

CS FOR HOUSE BILL NO. 128(TRA) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Amended: 5/13/23

Offered: 4/26/23

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the refined fuel surcharge; relating to the operation of a tank vessel**
2 **or oil barge as an oil terminal facility; relating to the definition of 'oil terminal facility';**
3 **and providing for an effective date."**

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

5 * **Section 1.** AS 43.40.005 is amended to read:

6 **Sec. 43.40.005. Refined fuel surcharge levied.** (a) Every dealer or user of
7 refined fuels shall pay a surcharge of **\$.015** [\$.0095] a gallon on refined fuel sold,
8 transferred, or used in the state.

9 (b) The following refined fuels are exempt from the surcharge imposed under
10 this section:

11 (1) fuel sold to a federal or state government agency for official use;

12 (2) fuel **consigned to a foreign country** [REFINED AND USED
13 OUTSIDE THE UNITED STATES];

- 1 (3) liquefied petroleum gas;
 2 (4) aviation fuel;
 3 (5) fuel sold or transferred between qualified dealers.

4 * **Sec. 2.** AS 46.04.030(c) is amended to read:

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

12 * **Sec. 3.** AS 46.04.040(c) is amended to read:

13 (c) Except as provided in (m) of this section, a person may not operate a tank
 14 vessel or an oil barge within the waters of the state, or cause or permit the transfer of
 15 oil to or from a tank vessel or an oil barge, unless the person operating the tank vessel
 16 or oil barge has furnished to the department, and the department has approved, proof
 17 of financial ability to respond in damages. **Proof of financial ability for a tank vessel**
 18 **or oil barge that is approved under this subsection also satisfies the proof of**
 19 **financial ability requirement of (a) of this section.** Proof of financial responsibility
 20 required under this subsection is

- 21 (1) \$300, per incident, for each barrel of storage capacity or
 22 \$100,000,000, whichever is greater, for a tank vessel or barge carrying crude oil;
 23 (2) \$100, per incident, for each barrel of storage capacity or
 24 \$1,000,000, whichever is greater, subject to a maximum of \$35,000,000, for a tank
 25 vessel or barge carrying noncrude oil.

26 * **Sec. 4.** AS 46.04.900(14) is amended to read:

27 (14) "oil terminal facility"

28 **(A)** means

29 **(i)** an onshore or offshore facility of any kind, and
 30 related appurtenances, including a deepwater port, bulk storage facility,
 31 or marina, located in, on, or under the surface of the land or waters of

1 the state, including tide and submerged land, that is used for the
2 purpose of transferring, processing, refining, or storing oil;

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

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

10 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).