

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

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HOUSE BILL NO.315

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act providing criminal penalties for negligent  
operation of a tank vessel, negligent oil discharges,  
failure to comply with an oil discharge contingency  
plan, and failure to adequately clean up an oil  
discharge."

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

12 \* Section 1. AS 46.03 is amended by adding a new section to read:

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Sec. 46.03.742. NEGLIGENT OPERATION OF TANK VESSEL. (a) A

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person commits the crime of negligent operation of a tank vessel when,  
with criminal negligence, the person actually endangers a person or  
property through operating, navigating, or piloting a tank vessel.

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(b) Negligent operation of a tank vessel is a class C felony.

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(c) In this section,

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(1) "criminal negligence" has the meaning given in AS 11.-

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81.900;

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(2) "tank vessel" means a vessel that is constructed or

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adapted to carry, or that carries, oil or hazardous material in bulk  
as cargo or cargo residue.

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\* Sec. 2. AS 46.03.790(a) is amended to read:

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(a) Except as provided in (d) - ~~(g)~~[(f)] of this section, a

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person who negligently violates a provision of this chapter, AS 46.04,

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or AS 46.09, or of a regulation, lawful order of the department, or

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permit, approval, or acceptance, or term or condition of a permit,

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approval, or acceptance issued under this chapter, AS 46.04, or

1 AS 46.09 is guilty of a class B misdemeanor.

2 \* Sec. 3. AS 46.03.790 is amended by adding a new subsection to read:

3 (g) Notwithstanding (a) and (b) of this section, a person who  
4 negligently discharges oil in violation of AS 46.03.740, or who fails  
5 to comply with the provisions of an oil discharge contingency plan  
6 required under AS 46.04.030, or who fails to adequately clean up a  
7 discharge of oil as defined in the regulations adopted under this  
8 chapter, is guilty of

9 (1) a class C felony if the discharge is 10,000 barrels or  
10 more;

11 (2) a class A misdemeanor if the discharge is less than  
12 10,000 barrels.

13 (h) In this section, "barrel" has the meaning given in  
14 AS 46.04.120.