

SB

139

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 4/18/07

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/27/07

Transportation Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139

SB 139 LIABILITY FOR AIRPORTS AND AIRSTRIPS

"An Act repealing a limitation on the liability of certain airfield owners or operators."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	4/15/07			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC.	AMEND
	WILKEN	✓			
	COWDERY	✓			
	WIELECHOWSKI	✓			
	OLSEN	✓			
CHAIR:	KOOKRESH	✓			



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

April 17, 2007

Senator Don Olson
State Capitol, Room 514
Juneau, AK 99801-1182

Dear Senator Olson:

Thanks for taking up the issue of civil liability on Alaskan airports. The wording of the current statute is convoluted, and has caused considerable confusion among our members who are operating airstrips either on private or public land.

After looking this over, I would recommend eliminating Section 1 (b) of the statute, which seems to be the source of the confusion. This should clarify the intent, which is to provide protection from civil liability for owners of public and private airstrips or others who work to maintain or improve them.

Thank you again for your support of general aviation in Alaska. If you have any other questions or concerns, please do not hesitate to contact me.

Sincerely,

Tom George
Alaska Regional Representative

TOM GEORGE
ALASKA REGIONAL REPRESENTATIVE
PERSONAL ADDRESS: P.O. BOX 83750 FAIRBANKS, AK 99708
907-388-9955 (PHONE) 907-455-9001 (FAX)
E-MAIL: tom.george@aopa.org

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR OLSON

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing a limitation on the liability of certain airfield owners or operators."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 09.65.093(b) is repealed.**

Alaska State Legislature



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(907) 443-2162 (Fax)

In Session:
State Capitol
Juneau, AK 99801-1182
(800) 597-3707
(907) 465-3707
(907) 465-4821 (Fax)

SENATOR DONALD C. OLSON

DISTRICT T

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brovig Mission
Browerville
Buckland
Chevak
Deering
Diomedea
Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Ptka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

SPONSOR STATEMENT

SSSB 139, Liability for Airports and Airstrips

SSSB 139 is introduced to correct changes to the limited liability statutes for runways, airfields, and landing areas enacted by Chapter 39, SLA 04 that inadvertently negated the purpose and intent of that legislation. The original liability limitation applied to private airstrips and landing areas that are both marked by placement of a large "X" on the ground and are listed as closed in FAA charts and publications.

In the process of enacting Chapter 39, SLA 04, the wording of AS 09.65.093 (b) created confusion as to the requirements an airport owner or operator had to meet to be exempt from liability during time when an airstrip was not actively in use. This was neither the intent of the legislation's sponsors nor the 37 representatives and 20 senators that voted for its enactment.

SSSB 139 resolves the impairment of chapter 39 by deleting the (b) subsection. In this way, SSSB 139 preserves the original intention of AS 09.65.093 to limit the liability for those Alaskans who own, operate, and maintain private airfields and landing strips. These facilities are often essential for transportation to vast areas of the state that lack public access.

(b) This section does not affect the right of a person to receive benefits to which the person would otherwise be entitled under the workers' compensation law or under any pension law, nor does it affect entitlement to any other benefits or compensation authorized by state or federal law. (§ 1 ch 4 SLA 1984)

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. 09.65.093. Civil liability relating to aircraft runways, airfields, and landing areas. (a) Except as provided in (c) of this section, a person who without compensation constructs, maintains, or repairs an aircraft runway, airfield, or landing area may not be held civilly liable, except for an act or omission that constitutes gross negligence or recklessness or intentional misconduct, for the injury to or death of a person or for damage to an aircraft, resulting from the use of the runway, airfield, or landing area to take off, land, park, or operate an aircraft.

(b) A person who is the owner or operator of an aircraft runway, airfield, or landing area is not civilly liable, except for an act or omission that constitutes gross negligence or recklessness or intentional misconduct, for the injury to or the death of a person or for damage to an aircraft, resulting from the use or attempted use of the runway, airfield, or landing area to take off, land, park, or operate an aircraft while the runway, airfield, or landing area is

(1) marked as closed by placement of a large "X" on the runway, in accordance with Federal Aviation Administration guidelines; and

(2) listed or charted, and designated as closed in the appropriate aeronautical charts and publications published by the Federal Aviation Administration.

(c) The immunity from civil liability under (a) of this section does not limit the liability of an owner or operator of an aircraft runway, airfield, or landing area to a provider of flight services or its passengers under contract with the owner or operator. (§ 12 ch 56 SLA 2001; am §§ 1, 2 ch 39 SLA 2004)

Effect of amendments. — The 2004 amendment, effective Sept. 2, 2004, in subsection (a), substituted "Except as provided in (c) of this section, a person" for "A natural person" at the beginning and inserted "constructs" and "park"; in subsection (b), deleted "natural" preceding "person" and "that is located on private land" near the beginning of the introductory language and inserted "park" near the end of that

language, substituted "on the runway, in accordance with federal Aviation Administration guidelines" or "that is readily visible from the air" in paragraph (1), and inserted "or charted, and designated" in paragraph (2); and added subsection (c).

Editor's notes. — Section 16, ch. 56, SLA 2001 provides that this section "applies to a civil action that accrues on or after September 27, 2001."

Sec. 09.65.095. Liability for administration of blood test. (a) A civil or criminal action arising out of battery may not be brought against a health care provider for the act of taking a blood sample if the sample is taken

(1) at the request of a police officer under the circumstances specified in AS 28.35.035 or when the arresting officer has a search warrant or court order authorizing the taking of the blood sample; and

(2) without the use of excessive or unreasonable force.

(b) In this section,

(1) "health care provider" means a nurse licensed under AS 08.68, a physician licensed under AS 08.64, and a person certified by a hospital as competent to take blood samples;

(2) "hospital" means a hospital as defined in AS 47.32.900, including a governmentally owned or operated hospital.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SB139-LAW-TWC-4-5-07
 Bill Version: SB 139
 () Publish Date: _____

Revision Date/Time (Note if correction): _____
 Title An Act relating to liability for airports and airstrips
 Sponsor SENATOR(S) OLSON
 Requester SENATE TRANSPORTATION

Dept. Affected: Law
 RDU Civil
 Component Torts & Workers Compensation
 Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporar/						

ANALYSIS: (Attach a separate page if necessary)

The bill would limit liability of an owner or operator of an aircraft runway, airfield or landing area listed or chartered, and designated as private in the appropriate aeronautical charts and publications published by the Federal Aviation Administration. Enactment of the bill is not anticipated to fiscally impact the Department of Law.

Prepared by: Robert Meiners, Admin. Services Manager
 Division Administrative Services Division
 Approved by: Robert Meiners for Talis Colberg, Attorney General
 Agency Department of Law

Phone 465-5427
 Date/Time 4/5/07 8:10 AM
 Date 4/5/2007

ALASKA STATE LEGISLATURE
SENATE BILL NO. 139

HISTORY IN THE SENATE

2007
3/28
4/18

Read first time and referred to:

TRA
Sponsor sub - TRA

____ RPT CS() ____ New Title
____ DP ____ DNP ____ NR ____ AM
____ FN ____ OFN / Prev: ____ FN ____ OFN
To: _____

____ RPT CS() ____ New Title
____ DP ____ DNP ____ NR ____ AM
____ FN ____ OFN / Prev: ____ FN ____ OFN
To: _____

____ RPT CS() ____ New Title
____ DP ____ DNP ____ NR ____ AM
____ FN ____ OFN / Prev: ____ FN ____ OFN
To: _____

Read second time

CS() Adopted New Title

Amended _____
 _____ Advanced / 3rd Rdg. _____

Read third time

Title Amendment
 Return to 2nd & amended _____

Passed Y ____ N ____ E ____ A ____
 EFD same or Y ____ N ____ E ____ A ____
 CBR same or Y ____ N ____ E ____ A ____
 CRT same or Y ____ N ____ E ____ A ____

Reconsideration

Reconsideration not taken up

Title Amendment
 Return to 2nd & amended _____

Passed/Rec Y ____ N ____ E ____ A ____
 EFD same or Y ____ N ____ E ____ A ____
 CBR same or Y ____ N ____ E ____ A ____
 CRT same or Y ____ N ____ E ____ A ____

Engrossed, signed by the President
Transmitted to the House

Secretary of the Senate

HISTORY IN THE HOUSE

20

Read first time and referred to:

____ RPT HCS() ____ NT: HCR ____
____ DP ____ DNP ____ NR ____ AM
____ FN ____ OFN / Prev: ____ FN ____ OFN

____ RPT HCS() ____ NT: HCR ____
____ DP ____ DNP ____ NR ____ AM
____ FN ____ OFN / Prev: ____ FN ____ OFN

____ RPT HCS() ____ NT: HCR ____
____ DP ____ DNP ____ NR ____ AM
____ FN ____ OFN / Prev: ____ FN ____ OFN

____ RPT HCS() ____ NT: HCR ____
____ DP ____ DNP ____ NR ____ AM
____ FN ____ OFN / Prev: ____ FN ____ OFN

Read second time

HCS() Adopted New Title
HCR No. _____

Amended _____
 _____ Advanced / 3rd Rdg. _____

Read third time

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 CRT same or Y ____ N ____ E ____ A ____

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Returned to the Senate

Chief Clerk of the House

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TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR OLSON

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Referred: Transportation

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SENATOR DONALD C. OLSON

DISTRICT T

SPONSOR STATEMENT

SSSB 139, Liability for Airports and Airstrips

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brovig Mission
Browerville
Buckland
Chevak
Deering
Diomedea
Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyak
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktoolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

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April 17, 2007

Senator Don Olson
State Capitol, Room 514
Juneau, AK 99801-1182

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Thank you again for your support of general aviation in Alaska. If you have any other questions or concerns, please do not hesitate to contact me.

Sincerely,

Tom George
Alaska Regional Representative

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ALASKA REGIONAL REPRESENTATIVE
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