

SCOMM

94:5

Alaska State Legislature

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During Session:
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Senator Drue Pearce
District G

Sponsor Statement for Senate Bill 75

Mr. Chairman and members of the committee ... Senate Bill 75 would require the operator of a vessel carrying petroleum products to notify the Coast Guard and proper state authorities whenever they experience a significant malfunction lasting more than 60 minutes. The malfunctions covered under this bill would affect the steering, power, or seaworthiness of the vessel if they occurred within 200 miles of Alaska's shoreline. The penalty for failure to report such an incident would be a class A misdemeanor.

I decided to introduce this bill after reading a preliminary report about the sequence of events that led to the wreck of the Braer off the Shetland Islands coast last month. Currently, Alaska has the most stringent oil spill prevention regulations in the world. However, we should learn from the experience of others whenever we can.

In the case of the Braer, the ship's captain apparently waited a considerable amount of time before issuing an SOS distress signal. The British Coast Guard had little time in which to respond. Because maritime insurance law is structured to give salvage companies such a large percentage of the cargo value, cargo owners and ship captains are often unwilling to call for assistance until the last possible moment. The Braer disaster was quite possibly preventable. Had the crew called for help sooner or not abandoned ship before a tug arrived there would likely have been sufficient time to get a line on the Braer and tow her away from danger.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
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FEB 15 1993

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MEMORANDUM

February 4, 1993

SUBJECT: Sectional Summary of SB 75 (Work Order No. 8-LS0338\A)
TO: Senator Drue Pearce
FROM: Jerry Luckhaupt *JL*
Legislative Counsel

You have requested a sectional summary of the above described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill creates AS 46.03.741, with the following subsections:

(a) requires a person in charge of an oil tank vessel that is within the waters of the state and that is experiencing a steering malfunction, loss of power, or other situation that significantly affects the seaworthiness of the vessel, to immediately notify the Coast Guard and appropriate state authorities if the malfunction, loss, or other situation is not repaired within 60 minutes;

(b) requires a person in charge of an oil tank vessel that docks or lands within the state to certify that the vessel has not, from the time of its last docking or landing, suffered a steering malfunction, loss of power, or other situation that significantly affected the seaworthiness of the vessel that was not repaired within 60 minutes, while within 200 miles of the baseline from which the territorial sea of the state is measured, and that was not reported to the Coast Guard and appropriate state authorities;

(c) clarifies that a person in charge of a oil tank vessel may notify the Coast Guard and appropriate state authorities within the first 60 minutes of a malfunction, loss, or other situation.

Section 2 of the bill amends AS 46.03.744 to apply the definition of tank vessel to AS 46.03.741.

Section 3 of the bill provides an immediate effective date.

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93-104.glc

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 75

Revision Date: _____
Title: Reporting of certain steering
malfunctions
Sponsor: Sen. Pearce
Requestor: Senate Oil & Gas Committee

Department Affected: Environmental
Conservation
BRU: Spill Prevention & Response
Component: Spill Response Office

COMPONENT SERIAL NO. 1429

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE
FUND SOURCE:

FUNDING:

1002 FEDERAL RECEIPTS	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF MATCH	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECPT	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS: NONE

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY93) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair
Division: Commissioner's Office

Phone: 465-5010
Date: 2/3/93

Approved by Commissioner: Janice Adair
Agency: Department of Environmental Conservation

Date: 2/3/93

Distribution (by preparer): Legis _____ impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: SB 75

Revision Date: _____ Dept. Affected: Public Safety
Title: "An Act relating to the reporting of certain steering malfunctions." BRU: Alaska State Troopers
Sponsor: Senator Pearce Component: Detachments
Requestor: Senator Pearce COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No significant impact upon the Alaska State Troopers is anticipated.

Prepared By: C.E. Swackhammer Phone: 465-4322
Division: Office of the Commissioner Date: 2/8/93
Approved by Commissioner: *[Signature]* Date: 2/8/93
Agency: Richard L. Burton, Dept. of Public Safety

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SENATE BILL 75

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

POSITION PAPER

Department Position:

The Department supports the intent of the bill to require immediate notification to the State in the event the seaworthiness of a tank vessel carrying a hazardous substance is threatened due to loss of steering, power, or other situation. However, the Department recommends consideration of the amendments suggested below.

Suggested Amendments:

1. To be consistent with the U.S. Coast Guard's current regulations, replace the "immediate" notification requirement with the requirement to notify the State "as soon as possible."
2. Define "appropriate state authorities" to mean the Department of Environmental Conservation. As the State's lead agency for the prevention and response to hazardous substance spills, the Department should be explicitly identified as the appropriate state authority to notify in the event of a potential spill occurrence.
3. Include the requirement that advance notification to the State shall be provided in a manner and form provided by the Department of Environmental Conservation. The manner in which a person in charge of a tank vessel should notify the state should be described by the Department.
4. Define the "person in charge of a tank vessel" as the vessel owner, operator, agent, or master of the vessel. Who is responsible for notifying the State should be explicitly defined to avoid any confusion when communicating a potential spill situation.
5. Delete the current bill language that requires immediate notification to the State following a 60 minute time period to repair or correct the situation. Waiting 60 minutes to notify the State of a situation that may result in a hazardous substance spill may needlessly delay appropriate response actions. In some locations in State waters, vessels could run aground long before a 60 minute period if they experience a loss of power or steering. The State should be notified immediately of a situation affecting the seaworthiness of a tank vessel regardless of action taken to correct or repair the situation.