

Alaska State Legislature

House Resources Committee

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Explanation of Changes

From HB 322, Version O to CSHB 322 (RES), Version U

Title, line 2

Version O's "oil discharge prevention and contingency plans" became Version U's "oil spill response plans" because the House Resources Committee amended the spill plans sections (explained below).

Section 12—Administrative penalties for discharges of oil and crude oil

On page 7, line 28, Version O's \$1,000 minimum penalty dropped to Version U's \$500 minimum so as to allow DEC more flexibility in deciding whether to penalize a small spill. DEC might have judged that \$1,000 was too severe a penalty for a small spill, and thus wouldn't impose *any* penalty, even though they judged that *some* penalty (i.e., an amount less than \$1,000) was appropriate.

On page 7, line 28, Version O's "the initial" became Version U's "each" because "the initial" conflicted with subsection (a), line 25's "repeat." Without the amendment, DEC could impose subsection (b) penalties for serious discharges but not for repeat violations. The amendment allows DEC more flexibility in judging when to penalize.

On page 7, line 28, Version U deleted Version O's "and may not exceed \$24 a gallon of oil discharged" because it conflicted with the minimum penalty. For example, DEC could not penalize a 1-gallon spill less than \$500 or more than \$24—both can't apply at once.

On page 8, line 6, Version U added "volume" so as to quantify the amount of oil spilled. This amendment was necessary because page 7, line 28's "may not exceed \$24 a gallon" was the only text in the bill that triggered quantifying a discharge.

Oil spill response plans for commercial motor vehicles

The original bill, Version O, required trucks transporting crude oil to garner DEC approval of their discharge prevention and contingency plans. During House Resources Committee testimony, the Alaska Trucking Association stated that federal law already requires crude oil truckers to have spill response plans. So, the committee deleted Sections 13-18 (Version O, page 9, line 4 through page 12, line 16) and

replaced them with a new Version U Section 13, which requires crude oil truckers to give DEC any spill response plans they submit to a federal agency, and to comply with their plans.

Version O did not define a “commercial motor vehicle.” Version U adopts the Alaska Department of Transportation’s definition.