability attempt to help victims of unfortunate accidents. This liability exposure is unfair and a deterrent to the spirit of volunteerism which is so important in Alaska. Although the Group was formed to help mountaineers, most of its work has been on behalf of hunters, hikers, lost children, and the victims of plane crashes. Your neighbor, or a member of your family, could well be the next person helped by the Alaska Mountain Rescue Group.

I do not know the names of other sponsors of the Bill in the House or in the Senate. I would appreciate your making this letter available to the other sponsors. The Group

Representative Mike Davis  
February 22, 1988  
Page Two

thanks you for your help in sponsoring this important  
legislation.

Very truly yours,



Julian L. Mason

JLM/mcm

# SEADOGS

SOUTHEAST ALASKA DOGS  
ORGANIZED FOR GROUND SEARCH

PO BOX 244

JUNEAU, ALASKA 99802

1/15/88


REPRESENTATIVE MIKE DAVIS  
ALASKA STATE LEGISLATURE  
PO BOX V  
JUNEAU, AK. 99811

REPRESENTATIVE DAVIS:

I AM WRITING YOU IN SUPPORT OF HOUSE BILL 340, "AN ACT GRANTING IMMUNITY FOR VOLUNTEER EMERGENCY SERVICES". "SEADOGS" IS A STATEWIDE SEARCH AND RESCUE DOG ORGANIZATION WHICH PROVIDES TRAINED SEARCH DOGS AND HANDLERS TO THE STATE TROOPERS, COAST GUARD, AND AIRFORCE RESCUE CENTERS, AS WELL AS LOCAL LAW ENFORCEMENT AGENCIES ON A VOLUNTEER BASIS. OUR HANDLERS DEVOTE MANY HOURS OF THEIR PERSONAL TIME EVERY WEEK TRAINING FOR SEARCHES, AND THE TIME THEY SPEND IN THE FIELD SEARCHING FOR SOMEONE'S CHILD, A LOST HIKER OR HUNTER, OR SOMEONE TRAPPED IN AN AVALANCHE OR EARTHQUAKE RUBBLE IS PAID FOR OUT OF OUR OWN POCKETS. THIS BILL WOULD ALLOW TEAM MEMBERS TO OPERATE CONFIDENT IN THE KNOWLEDGE THAT ANY FIRST AID ADMINISTERED BY THEM, OR ANY ATTEMPTS TO ASSIST A LOST OR INJURED INDIVIDUAL WITHIN THE SCOPE OF OUR TRAINING, WOULD NOT BE MET BY CIVIL LIABILITY.

WE WHOLEHEARTEDLY SUPPORT THE BILL, AND REQUEST THAT YOU GIVE IT YOUR BEST EFFORTS.

SINCERELY,



L. BRUCE BOWLER  
PRESIDENT  
SEADOGS



# NATIONAL SKI PATROL SYSTEM, INC.

Affiliations  
UNITED STATES SKI ASSOCIATION  
NATIONAL SAFETY COUNCIL  
ADVISORY COMMITTEE U.S.  
ARMY 101 MOUNTAIN AND  
ARCTIC WARFARE

ALASKAN DIVISION

January 14, 1988

The Honorable Mike Davis  
Alaska House of Representatives  
542 4th Ave., Suite c  
Fairbanks, Alaska 99701

Dear Representative Davis,

We the undersigned, are members of Denali Ski Patrol registered with the National Ski Patrol System. We are writing in support of your efforts to amend the Good Samaritan Act (AS 09.65.090) to include trained first aid volunteers.

Denali Ski Patrol provides countless hours of community service each year. Our training is extensive and in addition we are required to complete 35-40 hours of refresher work yearly. We are obligated to provide first aid care at our ski area although we do this strictly on a volunteer basis.

We have recently become aware that we are probably, in fact, not covered by either the Good Samaritan Act or AS 18.08.086 which protects state certified first aid personnel.

We would greatly appreciate any assistance you can give us in remedying this unfortunate situation so that we have the protection that we are due.

Sincerely,

*Patricia K. Evans*  
Patricia K. Evans, Director  
Denali Ski Patrol  
10023 Preuss Lane  
Eagle River, Alaska 99577  
And  
Denali Ski Patrol Members

*Michael A. Ruedergast*  
*Mike Abbe*  
*Loren Nelson*  
*Thomas E. Mounader*  
*Sandy Long*  
*Annabeth Long*  
*Edward C. Lee*

*David A. Handrickson*  
*Miles Johnson*  
*W. T. Anderson*  
*CRAIG WALLING*  
*Mouman M. Joffe*  
*Roy Hansen*  
*Todd E. Nyback*  
*Haren Nelson*  
*James A. Jones*  
*Don*  
*Delva A. Kriete*  
*Walter Blum*

MAR 18 1988



# CITY OF MC GRATH

P.O. BOX 57 MC GRATH, ALASKA 99627  
PHONE (907) 524-3825

March 15, 1988

Representative Kay Wallis  
Alaska State Legislature  
P.O. Box V  
Juneau, Ak. 99811

Subject: Civil Liability Immunity for Emergency Services

Dear Representative Wallis:

At the regular City Council meeting on February 16th, 1988 the City Council discussed HB #340 and Senate Bill #346. It was decided by consensus that the City of McGrath go on record as supporting passage of these Legislative Bills.

The Kuskokwim Valley Rescue Squad is a very strong and viable organization of certified volunteers that responds to emergencies in the area. This legislation is necessary to protect the organization and to help facilitate the emergency services needed by the general population.

Thank you.

Respectfully,

*B.R. "Walt" Walton*  
B.R. "Walt" Walton  
Mayor

BILL NO: HB 340

DATE: 1/20/88

TITLE: An Act Granting Immunity  
From Civil Liability For  
Providing Volunteer  
Emergency Services.

CONTACT: Capt. McConnaughey

DEPARTMENT OF  
PUBLIC SAFETY

POSTED PER /

Search and rescue in Alaska is the responsibility of the Alaska State Troopers, U.S. Air Force, and U.S. Coast Guard. All three agencies use volunteers to aid in the search activities. Probably 70% of all Trooper searches are conducted by volunteers acting under the direction of the Troopers. The organized volunteers are trained, equipped, and ready on a moment's notice. All search and rescue agencies depend on the volunteers. Without volunteers our job would be more difficult and time consuming. This bill provides the volunteers with a degree of civil protection if someone is inadvertently injured during the rescue.

*Arthur English /jc*  
Arthur English, Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST  
 Revision Date: \_\_\_\_\_  
 Title: "An Act Granting immunity ... for providing ... emergency services."  
 Sponsor: Rep. Davis, etc.  
 Requestor: \_\_\_\_\_

Bill Version: HB340  
 Publish Date: \_\_\_\_\_  
 Agency Affected: Public Safety  
 BRU: Alaska State Troopers  
 Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No increase or decrease in the level of expenditures is anticipated as a result of the passage of this legislation.

Prepared by: Francis C. Allan  
 Division: Alaska State Troopers  
Arthur E. English / jc  
 Approved by Commissioner: Arthur E. English  
 Agency: Public Safety  
 Distribution: (by preparer):

Phone: 269-5691  
 Date: 1/20/88  
 Date: 1/20/88

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)  
 Senate Secretary

Position Paper

CSHB 340 (L&C)

For an Act entitled: "An Act granting immunity from civil liability for providing volunteer emergency services."

This Act amends AS 09.65.090 (civil liability for emergency aid) to expand the coverage to a person who provides emergency services (e.g., first aid and search and rescue), while acting as a volunteer for an organization that exists for the purpose of providing the service rendered, regardless of whether the organization or members are under a preexisting duty to render assistance. Currently, AS 09.65.090 only provides immunity from liability to persons who do not have a preexisting duty to act. Many individuals and organizations providing emergency services, such as volunteer ski patrollers and search and rescue teams, do not currently have protections from liability afforded by statute.

The department assumes that the term "other emergency services," on line 13, does not include advanced life support services such as defibrillation, drug therapy, intravenous therapy, and advanced airway treatment, as these emergency services should be provided only by trained and licensed professionals.

Position

The department supports the intent of this legislation because it increases immunity from liability for volunteer emergency service workers, many of whom are under a preexisting duty to act and, consequently, are not covered by AS 09.65.090. It is likely that passage of this legislation would increase the number of individuals willing to provide emergency services and would decrease the rate of attrition among emergency service volunteers.

However, the department recommends that the term "other emergency services" be defined to exclude advanced life support procedures as defined in AS 18.08.090.

**POSITION PAPER/Department of Health & Social Services**

Position Paper, CSHB 340 (L&C), pg. 2

Recommended by: *Elizabeth Ward*  
Elizabeth Ward, M.N.  
Director  
Division of Public Health

Date: *February 9, 1988*

Approved by: *Myra M. Munson*  
Myra M. Munson  
Commissioner  
Department of Health and  
Social Services

Date: *February 9, 1988*

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act granting immunity  
from civil liability for...  
Sponsor: Davis et al.  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: State Health Services  
Components: EMS Certification and  
Licensing

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS .:** (Attach a separate page if necessary)

The enactment of HB 340 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090  
Division: Public Health Date: 1-20-88

Approved by Commissioner: *M. M. Munson* Date: 1-20-88  
Agency: Department of Health & Social Services

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Valdez, Sup. Ct. Op. No. 2243 (file No. 4451), 620 P.2d 683 (1980).

When there was no evidence before the superior court suggesting that a city's warning of safety hazards was issued with a knowing or reckless disregard for the truth of the statements if contained that communication was protected by a privilege extended to administrative officers making defamatory communications required or permitted in the performance of official duties even though there was no immunity under this section. *Urethane Specialties, Inc. v. City of Valdez*, Sup. Ct. Op. No. 2243 (File No. 4451), 620 P.2d 683 (1980).

City's failure to follow own rules governing relations with employees. — This section does not immunize city from liability for damages resulting from its failure to follow its own rules governing its relations with its employees. *Stanfill v. City of Fairbanks*, Sup. Ct. Op. No. 2624 (File No. 6321), P.2d (1983).

Negligence in operation of ambulance. — The object to be accomplished by ambulance service operated and main-

tained by a city, that of service to the infirm, was not closely related to humanitarian benefits that it could be said to come within the scope of the opinion in *Tuengel v. City of Sitka*, 118 F. Supp. 399 (D. Alas. 1954), aff'd, 245 F.2d 61 (9th Cir. 1957), and the city could be held liable for any negligence in the operation of the ambulance. *Lucas v. City of Juneau*, 168 F. Supp. 195 (D. Alas. 1958).

Negligence of fire department. — For case decided prior to second 1975 amendment holding that a city which maintained a fire department could be held liable for injuries resulting from negligence connected with the department's firefighting activities, see *City of Fairbanks v. Shaible*, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962). See contra: *City of Fairbanks v. Gilbertson*, 16 Alaska 590 (1957), aff'd, 262 F.2d 734 (9th Cir. 1959), where § 56-2-2 ACCLA 1949 (predecessor to this section) was ignored by both the district court and the court of appeals.

Quoted in *Atkinson v. Haldane*, Sup. Ct. Op. No. 1495 (File No. 2981), 569 P.2d 151 (1977).

Collateral references. — Fire departments as pertaining to the governmental or to the proprietary branch of municipal liability, 9 ALR 143; 33 ALR 688; 84 ALR 514.

Necessity of consent to suit against state, 42 ALR 1464; 50 ALR 1408.

Municipal immunity from liability for torts, 120 ALR 1376; 60 ALR2d 1198.

**Sec. 09.65.080. Suits by incorporated units of local government.** An action may be maintained by an incorporated borough, city, or other public corporation of like character in its corporate name, and upon a cause of action accruing to it in its corporate character

- (1) upon a contract made with the public corporation;
- (2) upon a liability prescribed by law in favor of the public corporation;
- (3) to recover a penalty or forfeiture given to the public corporation;
- (4) to recover damages for an injury to the corporate rights or property of the public corporation. (§ 2 ch 23 SLA 1964)

**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

(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)

### NOTES TO DECISIONS

**Common law.** — At common law there is no duty to rescue. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971), overruled on other grounds, *Munroe v. City Council*, Sup. Ct. Op. No. 1236 (File No. 2382), 545 P.2d 165, 547 P.2d 839 (1976).

The law has persistently refused to recognize the moral obligation of common decency and common humanity, to come to the aid of another human being who is in danger. Only in certain limited situations, as for example where the actor was responsible for placing the imperiled person in his endangered position, has a duty been recognized. However, once rescue operations have begun, the rescuer is held to a duty of due care. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971), overruled on other grounds, *Munroe v. City Council*, Sup. Ct. Op. No. 1236 (File No. 2382), 545 P.2d 165, 547 P.2d 839 (1976).

The purpose of this section is to induce voluntary rescue by removing the fear of potential liability which acts as an impediment to such rescue. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971), overruled on other grounds, *Munroe v. City Council*, Sup. Ct. Op. No. 1236 (File No. 2382), 545 P.2d 165, 547 P.2d 839 (1976).

This section is directed at persons who are not under some preexisting

duty to rescue. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971), overruled on other grounds, *Munroe v. City Council*, Sup. Ct. Op. No. 1236 (File No. 2382), 545 P.2d 165, 547 P.2d 839 (1976).

A rescuer under a preexisting duty to rescue would not need the added inducement of immunity from civil liability for his ordinary negligence. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971), overruled on other grounds, *Munroe v. City Council*, Sup. Ct. Op. No. 1236 (File No. 2382), 545 P.2d 165, 547 P.2d 839 (1976).

Such as a police officer. — A holding that police officers have no duty to rescue would not comport with public conceptions of their role. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971), overruled on other grounds, *Munroe v. City Council*, Sup. Ct. Op. No. 1236 (File No. 2382), 545 P.2d 165, 547 P.2d 839 (1976).

This section, the Alaska Good Samaritan statute, does not shield a police officer from liability for ordinary negligence. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971), overruled on other grounds, *Munroe v. City Council*, Sup. Ct. Op. No. 1236 (File No. 2382), 545 P.2d 165, 547 P.2d 839 (1976).

**Sec. 09.65.092. Civil liability for voluntary aircraft safety inspection.** An aircraft or power plant technician or mechanic certified by the Federal Aviation Administration who participates without compensation in a voluntary aircraft safety inspection program is not liable for civil damage resulting from an act or omission arising out of an aircraft safety inspection in that program unless the act or omission constitutes gross negligence or reckless or intentional misconduct. (§ 1 ch 3 SLA 1982)

**Sec. 09.65.095. Liability for administration of blood test.** (a) No civil or criminal action arising out of battery may be brought against a health care provider for the act of administering a blood test.

FISCAL NOTE

REQUEST:

38

Revision Date: \_\_\_\_\_  
Title: An Act granting immunity  
from civil liability for...  
Sponsor: Davis et al.  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: State Health Services  
Components: FMS Certification and  
Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 340 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090  
Division: Public Health Date: 1-20-88

Approved by Commissioner: *Marianne Munson* Date: 1-20-88  
Agency: Department of Health & Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DELANEY, WILES, HAYES, REITMAN & BRUBAKER, INC.

JAMES J. DELANEY  
EUGENE F. WILES  
GEORGE N. HAYES  
STANLEY H. REITMAN  
JOHN K. BRUBAKER  
RAYMOND E. PLUMMER, JR.  
DANIEL A. GERETY  
ROBERT L. EASTAUGH  
STEPHEN M. ELLIS  
CLAY A. YOUNG

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ANCHORAGE, ALASKA 99501-1990  
TELEPHONE 279-3581  
TELECOPIER 277-1331  
AREA CODE 907  
TELEX 26-477

APR 29 1988

WILLIAM E. MOSELEY  
MARC D. BOND  
J. D. CELLARS  
JAMES B. FRIDERICI  
ANDREW GUIDI  
DEBORAH K. IVY  
DONALD G. THOMAS  
JILL E. MICKELSEN  
HOWARD A. LAZAR

FACSIMILE COVER SHEET

APR 29 1988

DATE: April 29, 1988		TIME: 9:00 AM	
TO: Sen. Jay Kerttula Capital Room 107		FROM: Marc Bond 607 W. 3rd Ave #400 Anchorage Ak 99501	
FAX NO. 586-9548		This fax includes <u>2</u> pages, including this cover sheet.	
REFERENCE: CSHB 340 - Partial immunity for volunteer rescuers			
<input type="checkbox"/> Please call _____ at (907) 279-3581 to confirm receipt of this fax. <input checked="" type="checkbox"/> No confirmation required.			
ADDITIONAL INFORMATION: Please deliver this letter to Senator Kerttula, and deliver copies to Senators Sturgulewski, Josephson, Fairis and Roday. Thanks! 😊			



## National Ski Patrol System, Inc. Alaska Division

Marc D. Bond  
Division Director

APR 29 1988

April 29, 1988

Senator Jalmar Kerttula, Chairman  
Senate Judiciary Committee  
Pouch V, Mail Stop 3100  
Juneau AK 99811

Re: CSHB 340 - Partial Immunity for Volunteer Rescue Workers

Dear Chairman Kerttula:

I urge your support for CSHB 340, now before your committee. This bill will provide substantial support to the members of several, diverse volunteer rescue organizations. These well-trained volunteers contribute many valuable hours of service to the lost, shipwrecked and injured in Alaska's wilderness and waters.

We are the consummate Good Samaritans: not only do we take the time to stop and help those in distress, we spend many hours planning and training to meet the anticipated needs. Our very preparedness and willingness to help has also been our potential undoing: In Lee v. State, the Alaska Supreme Court held that those who have a pre-existing duty to assist the lost and injured are not protected by the general Good Samaritan statute. For a number of years we have pondered whether this ruling would deprive us of the essential protection from being mulcted in damages by those we rescue. The question is sufficiently open that several of our ski patrollers have decided the risk is too great. They have left the patrol, casualties of our litigious society.

We want to continue to provide rescue services to all Alaskans. It is good public policy to protect those who volunteer for difficult and often dangerous rescue operations against permissive liability.

We are very happy with the present form of CSHB 340. We urge the Judiciary Committee to quickly consider and report the bill out with a "Do Pass" recommendation.

Sincerely,

A handwritten signature in cursive script that reads "Marc D. Bond". The signature is written in dark ink and is positioned above the printed name.

Marc D. Bond

cc: Arliss Sturgulewski  
Joe Josephson  
Jan Faiks  
Pat Rodey

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

39

REQUEST  
Revision Date: \_\_\_\_\_  
Title: "An Act Granting immunity ... for providing ... emergency services."  
Sponsor: Rep. Davis, etc.  
Requestor: \_\_\_\_\_

Bill Version: CSHR 340(L&C)  
Publish Date: HOUSE 1/22/88  
Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No increase or decrease in the level of expenditures is anticipated as a result of the passage of this legislation.

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Agency: Public Safety

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Date: 1/20/88

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