

**HOUSE CS FOR SENATE CONCURRENT RESOLUTION NO. 1(RLS)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 4/20/00

Referred: Today's Calendar

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE SENATE COMMITTEE ON COMMITTEES

**A RESOLUTION**

1 **Relating to the Task Force on Motorized Oil Transport.**

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

3 **WHEREAS** concern has developed among the people of Alaska about potential  
4 petroleum product spills from the Alaska Railroad and nontank vessels operating in Alaska  
5 waters; and

6 **WHEREAS** there are many complexities in applying oil spill prevention and response  
7 rules to the Alaska Railroad and to the various classes and categories of nontank vessels  
8 operating in the waters in different areas of Alaska; and

9 **WHEREAS** it is the intent of the legislature to establish reasonable oil spill prevention  
10 and response rules for the Alaska Railroad and for nontank vessels taking into account the  
11 different classes of vessels and different operating conditions in Alaska and the costs  
12 associated with the rules; and

13 **WHEREAS** it appears that several months of work by interested parties and the  
14 Department of Environmental Conservation will be needed to draft the rules for consideration  
15 by the legislature;

16 **BE IT RESOLVED** that the Alaska State Legislature establishes the Task Force on  
17 Motorized Oil Transport, composed of 13 members as follows:

1 (1) one member appointed by the President of the Senate from among the  
2 members of the Senate;

3 (2) one member appointed by the Speaker of the House of Representatives  
4 from among the members of the House of Representatives;

5 (3) one member to serve as a representative of the United States Coast Guard,  
6 appointed by the commanding officer of the 17th Coast Guard District;

7 (4) one member from a response action co-op in Alaska appointed by the  
8 Governor with the advice and consent of the Senate and House members of the task force;

9 (5) one member from the Alaska Railroad appointed by the Governor with the  
10 advice and consent of the Senate and House members of the task force;

11 (6) one member who is a maritime shipping agent in Alaska appointed by the  
12 Governor with the advice and consent of the Senate and House members of the task force;

13 (7) one member from the Alaska Steamship Association appointed by the  
14 Governor with the advice and consent of the Senate and House members of the task force;

15 (8) one member from the container ship industry operating in Alaska appointed  
16 by the Governor with the advice and consent of the Senate and House members of the task  
17 force;

18 (9) two members from the spot charter vessel industry in Alaska appointed by  
19 the Governor with the advice and consent of the Senate and House members of the task force;

20 (10) the director of the division of spill prevention and response in the  
21 Department of Environmental Conservation;

22 (11) the commissioner and deputy commissioner of the Department of  
23 Environmental Conservation; and be it

24 **FURTHER RESOLVED** that the commissioner of environmental conservation, or the  
25 deputy commissioner, shall serve as chair of the task force, and that the Department of  
26 Environmental Conservation shall provide staff support to the task force; and be it

27 **FURTHER RESOLVED** that the task force may meet as frequently as its members  
28 determine necessary to perform the work; and be it

29 **FURTHER RESOLVED** that the task force shall determine how to achieve the  
30 following response planning goals:

31 (1) for a railroad tank car contingency plan, the ability to contain and control

1 15 percent of the maximum oil capacity of a train on the railroad within 48 hours, and cleanup  
2 of the discharge within the shortest possible time consistent with minimizing damage to the  
3 environment;

4 (2) for a nontank vessel contingency plan, the ability to contain and control  
5 15 percent of the maximum oil capacity of the nontank vessel within 48 hours, and cleanup  
6 of the discharge within the shortest possible time consistent with minimizing damage to the  
7 environment; and be it

8 **FURTHER RESOLVED** that the means to achieve the response planning goals may  
9 include the use of fleet plans, membership in a nonprofit corporation that is a primary  
10 response action contractor and a contingency plan holder, and spill prevention measures; and  
11 be it

12 **FURTHER RESOLVED** that the task force shall consider only the following  
13 motorized oil transport:

14 (1) self-propelled watercraft of 400 gross registered tons or greater, except  
15 when the watercraft are tank vessels, oil barges, or public vessels operated by and owned or  
16 bareboat chartered by the United States, a state, a political subdivision of a state, or a foreign  
17 nation; and

18 (2) railroad tank cars that are rolling stock used to transport oil in bulk as  
19 cargo by rail; and be it

20 **FURTHER RESOLVED** that the task force shall deliver a report to the Twenty-  
21 Second Alaska State Legislature on or before the day the legislature first convenes that  
22 contains recommendations by the task force concerning

23 (1) Alaska statutes and regulations not subject to preemption by federal law  
24 that are calculated to achieve the response planning goals for motorized oil transport using  
25 existing and practically available containment equipment;

26 (2) levels of financial responsibility to respond to damages meeting the  
27 requirements of AS 46.04.040, and means of proving financial responsibility to respond to  
28 damages that allow use of insurers who do not agree to be subject to a direct action in state  
29 court or to appoint an agent for service of process;

30 (3) changes to the planning standards necessary to take into account the special  
31 conditions within waters of the state west of 157 degrees West Longitude and north of 62

- 1 degrees North Latitude; and be it
- 2           **FURTHER RESOLVED** that the task force is terminated on the first day of the
- 3 Twenty-Second Alaska State Legislature.