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5-2154A  
Hein  
4/15/88

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act limiting the liability of certain contractors  
7 for hazardous substance release response actions; and  
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 46.03.824 is amended by adding new subsections to read:

11 (b) Notwithstanding other provisions of law, and to the extent  
12 not in conflict with federal law, a person, or an employee or subcon-  
13 tractor of a person, who has entered into a contract or agreement to  
14 provide a response service for a release or threatened release of a  
15 hazardous substance may not be held civilly liable in an amount  
16 greater than \$1,000,000 to a plaintiff and a total of \$3,000,000 to  
17 all plaintiffs for damages resulting from a single occurrence of a  
18 release or threatened release of a hazardous substance caused by the  
19 person's negligent performance of, or failure to perform, the response  
20 service.

21 (c) The limitation on liability under (b) of this section

22 (1) does not affect any right of indemnification that the  
23 person has or may acquire by contract;

24 (2) does not affect the liability of a person who would  
25 otherwise be considered a responsible party under applicable law;

26 (3) does not apply to gross negligence, recklessness, or  
27 intentional misconduct by the person; and

28 (4) applies to contracts and agreements to provide a re-  
29 sponse service entered into

1 (A) on or after the effective date of this Act; or

2 (B) before the effective date of this Act, but not  
3 fully performed before the effective date of this Act.

4 (d) In this section "response service" means a service provided  
5 in connection with the mitigation or cleanup of a hazardous substance,  
6 including removal, evaluation, planning, engineering, surveying,  
7 mapping, designing, construction, and providing equipment.

8 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).  
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WORK ORDER REQUEST FORM

15-2154

~~XXXXXXXXXX~~

KEYWORDS: hazards  
liability  
contracts/contractors

ASSIGNED TO Bannister

REQUEST FOR: BILL  RESOLUTION  RESEARCH  OTHER

SUBJECT Hazardous Materials Liability

REQUESTED FOR 5 L&C BY John Ringstad EXT. 3622

\* DELIVER TO Sen. Kelly TAKEN BY Barnes

INSTRUCTIONS, EXPLANATIONS \_\_\_\_\_

Draft bill relating to contractor liability and hazardous materials, per attached.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH \_\_\_\_\_

RETURN \_\_\_\_\_

TO REQUESTER

APPROVED: TBC Director, Legal Services

REVIEWED \_\_\_\_\_

IN 4/12/88 DUE \_\_\_\_\_

TYPED - Draft \_\_\_\_\_ DATE \_\_\_\_\_

Final \_\_\_\_\_ DATE \_\_\_\_\_

PROOFED \_\_\_\_\_ DELIVERED \_\_\_\_\_

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL