

Offered: 5/6/90
Referred: Rules

gol239hM

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 315 (Resources)
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 new sections to read:

16 Sec. 46.03.742. RECKLESS OPERATION OF TANK VESSEL. (a) A
17 person commits the crime of reckless operation of a tank vessel when,
18 by recklessly operating, navigating, or piloting a tank vessel, the
19 person causes a release of a hazardous substance and the release
20 causes serious physical injury to another person or damage to the
21 property of another.

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

23 (c) In this section, "reckless" has the meaning given in AS 11.-
24 81.900.

25 Sec. 46.03.743. NEGLIGENCE OPERATION OF TANK VESSEL. (a) A
26 person commits the crime of negligent operation of a tank vessel when,
27 by operating, navigating, or piloting a tank vessel with criminal
28 negligence, the person creates an unjustifiable risk of a release of a
29 hazardous substance or an unjustifiable risk of harm to a person or

1 property.

2 (b) Negligent operation of a tank vessel is a class A misde-
3 meanor.

4 (c) In this section, "criminal negligence" has the meaning given
5 in AS 11.81.900.

6 Sec. 46.03.744. DEFINITIONS. In AS 46.03.742 - 46.03.744,

7 (1) "hazardous substance" has the meaning given in AS 46.-
8 03.826;

9 (2) "tank vessel" means

10 (A) a vessel that is constructed or adapted to carry,
11 or that carries, as a means of transportation by water, a hazard-
12 ous substance in bulk as cargo or cargo residue;

13 (B) the vessel that propels the tank vessel if the
14 tank vessel is a barge or other vessel that is not self-propell-
15 ed.

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

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

20 (1) [WHO NEGLIGENTLY] violates a provision of this chapter,
21 AS 46.04, or AS 46.09, [OR OF] a regulation or [, LAWFUL] order of the
22 department, or a permit, approval, or acceptance, or a term or condi-
23 tion of a permit, approval, or acceptance issued under this chapter,
24 AS 46.04, or AS 46.09;

25 (2) fails to provide information or provides false informa-
26 tion required by AS 46.03.755, AS 46.04, or AS 46.09, or by a regula-
27 tion adopted by the department under AS 46.03.755, AS 46.04, or
28 AS 46.09; or

29 (3) makes a false statement or representation in an

1 application, label, manifest, record, report, permit, or other docu-
2 ment filed, maintained, or used for purposes of compliance with
3 AS 46.03.250 - 46.03.314 applicable to hazardous wastes or a regula-
4 tion adopted by the department under AS 46.03.250 - 46.03.314 [IS
5 GUILTY OF A CLASS B MISDEMEANOR].

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

7 (d) Notwithstanding (a) [AND (b)] of this section, a person who
8 with criminal negligence discharges oil in violation of AS 46.03.740
9 or who, when required by an oil discharge to comply with the pro-
10 visions of an oil discharge contingency plan approved under AS 46.-
11 04.030, with criminal negligence fails to comply with the plan is
12 guilty of

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

15 (2) a class A misdemeanor if the oil discharge is less than
16 10,000 barrels [FAILS TO PROVIDE OR FALSELY STATES INFORMATION RE-
17 QUIRED UNDER AS 46.03.755, AS 46.04, OR AS 46.09 IS GUILTY OF A MISDE-
18 MEANOR AND, UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE THAN
19 \$25,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH.
20 EACH UNLAWFUL ACT CONSTITUTES A SEPARATE OFFENSE].

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

22 (g) In this section,

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

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

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

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