


Introduced: 3/8/72  
Referred: Resources

1 IN THE SENATE

BY THE RESOURCES COMMITTEE  
BY REQUEST

2  SENATE BILL NO. 374

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to liability for oil discharge; and  
7 providing for an effective date,"

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

9 \* Section 1. AS 46.03 is amended by adding new sections to read:

10 Sec. 46.03.822. STRICT LIABILITY FOR OIL DISCHARGE. A person  
11 owning oil or having control over oil which enters in or upon the  
12 waters or lands of the state is strictly liable, without regard to  
13 fault, for the damages to persons or property, public or private,  
14 caused by the entry. In an action to recover damages, the person is  
15 relieved from strict liability, without regard to fault, if he can prove  
16 that the oil to which the damages relate entered in or upon the waters  
17 or lands of the state by an act of war or sabotage, or by negligence  
18 on the part of the United States government or the State of Alaska.

19 Sec. 46.03.824. DAMAGES. Damages include but are not limited  
20 to injury to or loss of persons or property, real or personal, loss  
21 of income or the means of producing income, or the loss of an economic  
22 benefit.

23 Sec. 46.03.826. DEFINITIONS. In secs. 822 - 828 of this chapter

24 (1) "economic benefit" means a benefit measurable in  
25 economic terms, including but not limited to the gathering, catching,  
26 or killing of food or other items utilized in a subsistence economy  
27 and their replacement cost;

28 (2) "oil" means a derivative of a liquid hydrocarbon and  
29 includes crude oil, lubricating oil, sludge, oil refuse or another

1 petroleum-related product or by-product;

2 (3) "owning oil or having control over oil" includes but  
3 is not limited to producing, storing, transporting or refining oil  
4 for commercial purposes immediately before entry of the oil in or upon  
5 the waters or lands of the state, and specifically includes bailees  
6 and carriers of oil;

7 (4) "subsistence economy" means an economy which utilizes  
8 on a regular basis an item which is owned in common by the people  
9 of the state, or the United States, including but not limited to fish,  
10 game, fur bearing animals, birds, timber or any part of the natural  
11 habitat for noncommercial purposes;

12 (5) "waters and lands of the state" mean all waters and  
13 lands within the territorial limits of the State of Alaska.

14 Sec. 46.03.828. OTHER RIGHTS OF ACTION NOT AFFECTED. Nothing  
15 in secs. 822 - 828 of this chapter abridges or alters a right of  
16 action or remedy under another statute, in equity, or at common law.

17 \* Sec. 2. This Act takes effect on the day after its passage and approv-  
18 al or on the day it becomes law without approval.  
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