

Introduced: 3/21/78
Referred: Resources and
Judiciary

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 SENATE BILL NO. 557

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to civil penalties for discharge of
7 oil."

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

9 * Section 1. AS 46.03.758(e) is amended to read:

10 (e) Upon the effective date of regulations adopted under (b) of
11 this section, if a discharge of oil of more than 12,500 gallons not per-
12 mitted under applicable state and federal law occurs within the terri-
13 torial jurisdiction of the state, or into or upon the adjacent outer
14 continental shelf of the state, the following persons, in addition to
15 the person causing or permitting the discharge, are jointly and sever-
16 ally liable to the state, in a civil action, for the full amount of
17 penalties established in the regulations, or \$100,000,000, whichever is
18 less,

19 (1) if the discharge occurs from any commercial or industrial
20 facility other than a vessel or offshore platform, the owner, lessee (or
21 permittee), and operator of the facility;

22 (2) if the discharge occurs from a vessel,

23 (A) the owner and operator of the vessel; and

24 (B) the owner of the oil carried as cargo on the vessel
25 at the time the vessel was loaded, if the loading occurred within
26 the territorial jurisdiction of the state, or at a deepwater port
27 or other offshore storage facility adjacent to the state; however,
28 if the owner of the oil temporarily transfers ownership of the oil
29 to another person, and the transfer has the purpose or effect of

1 evading the vicarious liability imposed by this section, the trans-
2 feror will be considered the owner of the oil for the purposes of
3 this subsection; and

4 (3) if the discharge occurs from an offshore platform, the
5 lessee (or permittee) of the tract or acreage upon which the platform is
6 situated, and the operator of the platform.

7 * Sec. 2. AS 46.03.760(a) is amended to read:

8 (a) A person who causes or permits a discharge of oil of 12,500
9 gallons or less not permitted under applicable state and federal law or
10 who violates or causes or permits to be violated a provision of this
11 chapter or AS 30.25.020, or a regulation, a lawful order of the depart-
12 ment, or a permit or certificate, or term or condition of a permit or
13 certificate issued under this chapter or AS 30.25 is liable, in a civil
14 action, to the state for a sum to be assessed by the court of not less
15 than \$500 nor more than \$100,000 for the initial violation, nor more
16 than \$5,000 for each day thereafter on which the violation continues,
17 and which shall reflect, when applicable,

18 (1) reasonable compensation in the nature of liquidated
19 damages for any adverse environmental effects caused by the violation,
20 which shall be determined by the court according to the toxicity,
21 degradability and dispersal characteristics of the substance discharged,
22 the sensitivity of the receiving environment, and the degree to which
23 the discharge degrades existing environmental quality;

24 (2) reasonable costs incurred by the state in detection, in-
25 vestigation, and attempted correction of the violation, except disburse-
26 ments for pollution abatement costs under AS 30.25.260(a)(2); and

27 (3) the economic savings realized by the person in not com-
28 plying with the requirement for which a violation is charged.
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