

33-LS0634\U
Gunther/Radford
4/20/23

CS FOR HOUSE BILL NO. 128(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act relating to the operation of a tank vessel or oil barge as an oil terminal facility;
relating to the definition of 'oil terminal facility'; and providing for an effective date."

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

* **Section 1.** AS 46.04.030(c) is amended to read:

(c) Except as provided in (n) of this section, a person may not operate a tank vessel or an oil barge within the waters of the state, or cause or permit the transfer of oil to or from a tank vessel or an oil barge, unless an oil discharge prevention and contingency plan for the tank vessel or oil barge has been approved by the department and the person is in compliance with the plan. A contingency plan approved for a tank vessel or oil barge under this subsection also constitutes an approved plan for purposes of (a) of this section.

* **Sec. 2.** AS 46.04.040(c) is amended to read:

(c) Except as provided in (m) of this section, a person may not operate a tank vessel or an oil barge within the waters of the state, or cause or permit the transfer of

oil to or from a tank vessel or an oil barge, unless the person operating the tank vessel or oil barge has furnished to the department, and the department has approved, proof of financial ability to respond in damages. **Proof of financial ability for a tank vessel or oil barge that is approved under this subsection also satisfies the proof of financial ability requirement of (a) of this section.** Proof of financial responsibility required under this subsection is

(1) \$300, per incident, for each barrel of storage capacity or \$100,000,000, whichever is greater, for a tank vessel or barge carrying crude oil;

(2) \$100, per incident, for each barrel of storage capacity or \$1,000,000, whichever is greater, subject to a maximum of \$35,000,000, for a tank vessel or barge carrying noncrude oil.

* **Sec. 3.** AS 46.04.900(14) is amended to read:

(14) "oil terminal facility"

(A) means

(i) an onshore or offshore facility of any kind, and related appurtenances, including a deepwater port, bulk storage facility, or marina, located in, on, or under the surface of the land or waters of the state, including tide and submerged land, that is used for the purpose of transferring, processing, refining, or storing oil;

(ii) a vessel, other than a nontank vessel, [IS CONSIDERED AN OIL TERMINAL FACILITY] only when it is used to make a ship-to-ship transfer of oil, and when it is traveling between the place of the ship-to-ship transfer of oil and an oil terminal facility;

(B) does not include a tank vessel or oil barge that has a contingency plan approved under AS 46.04.030(c) and proof of financial ability approved under AS 46.04.040(c);

* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).