

Amended: 4/20/90  
Offered: 2/27/90  
Referred: Rules

go1239hH

Original sponsor(s): Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 315 (Judiciary) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to criminal penalties for negligent  
7 operation of a tank vessel, for negligent oil dis-  
8 charge, for failure to comply with an oil discharge  
9 contingency plan, for negligent performance or fail-  
10 ure to perform a required act relating to the hand-  
11 ling of a hazardous waste, and for failure to provide  
12 information or providing false information about oil  
13 or a hazardous substance when required by law."

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

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

16 Sec. 46.03.742. NEGLIGENT OPERATION OF TANK VESSEL. (a) A  
17 person commits the crime of negligent operation of a tank vessel when,  
18 by operating, navigating, or piloting a tank vessel with criminal  
19 negligence, the person creates a risk of a release of a hazardous  
20 substance and the release could cause serious physical injury to  
21 another person or damage to the property of another.

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

23 (c) In this section,

24 (1) "criminal negligence" has the meaning given in AS 11.-  
25 81.900;

26 (2) "hazardous substance" has the meaning given in AS 46.-  
27 03.826;

28 (3) "tank vessel" means

29 (A) a vessel that is constructed or adapted to

1 carry, or that carries, as a means of transportation by water, a  
2 hazardous substance in bulk as cargo or cargo residue;  
3 (B) the vessel that propels the tank vessel if the  
4 tank vessel is a barge or other vessel that is not self-propel-  
5 led.

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

7 (a) Except as provided in (d) [(d) - (f)] of this section, a  
8 person is guilty of a class A misdemeanor if the person with criminal  
9 negligence

10 (1) [WHO NEGLIGENTLY] violates a provision of this chapter,  
11 AS 46.04, or AS 46.09, [OR OF] a regulation or [, LAWFUL] order of the  
12 department, or a permit, approval, or acceptance, or a term or condi-  
13 tion of a permit, approval, or acceptance issued under this chapter,  
14 AS 46.04, or AS 46.09;

15 (2) fails to provide information or provides false informa-  
16 tion required by AS 46.03.755, AS 46.04, or AS 46.09, or by a regula-  
17 tion adopted by the department under AS 46.03.755, AS 46.04, or  
18 AS 46.09; or

19 (3) makes a false statement or representation in an appli-  
20 cation, label, manifest, record, report, permit, or other document  
21 filed, maintained, or used for purposes of compliance with AS 46.03.-  
22 250 - 46.03.314 applicable to hazardous wastes or a regulation adopted  
23 by the department under AS 46.03.250 - 46.03.314 [IS GUILTY OF A CLASS  
24 B MISDEMEANOR].

25 \* Sec. 3. AS 46.03.790(d) is amended to read:

26 (d) Notwithstanding (a) [AND (b)] of this section, a person who  
27 with criminal negligence discharges oil in violation of AS 46.03.740  
28 or who, when required by an oil discharge to comply with the pro-  
29 visions of an oil discharge contingency plan approved under

1 AS 46.04.030, with criminal negligence fails to comply with the plan  
2 is guilty of

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

5 (2) a class A misdemeanor if the oil discharge is less than  
6 10,000 barrels [FAILS TO PROVIDE OR FALSELY STATES INFORMATION RE-  
7 QUIRED UNDER AS 46.03.755, AS 46.04, OR AS 46.09 IS GUILTY OF A MISDE-  
8 MEANOR AND, UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE THAN  
9 \$25,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH.  
10 EACH UNLAWFUL ACT CONSTITUTES A SEPARATE OFFENSE].

11 \* Sec. 4. AS 46.03.790 is amended by adding a new subsection to read:

12 (g) In this section,

13 (1) "barrel" has the meaning given in AS 46.04.900;

14 (2) "criminal negligence" has the meaning given in AS 11.-  
15 81.900;

16 (3) "knowingly" has the meaning given in AS 11.81.900.

17 \* Sec. 5. AS 46.03.790(b), 46.03.790(e), and 46.03.790(f) are repealed.