



# LAWS OF ALASKA

1990

**Source**

SCS GSHB 566(Fin)(efd fld H)

**Chapter No.**

190

**AN ACT**

Relating to state response actions and planning involving the release or threatened release of oil or a hazardous substance; and establishing the Alaska State Emergency Response Commission.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 26, 1990  
Actual Effective Date: September 24, 1990

AN ACT

Relating to state response actions and planning involving the release or threatened release of oil or a hazardous substance; and establishing the Alaska State Emergency Response Commission.

\* Section 1. AS 26.23.020(g) is amended by adding a new paragraph to read:

(11) use money from the oil and hazardous substance release response fund, established by AS 46.08.010, to respond to a declared disaster emergency related to an oil or hazardous substance discharge.

\* Sec. 2. AS 26.23.050(b) is amended to read:

(b) Whenever, and to the extent that, money is needed to cope with a disaster, the first recourse shall be to funds regularly appropriated to state and local agencies. The second recourse shall be to funds available in the disaster relief fund or, for oil or hazardous substances discharges, the oil and hazardous substance release response fund, as the governor determines appropriate. If money available from these sources is insufficient, and if the governor finds that other sources of money to cope with the disaster are not available or are insufficient, the governor may, notwithstanding any limitation imposed by AS 37.07.080(e), transfer and spend money appropriated for other purposes or, in situations involving natural disasters, borrow from the United States government or other public or private sources for a term not to exceed two years.

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\* Sec. 3. AS 26.23.190 is amended by adding a new subsection to read:

(b) When performing responsibilities assigned to it under an incident command system established under this chapter, AS 46.04.200 - 46.04.210, or AS 46.13, the Alaska division of emergency services may, in a situation involving an actual or imminent discharge of oil or a hazardous substance, issue an order directing persons and governmental agencies to take action the division believes necessary to carry out its assigned responsibilities.

\* Sec. 4. AS 26.23 is amended by adding a new section to read:

Sec. 26.23.195. DISCHARGE RESPONSE ACTIONS. (a) The Alaska division of emergency services shall perform the responsibilities assigned to it under an incident command system established under this chapter, AS 46.04.200 - 46.04.210, or AS 46.13 in a state response to a release or threatened release of oil or a hazardous substance.

(b) The Alaska division of emergency services may contract with persons to provide personnel, including members of the emergency response corps, to assist them with a nongovernmental response to a release or threatened release of oil or a hazardous substance.

(c) Within the limit of appropriations made specifically for the purpose, the Alaska division of emergency services may assist persons with mobilization of personnel and resources, communications, transportation planning, and other logistics involved in a nongovernmental response to a release or threatened release of oil or a hazardous substance when to do so would be consistent with the duties assigned to it under an incident command system established under this chapter, AS 46.04.200 - 46.04.210, or AS 46.13.

\* Sec. 5. AS 26.23 is amended by adding a new section to read:

Sec. 26.23.215. RELATIONSHIP TO OTHER PLANNING STATUTES. To the extent that the state emergency plan, interjurisdictional plans, and

1 local plans prepared under this chapter relate to action required to  
2 avert damage from a release of oil or a hazardous substance, the plans  
3 must be substantially equivalent in relevant respects to the local  
4 emergency plans prepared under AS 46.13 and the state and regional  
5 master plans prepared by the Department of Environmental Conservation  
6 under AS 46.04.200 - 46.04.210, use the same incident command systems  
7 used in those plans, and be approved by the Alaska State Emergency  
8 Response Commission under AS 46.13.045.

9 \* Sec. 6. AS 39.50.200(b) is amended by adding a new paragraph to read:

10 (5) Hazardous Substance Spill Technology Review Council  
11 (AS 46.13.110).

12 \* Sec. 7. AS 44.66.010(a) is amended by adding a new paragraph to read:

13 (17) Hazardous Substance Spill Technology Review Council  
14 (AS 46.13.110) -- June 30, 1994.

15 \* Sec. 8. AS 46.03.865(a) is amended to read:

16 (a) When the department finds that an actual or imminent dis-  
17 charge of oil, a hazardous substance, or low level radioactive mate-  
18 rials to the air, water, land, or subsurface land of the state poses  
19 an immediate threat to the public health or welfare [,] or the envi-  
20 ronment of the state, it may issue an order declaring an emergency and  
21 directing a person or persons to take action the department believes  
22 necessary to meet the emergency, and protect the public health, wel-  
23 fare, or environment. If there is an incident command system estab-  
24 lished under AS 26.23, AS 46.04.200 - 46.04.210, or AS 46.13 that is  
25 applicable to the situation for which the department issues an order  
26 under this subsection, the department's exercise of authority under  
27 this subsection shall be guided by the relevant provisions of the  
28 incident command system.

29 \* Sec. 9. AS 46.03.865(c) is amended to read:

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(c) During a period of emergency declared under (a) of this section, each state agency [, INCLUDING, WHEN APPROPRIATE, THE DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS UNDER THE AUTHORITY CONFERRED BY AS 26.20,] shall take whatever action the department finds necessary to meet the emergency [,] and to protect the public health, welfare, or environment, consistent with the responsibilities assigned to them under an incident command system established under AS 26.23, AS 46.04.200 - 46.04.210, or AS 46.13 if one is applicable to the situation.

\* Sec. 10. AS 46.04.080(a) is amended to read:

(a) The actual or imminent occurrence of a catastrophic oil discharge constitutes a disaster emergency under AS 26.23 without a declaration of disaster by the governor under AS 26.23.020. The [ . HOWEVER, THE] department and [SHALL PERFORM THE DUTIES OF] the Alaska division of emergency services, Department of Military and Veterans' Affairs, shall coordinate their duties under AS 26.23.040 and AS 46.-08.100 - 46.08.190 as they apply to catastrophic oil discharges, consistent with the responsibilities assigned to them under applicable incident command systems. [THE DEPARTMENT SHALL CONSULT AND COORDINATE ITS DUTIES UNDER THIS SECTION WITH THE ALASKA DIVISION OF EMERGENCY SERVICES.]

\* Sec. 11. AS 46.04.090(a) is amended to read:

(a) The department, when feasible, shall enter into contracts with persons or private organizations to provide the personnel, equipment, or other services or supplies that [WHICH] may be required to carry out this chapter. Contracts under this section are governed by AS 36.30 (State Procurement Code). When private contracting is not feasible, the department may establish and maintain at ports, harbors, or other locations in the state, the cleanup personnel, equipment, and

1 supplies that [WHICH], in its judgment, are necessary to carry out  
2 this chapter. When exercising its authority under this subsection,  
3 the department shall coordinate with the Department of Military and  
4 Veterans' Affairs to avoid duplication of efforts.

5 \* Sec. 12. AS 46.04.200(b) is amended to read:

6 (b) The state master plan prepared under this section must

7 (1) take into consideration the elements of an oil dis-  
8 charge contingency plan approved or submitted for approval under  
9 AS 46.04.030;

0 (2) include incident command systems that clarify and  
1 specify the respective responsibilities of each of the following in  
2 the assessment, containment, and cleanup of various types and sizes of  
3 discharges [A CATASTROPHIC OIL DISCHARGE OR OF A SIGNIFICANT DIS-  
4 CHARGE] of oil or a hazardous substance into the environment of the  
5 state:

6 (A) the Department of Environmental Conservation, the  
7 division of emergency services in the Department of Military and  
8 Veterans' Affairs, and other agencies of the state; responsibil-  
9 ities assigned to each agency must be consistent with its stat-  
0 utory authority;

1 (B) municipalities of the state;

2 (C) appropriate federal agencies;

3 (D) operators of facilities;

4 (E) private parties whose land and other property may  
5 be affected by the oil or hazardous substance discharge; and

6 (F) other parties identified by the commission [COM-  
7 MISSIONER] as having an interest in or the resources to assist in  
8 the containment and cleanup of an oil or hazardous substance  
9 discharge;

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1 (3) include incident command systems that specify the  
2 respective responsibilities of parties identified in (2) of this  
3 subsection in an emergency response under AS 26.23, AS 46.03.865, or  
4 AS 46.04.080; responsibilities assigned to each state agency must be  
5 consistent with its statutory authority; [AND]

6 (4) identify actions necessary to reduce the likelihood of  
7 catastrophic oil discharges and significant discharges of hazardous  
8 substances; and

9 (5) designate the locations where oil and hazardous sub-  
10 stance emergency response depots should be established in the state  
11 and where emergency response corps personnel should be available.

12 \* Sec. 13. AS 46.04.200(c) is amended to read:

13 (c) In preparing and annually reviewing the state master plan,  
14 the commissioner shall

15 (1) consult with municipal and community officials, and  
16 with representatives of affected regional organizations;

17 (2) submit the draft plan to the public for review and  
18 comment;

19 (3) submit to the legislature for review, not later than  
20 the 10th day following the convening of each regular session, the plan  
21 and any annual revision of the plan; [AND]

22 (4) require or schedule unannounced oil spill drills to  
23 test the sufficiency of an oil discharge contingency plan approved  
24 under AS 46.04.030 or of the cleanup plans of a party identified under  
25 (b)(2) of this section; and

26 (5) submit the plan and any annual revision to the Alaska  
27 State Emergency Response Commission for its review and approval under  
28 AS 46.13.045.

29 \* Sec. 14. AS 46.08.040 is amended to read:

1           Sec. 46.08.040. PURPOSES OF THE FUND. The commissioner may use  
2 money from the fund to

3           (1) investigate and evaluate the release or threatened  
4 release of oil or a hazardous substance, and contain, clean up, and  
5 take other necessary action, such as monitoring and assessing, to  
6 address a release or threatened release of oil or a hazardous sub-  
7 stance that poses an imminent and substantial threat to the public  
8 health or welfare, or to the environment;

9           (2) pay all costs incurred to establish and maintain the  
10 oil and hazardous substance response office;

11           (3) pay [AND FOR] the expenses incurred by the Alaska  
12 division of emergency services for [OF] the oil and hazardous sub-  
13 stance response corps and the oil and hazardous substance response  
14 depots when presented with appropriate documentation by the division  
15 [ESTABLISHED BY THAT OFFICE];

16           (4) [(3)] provide matching funds for participation in  
17 federal oil discharge cleanup activities and under 42 U.S.C. 9601 -  
18 9657 (Comprehensive Environmental Response, Compensation, and Liabil-  
19 ity Act of 1980); [AND]

20           (5) [(4)] recover the cost to the state or to a municipal-  
21 ity of a containment and cleanup resulting from the release or the  
22 threatened release of oil or a hazardous substance; [.]

23           (6) [(5)] prepare, review, and revise

24           (A) the state's master oil and hazardous substance  
25 discharge and prevention contingency plan required by AS 46.04.-  
26 200; and

27           (B) a regional master oil and hazardous substance  
28 discharge and prevention contingency plan required by AS 46.04.-  
29 210; and

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1           (7) [(6)] restore the environment by addressing the effects  
2 of an oil or hazardous substance release.

3 \* Sec. 15. AS 46.08.040 is amended by adding new subsections to read:

4           (b) When the governor declares a disaster related to an oil or  
5 hazardous substance discharge emergency under AS 26.23.020(c), the  
6 governor may, during the effective period of the disaster emergency,  
7 use money from the fund to respond to the disaster emergency.

8           (c) Notwithstanding other provisions of this section, money from  
9 the fund may not be used for a purpose specified in (a)(2) - (7) of  
10 this section unless funds are available from an appropriation made  
11 specifically for that purpose.

12 \* Sec. 16. AS 46.08.060(a) is amended to read:

13           (a) The commissioner shall submit a report to the legislature  
14 not later than the 10th day following the convening of each regular  
15 session of the legislature. The report may include information con-  
16 sidered significant by the commissioner but must include:

17           (1) the amount of money expended by the department under  
18 AS 46.08.040(a) [AS 46.08.040] during the preceding fiscal year;

19           (2) the amount and source of money received and money  
20 recovered by or on behalf of the department during the preceding  
21 fiscal year as specified in AS 46.08.020;

22           (3) a summary of municipal participation in the depart-  
23 ment's responses that were funded by the fund;

24           (4) a detailed summary of department activities in respon-  
25 ses funded by the fund during the preceding fiscal year, including  
26 response descriptions and statements outlining the nature of the  
27 threat; and

28           (5) the projected cost to the department for the next  
29 fiscal year of monitoring, operating, and maintaining sites where

1 response has been completed or is expected to be continued during the  
2 fiscal year.

3 \* Sec. 17. AS 46.08.060 is amended by adding a new subsection to read:

4 (c) In addition to the department's report required under (a) of  
5 this section, the governor shall submit a report about use of the fund  
6 during the previous fiscal year to the legislature not later than the  
7 10th day following the convening of each regular session of the legis-  
8 lature. In the report, the governor shall describe in detail the  
9 governor's use of money from the fund, with separate explanations, by  
10 agency, of the activities that were funded under the authority of  
11 AS 46.08.040(b).

12 \* Sec. 18. AS 46.08.110 is amended to read:

13 Sec. 46.08.110. RESPONSE CORPS. (a) The division of emergency  
14 services, Department of Military and Veterans' Affairs, [OFFICE] shall  
15 establish an oil and hazardous substance response corps.

16 (b) The corps consists of volunteers who register with the  
17 division [OFFICE] and agree to be trained by the division [OFFICE] in  
18 techniques for containment and cleanup and to be available on short  
19 notice to assist [THE OFFICE] in containment and cleanup consistent  
20 with the responsibilities assigned to the corps under an applicable  
21 incident command system.

22 (c) Members of the corps are entitled to per diem and expenses  
23 as determined by the division [COMMISSIONER] for training and for days  
24 spent in service to the state in containment and cleanup actions.

25 \* Sec. 19. AS 46.08.120 is amended to read:

26 Sec. 46.08.120. RESPONSE DEPOTS. The division [OFFICE] shall  
27 maintain emergency response depots in areas of the state determined in  
28 the plans prepared under AS 46.04.200 - 46.04.210 [BY THE DIRECTOR] to  
29 be potential sites of releases or threatened releases of oil or

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1 hazardous substances. The depots shall be equipped and staffed in a  
2 manner that ensures prompt response when containment and cleanup  
3 actions are necessary.

4 \* Sec. 20. AS 46.08.130 is amended by adding a new subsection to read:

5 (c) When the office or corps responds to an oil or hazardous  
6 substance discharge under this section, its activities shall be guided  
7 by the relevant provisions of the incident command system applicable  
8 to the type of discharge to which it is responding.

9 \* Sec. 21. AS 46.08.150 is amended to read:

10 Sec. 46.08.150. CONTRACTS. The office or the division, as  
11 applicable, may enter into agreements with agencies of the state and  
12 federal government, political subdivisions, the University of Alaska,  
13 or private persons or entities to

14 (1) provide the personnel, equipment, or other services or  
15 supplies necessary to establish and maintain regional oil and hazard-  
16 ous substances depots and as [TO ACQUIRE THE SUPPLIES AND EQUIPMENT]  
17 necessary for response readiness;

18 (2) train members of response corps; and

19 (3) conduct research into oil and hazardous substances  
20 spill technology; the office shall include in the research topics for  
21 which it conducts or contracts for research, the research topics  
22 recommended to it by the Hazardous Substance Spill Technology Review  
23 Council under AS 46.13.120.

24 \* Sec. 22. AS 46.08.190 is amended by adding a new paragraph to read:

25 (4) "division" means the division of emergency services,  
26 Department of Military and Veterans' Affairs.

27 \* Sec. 23. AS 46.09.030 is amended to read:

28 Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner of  
29 environmental conservation or the director of the division of

1 emergency services, Department of Military and Veterans' Affairs, may  
2 request the governor to determine that an actual or imminent release  
3 of a hazardous substance constitutes a disaster emergency under  
4 AS 26.23. If the governor declares a disaster emergency under AS 26.-  
5 23, the commissioner and [MAY ASSIST] the division of emergency ser-  
6 VICES, Department of Military and Veterans' Affairs, shall respond  
7 appropriately [ADJUTANT GENERAL] in the relief of the emergency, in  
8 accordance with the relevant provisions of the applicable incident  
9 command system.

10 \* Sec. 24. AS 46 is amended by adding a new chapter to read:

11 CHAPTER 13. ALASKA STATE EMERGENCY RESPONSE COMMISSION.

12 Sec. 46.13.010. ALASKA STATE EMERGENCY RESPONSE COMMISSION  
13 ESTABLISHED. (a) There is established in the Department of Environ-  
14 mental Conservation the Alaska State Emergency Response Commission.

15 (b) The oil and hazardous substance response office established  
16 under AS 46.08.100 shall serve as staff for the commission.

17 Sec. 46.13.020. COMPOSITION OF THE COMMISSION. The commission  
18 consists of the commissioners of community and regional affairs,  
19 environmental conservation, fish and game, health and social services,  
20 labor, natural resources, public safety, and transportation and public  
21 facilities, or the designees of the commissioners, the adjutant gen-  
22 eral of the Department of Military and Veterans' Affairs or a desig-  
23 nee, and seven public members to be appointed by the governor. To the  
24 extent practicable, the commission must include members with expertise  
25 in the emergency response field.

26 Sec. 46.13.030. OFFICERS, TERMS, AND COMPENSATION. The commis-  
27 sioner of environmental conservation, or the commissioner's designee,  
28 shall chair the commission. The adjutant general of the Department of  
29 Military and Veterans' Affairs, or the adjutant general's designee,

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1 shall serve as vice-chair. Members of the commission other than those  
2 from the designated state departments serve at the pleasure of the  
3 governor for staggered terms of three years. Members of the commis-  
4 sion serve without compensation but are entitled to per diem and  
5 travel expenses authorized for members of boards and commissions under  
6 AS 39.20.180.

7 Sec. 46.13.040. POWERS AND DUTIES OF COMMISSION. The commission  
8 shall

9 (1) serve as the state emergency response commission re-  
10 quired under 42 U.S.C. 11001 - 11005;

11 (2) designate, and revise as necessary, the boundaries of  
12 emergency planning districts, using the boundaries of regions estab-  
13 lished under AS 46.04.200 - 46.04.210 and of political subdivisions  
14 where appropriate;

15 (3) facilitate the preparation and implementation of emer-  
16 gency plans for hazardous substance response, including the statewide,  
17 interjurisdictional, and local plans prepared under AS 26.23, state  
18 and regional plans prepared under AS 46.04.200 - 46.04.210, and plans  
19 prepared under this chapter;

20 (4) review and approve or disapprove the plans described in  
21 (3) of this section according to the criteria established in AS 46.-  
22 13.045;

23 (5) establish a local emergency planning committee for each  
24 emergency planning district, and appoint, and revise as necessary, the  
25 membership of each committee;

26 (6) supervise and coordinate the activities of local emer-  
27 gency planning committees;

28 (7) establish procedures for receiving and processing  
29 requests from the public for information under 42 U.S.C. 11044,

1 including tier II information under 42 U.S.C. 11022;

2 (8) perform other coordinating, advisory, or planning tasks  
3 related to hazardous substance emergency planning and preparedness,  
4 community right-to-know reporting, toxic chemical release reporting,  
5 or management of hazardous substances;

6 (9) recommend procedures to integrate, as appropriate,  
7 hazardous substance response planning under 42 U.S.C. 11001 - 11005,  
8 federal contingency planning under 33 U.S.C. 1321 and other federal  
9 laws applicable to hazardous substance discharges, and state, region-  
10 al, and local hazardous substance contingency planning under AS 26.23  
11 and AS 46.04.200 - 46.04.210;

12 (10) to the extent consistent with the constitution and law  
13 of the state, perform all other functions prescribed for state emer-  
14 gency response commissions under 42 U.S.C. 11001 - 11005; and

15 (11) adopt regulations necessary to carry out the purposes  
16 of this chapter and 42 U.S.C. 11001 - 11005.

17 Sec. 46.13.045. PLAN APPROVAL; INCIDENT COMMAND SYSTEMS. (a)  
18 The commission shall review and exercise approval authority over  
19 local, interjurisdictional, regional, and state plans for hazardous  
20 substance discharge response, including plans prepared under AS 26.23,  
21 AS 46.04.200 - 46.04.210, and this chapter.

22 (b) Before approving a plan, the commission shall ensure that  
23 the plan includes an incident command system that describes the re-  
24 spective roles of affected persons and agencies in a clear and specifi-  
25 c manner and that the respective roles of state agencies are consis-  
26 tent with their statutory duties. The commission shall also ensure  
27 that the plans are well-integrated with related plans.

28 (c) To the extent consistent with other law, an incident command  
29 system approved under this section must provide that the Alaska

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1 division of emergency services has a major role in mobilization of  
2 personnel and resources, communications, transportation planning, and  
3 other logistics involved in a state response to an imminent or actual  
4 hazardous substance discharge.

5 Sec. 46.13.050. AGENCY COOPERATION. The commission may request  
6 data, reports, or other information from a state agency. To the  
7 extent feasible and not otherwise prohibited by laws making specific  
8 information confidential and nondisclosable, a state agency shall  
9 cooperate with the commission and furnish the commission with the  
10 information and assistance necessary to accomplish the purposes of 42  
11 U.S.C. 11001 - 11005 and this chapter.

12 Sec. 46.13.060. EMERGENCY PLANNING DISTRICT BOUNDARIES. Bound-  
13 aries for emergency planning districts are the regions designated by  
14 the Department of Environmental Conservation under AS 46.04.210,  
15 unless otherwise designated by the commission.

16 Sec. 46.13.070. LOCAL EMERGENCY PLANNING COMMITTEES. The com-  
17 mission shall establish and appoint the members of a local emergency  
18 planning committee for each emergency planning district. Each commit-  
19 tee must include, at a minimum, representatives from each of the  
20 following groups or organizations: elected state and local officials;  
21 law enforcement; civil defense; fire fighting; first aid; health;  
22 local environmental, hospital, and transportation personnel; broadcast  
23 and print media; community groups; and owners and operators of facili-  
24 ties subject to the requirements of 42 U.S.C. 11001 - 11005.

25 Sec. 46.13.080. DUTIES OF LOCAL EMERGENCY PLANNING COMMITTEES.  
26 Each local emergency planning committee shall

27 (1) establish procedures for receiving and processing  
28 requests from the public for information under 42 U.S.C. 11044, in-  
29 cluding tier II information under 42 U.S.C. 11022;

1 (2) appoint a chair and establish rules by which the com-  
2 mittee shall function, including provisions for public notification of  
3 committee activities, public meetings to discuss the emergency plan,  
4 public comments, response to the comments by the committee, distribu-  
5 tion of the emergency plan, and designation of an official to serve as  
6 coordinator for information;

7 (3) prepare and periodically review an emergency plan in  
8 accordance with 42 U.S.C. 11003(a);

9 (4) evaluate the need for resources necessary to develop,  
10 implement, and exercise the emergency plan, and make recommendations  
11 with respect to additional resources that may be required and the  
12 means for providing the additional resources;

13 (5) to the extent consistent with the constitution and law  
14 of the state, perform all other functions prescribed for emergency  
15 planning committees in 42 U.S.C. 11001 - 11005; and

16 (6) participate as a local advisory committee in the prepara-  
17 tion of statewide regional contingency plans.

18 Sec. 46.13.090. EMERGENCY PLANS. (a) An emergency plan pre-  
19 pared under AS 46.13.080 must include

20 (1) identification of facilities subject to the require-  
21 ments of 42 U.S.C. 11001 - 11005 that are within the emergency plan-  
22 ning district, identification of routes likely to be used for the  
23 transportation of substances on the list of extremely hazardous sub-  
24 stances referred to in 42 U.S.C. 302(a), and identification of addi-  
25 tional facilities contributing or subjected to additional risk due to  
26 their proximity to facilities subject to the requirements of 42 U.S.C.  
27 11001 - 11005 such as hospitals or natural gas facilities;

28 (2) methods and procedures to be followed by facility  
29 owners and operators and local emergency and medical personnel to

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1 respond to a release of hazardous substances, and to a release of  
2 substances on the list of extremely hazardous substances referred to  
3 in 42 U.S.C. 302(a);

4 (3) designation of a community emergency coordinator and  
5 facility emergency coordinators, who shall make determinations neces-  
6 sary to implement the emergency plan;

7 (4) procedures providing reliable, effective, and timely  
8 notification by the facility emergency coordinators to persons des-  
9 ignated in the emergency plan, and to the public, that a release has  
10 occurred, consistent with the emergency notification requirements of  
11 42 U.S.C. 11004;

12 (5) methods for determining the occurrence of a release,  
13 and the area or population likely to be affected by that release;

14 (6) a description of emergency equipment and facilities in  
15 the community and at each facility in the community subject to the  
16 requirements of 42 U.S.C. 11001 - 11005, and an identification of the  
17 persons responsible for the equipment and facilities;

18 (7) evacuation plans, including provisions for a precau-  
19 tionary evacuation and alternative traffic routes;

20 (8) training programs, including schedules for training of  
21 local emergency response and medical personnel; and

22 (9) methods and schedules for exercising the emergency  
23 plan.

24 (b) Each emergency plan prepared under AS 46.13.080 must incor-  
25 porate within it an incident command system. The incident command  
26 system must be substantially equivalent in relevant respects to the  
27 incident command systems established under AS 46.04.200 - 46.04.210  
28 and meet the requirements of AS 46.13.045.

29 Sec. 46.13.100. FINDINGS AND PURPOSE. The legislature  
SCS CSHB 566(Fin)(efd fld H) -16-

1 (1) finds and declares that there exists a lack of scientific  
2 knowledge concerning the availability, properties, and effectiveness  
3 of various hazardous substance containment and cleanup technologies;  
4 and

5 (2) concludes that it is in the best interest of the state  
6 and its citizens to establish a Hazardous Substance Spill Technology  
7 Review Council in the Alaska State Emergency Response Commission to  
8 assist in the identification of containment and cleanup products and  
9 procedures for arctic and sub-arctic hazardous substance releases and  
10 make recommendations to the departments and agencies of the state  
11 regarding their use and deployment.

12 Sec. 46.13.110. HAZARDOUS SUBSTANCE SPILL TECHNOLOGY REVIEW  
13 COUNCIL. (a) There is established in the Alaska State Emergency  
14 Response Commission the Hazardous Substance Spill Technology Review  
15 Council.

16 (b) The council consists of the commissioner of environmental  
17 conservation, the adjutant general of the Department of Military and  
18 Veterans' Affairs, a representative of the University of Alaska appointed  
19 by the governor, the governor's senior science advisor, a  
20 representative of the Prince William Sound Science Center in Cordova  
21 appointed by the governor, and four other members, one from each  
22 judicial district of the state, appointed by the governor, with broad  
23 experience or expertise in one or more of the following areas: physical  
24 or biological science; oil technology, transportation, or management;  
25 fisheries; economics; environmental engineering; or law. The  
26 U.S. Coast Guard and the Environmental Protection Agency may each  
27 appoint a federal employee to the council to represent their agencies  
28 as nonvoting members. Appointed state members of the council serve  
29 overlapping three-year terms.

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1 (c) The council members shall elect from among themselves a  
2 chair and vice-chair.

3 (d) The oil and hazardous substance response office established  
4 under AS 46.08.100 shall serve as staff for the council.

5 (e) State and federal members of the council serve without  
6 compensation, but are entitled to per diem and travel expenses autho-  
7 rized for boards and commissions under AS 39.20.180.

8 (f) The council shall meet regularly at the call of the commis-  
9 sion or the chair of the council.

10 (g) State members of the council are subject to AS 39.50.  
11 Sec. 46.13.120. DUTIES OF THE COUNCIL. The council shall

12 (1) review and recommend to the Department of Environmental  
13 Conservation research topics for it to pursue;

14 (2) establish testing protocols to be used by the Depart-  
15 ment of Environmental Conservation to evaluate the effectiveness of  
16 hazardous substance spill technologies for use in the state;

17 (3) identify sources of money that may be available for  
18 discharge-related research;

19 (4) make proposals to the governor, commission, and other  
20 entities to encourage and fund prevention, response, cleanup, and  
21 mitigation of future discharges of hazardous substances;

22 (5) compile and maintain information relating to

23 (A) containment and cleanup technology that is avail-  
24 able in the event of a hazardous substance discharge, the extent  
25 to which current containment and cleanup technology is available  
26 and may be applied in the state, and ways to improve hazardous  
27 substance spill response technology and procedures;

28 (B) steps that should be taken by government and  
29 industry to ensure proper management, handling, and

1 transportation of hazardous substances and to improve the  
2 statewide ability of industry and governmental agencies to  
3 respond to discharges of hazardous substances;

4 (C) the extent to which industry practices and govern-  
5 mental practices or laws should be changed to reduce or minimize  
6 the potential for hazardous substance discharges;

7 (D) hazardous substances spill technology research  
8 conducted by the Department of Environmental Conservation; and

9 (6) perform other functions as may be requested by the  
10 commission.

11 Sec. 46.13.130. INVESTIGATIONS; HEARINGS. (a) The council may  
12 issue subpoenas, administer oaths, and conduct investigations related  
13 to its duties.

14 (b) The council may compel the attendance of witnesses and  
15 production of papers, books, records, accounts, documents, and testi-  
16 mony, and may have the deposition of witnesses taken in a manner  
17 prescribed by court rule or law for the taking of depositions in civil  
18 actions when consistent with the duties assigned to the council.

19 (c) On a majority vote of the council, subpoenas and subpoenas  
20 duces tecum may be issued and served in the manner prescribed by  
21 AS 44.62.430(b) and (c) and court rule. The failure, refusal, or  
22 neglect to obey a subpoena is punishable as contempt in the manner  
23 prescribed by law or court rule. The superior court may compel obedi-  
24 ence to the council's subpoena in the same manner as prescribed for  
25 obedience to a subpoena issued by the court.

26 (d) State agencies shall, to the extent permitted by law, coop-  
27 erate with the council and provide it with information it requests for  
28 carrying out its duties.

29 Sec. 46.13.900. DEFINITIONS. In this chapter,

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1                   (1) "commission" means the Alaska State Emergency Response  
2 Commission;

3                   (2) "council" means the Hazardous Substance Spill Technol-  
4 ogy Review Council;

5                   (3) "hazardous substance" has the meaning given in AS 46.-  
6 03.826.

7       \* Sec. 25. TRANSITIONAL PROVISION. The Alaska State Emergency Response  
8 Commission established under AS 46.13, enacted by sec. 24 of this Act, is a  
9 continuation of the Alaska State Emergency Response Commission established  
10 by Administrative Order No. 103. The terms of the public members of the  
11 commission who are serving terms on the effective date of this section  
12 continue until the date that was scheduled for their expiration before the  
13 effective date of this section.

14       \* Sec. 26. TESTING PROTOCOLS. The Hazardous Substance Spill Technology  
15 Review Council shall establish the initial testing protocols required under  
16 AS 46.13.120(2), enacted by sec. 24 of this Act, by January 1, 1991.

17       \* Sec. 27. APPROVAL OF SPILL TECHNOLOGY. The Department of Environ-  
18 mental Conservation shall, by March 1, 1991, report to the legislature its  
19 recommendations about the feasibility of establishing a process under which  
20 all types of oil and hazardous substance spill technology would have to be  
21 submitted to the department for approval before they could be used in the  
22 state.  
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