

Introduced: 4/22/81
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 522

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to energy emergencies; and providing
7 for an effective date."

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

9 * Section 1. AS 44.33.040 is amended by adding a new paragraph to read:

10 (18) prepare an energy contingency plan in accordance with
11 AS 44.33.045.

12 * Sec. 2. AS 44.33 is amended by adding a new section to read:

13 Sec. 44.33.045. STATEWIDE ENERGY CONTINGENCY PLAN. (a) By
14 December 31, 1982, the section of power development shall prepare a
15 comprehensive energy contingency plan describing actions which the
16 state and its municipalities may take in the event of an energy emer-
17 gency.

18 (b) The plan prepared by the section shall

19 (1) be consistent with applicable federal law and regula-
20 tions;

21 (2) provide detailed descriptions of the variety of actions
22 which may be taken in response to an energy emergency;

23 (3) include criteria for determining priority energy users
24 and for emergency allocation of energy to priority energy users;

25 (4) contain alternative energy allocation plans designed to
26 meet the circumstances of various foreseeable shortages and allow a
27 choice of appropriate responses;

28 (5) seek to employ voluntary measures before mandatory
29 measures;

1 (6) prevent unnecessary hardship and threats to public
2 health and safety;

3 (7) minimize the adverse economic and environmental effects
4 of emergency response;

5 (8) establish programs for suspension and modification of
6 existing standards affecting or affected by the use of energy, including
7 but not limited to those related to the type and composition of energy
8 sources to be used, and to the hours and days of operation of public
9 buildings, commercial and industrial establishments, and other energy-
10 consuming facilities;

11 (9) establish programs to control the use, sale, or distri-
12 bution of commodities, materials, goods or services;

13 (10) assign specific responsibilities to particular munici-
14 palities in an energy emergency;

15 (11) establish programs and agreements to coordinate the
16 energy contingency actions of the state with those of the federal
17 government, local governments, other states, and the provinces of
18 Canada;

19 (12) determine the circumstances under which the governor
20 will petition the President for a temporary emergency suspension of air
21 quality standards as required by the Clean Air Act, 42 U.S.C., sec. 110-
22 (f); and

23 (13) establish procedures for fair and equitable review of
24 complaints and requests for exemptions from emergency conservation
25 measures and allocations.

26 (c) In developing the plan, the section shall

27 (1) seek the advice and assistance of

28 (A) the Office of the Governor;

29 (B) the division of emergency services, Department of

1 **Military Affairs;**

2 (C) the divisions of community planning and local
3 government assistance, Department of Community and Regional
4 Affairs;

6 (D) the Department of Law;

6 (E) the Alaska Public Utilities Commission;

7 (F) electric and natural gas utilities;

8 (G) municipalities;

9 (H) energy suppliers; and

10 (I) the public;

11 (2) assign specific responsibilities for implementation of
12 the plan to municipalities;

13 (3) provide assistance to a municipality to assist in
14 developing and implementing the energy contingency plan of the munici-
15 pality if requested to do so by the mayor of the municipality;

16 (4) annually review and revise the plan in conjunction with
17 review and revision of the state's long-term energy plan under AS 44.-
18 83.224.

19 (d) In addition to its planning authority under (b) of this
20 section, the section shall act to reduce the vulnerability of the state
21 to energy emergencies. The section shall

22 (1) institute energy conservation measures;

23 (2) store energy supplies;

24 (3) acquire energy storage facilities;

25 (4) recommend measures which other state agencies and muni-
26 cipalities may take to reduce the risk or effect of an energy emergency;
27 and

28 (5) report to the legislature any additional authority that
29 is needed to fulfill the duties assigned by this subsection.

1 (e) In this section,

2 (1) "energy emergency" means an existing or imminent re-
3 gional, statewide, national, or international shortage of energy which
4 threatens curtailment of essential services or production of essential
5 goods, or the disruption of significant sectors of the economy;

6 (2) "plan" means the energy emergency contingency plan
7 prepared by the section of power development.

8 * Sec. 3. AS 26.23 is amended by adding a new section to read:

9 Sec. 26.23.025. ENERGY EMERGENCIES. (a) The governor is respon-
10 sible for meeting the dangers presented by energy emergencies involving
11 the state and its people.

12 (b) If the governor finds that an energy emergency has occurred
13 or that such an occurrence is imminent or threatened, he shall proclaim
14 a condition of energy emergency. If the legislature is not in session
15 when a proclamation is issued, concurrently with the issuance of the
16 proclamation, a call shall be issued by the governor to convene a
17 special session of the legislature to consider ratification of actions
18 taken under this section. A call for a special session under this
19 section may be cancelled by the unanimous agreement of the presiding
20 officers of the senate, house of representatives and the governor
21 before the actual convening of the special session. If a special
22 session is held, actions taken by the governor under this section which
23 are not ratified by the legislature within 15 days of its convening are
24 void. If an energy emergency is declared, it shall remain in effect
25 until the governor finds that the threat or danger has passed or the
26 disaster has been dealt with to the extent that emergency conditions no
27 longer exist and he terminates the energy emergency by proclamation.

28 (c) A proclamation of energy emergency may not remain in effect
29 for longer than 30 days unless renewed by the legislature. The legisla-

1 ture, by law, may terminate an energy emergency at any time.

2 (d) A proclamation issued under this section shall indicate the
3 nature of the emergency, the area or areas threatened or affected, and
4 the conditions which have brought it about or which make possible the
5 termination of the energy emergency.

6 (e) A proclamation of an energy emergency activates the energy
7 contingency plan applicable to the municipalities or areas in question,
8 and constitutes authority for the deployment and use of any force to
9 which the plan applies and for use or distribution of any supplies,
10 equipment, materials, and facilities assembled, stockpiled, or arranged
11 to be made available under this section or any other provision of law
12 relating to an energy emergency response.

13 (f) In this section, "energy emergency" means an existing or
14 imminent regional, statewide, national, or international shortage of
15 energy which threatens curtailment of essential services or production
16 of essential goods, or the disruption of significant sectors of the
17 economy.

18 * Sec. 4. AS 26.23.230(1) is amended to read:

19 (1) "disaster" means the occurrence or imminent threat of
20 widespread or severe damage, injury, or loss of life or property result-
21 ing from any natural or nonmilitary man-made cause including, but not
22 limited to, fire, flood, earthquake, landslide, mudslide, avalanche,
23 wind-driven water, weather condition, tsunami, oil spill or other water
24 contamination requiring emergency action to avert danger or damage,
25 volcanic activity, epidemic, air contamination, blight, infestation,
26 explosion, riot, equipment failure, or shortage of food, water, [FUEL,]
27 or clothing;

28 * Sec. 5. AS 42.05 is amended by adding a new section to article 9 to
29 read:

1 Sec. 42.05.693. ENERGY CONTINGENCY PLANNING. (a) To assure
2 continuity of service, the commission shall, by regulation, require
3 each electric and natural gas utility to

4 (1) report promptly any anticipated shortage of electric or
5 natural gas supply or capacity which would affect the utility's capabil-
6 ity to serve its customers;

7 (2) submit and periodically revise contingency plans to
8 address shortages of electrical or natural gas supply or capacity, and
9 circumstances which may result from these shortages; and

10 (3) accommodate shortages or circumstances in a manner which
11 considers the public health, safety, and welfare, and provide that all
12 persons served directly or indirectly by the public utility will be
13 treated without undue prejudice or disadvantage.

14 (b) The commission shall cooperate with the Department of Commerce
15 and Economic Development to incorporate plans required by this section
16 into the state energy contingency plan.

17 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-

18 070(c).
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