

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 566

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act authorizing the governor to spend money from the oil and hazardous substance release response fund for declared disasters; expanding the role of the division of emergency services during oil-spill-related declared disasters; establishing the Alaska State Emergency Response Commission; and providing for an effective date."

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

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

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(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.

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\* 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 substance 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

1 purposes or, in situations involving natural disasters, borrow from  
2 the United States government or other public or private sources for a  
3 term not to exceed two years.

4 \* Sec. 3. AS 46.03.865(c) is amended to read:

5 (c) When the department issues an order [DURING A PERIOD OF  
6 EMERGENCY DECLARED] under (a) of this section, each state agency [,  
7 INCLUDING, WHEN APPROPRIATE, THE DEPARTMENT OF MILITARY AND VETERANS'  
8 AFFAIRS UNDER THE AUTHORITY CONFERRED BY AS 26.20,] shall take  
9 whatever action the department finds necessary to meet the emergency,  
10 and to protect the public health, welfare, or environment.

11 \* Sec. 4. AS 46.08.040 is amended by adding a new subsection to read:

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

16 \* Sec. 5. AS 46.04.080(a) is amended to read:

17 (a) The actual or imminent occurrence of a catastrophic oil  
18 discharge constitutes a disaster emergency under AS 26.23. In the  
19 event of a catastrophic oil discharge, the [HOWEVER, THE DEPARTMENT  
20 SHALL PERFORM THE DUTIES OF THE ALASKA DIVISION OF EMERGENCY SERVICES  
21 UNDER AS 26.23.040 AS THEY APPLY TO CATASTROPHIC OIL DISCHARGES. THE]  
22 department shall consult and coordinate its duties under this chapter  
23 and AS 46.03 [SECTION] with the Alaska division of emergency services.

24 \* Sec. 6. Title 46 is amended by adding a new chapter to read:

25 CHAPTER 13. ALASKA STATE EMERGENCY RESPONSE COMMISSION.

26 Sec. 46.13.010. CREATION OF ALASKA STATE EMERGENCY RESPONSE  
27 COMMISSION. There is created in the Department of Environmental  
28 Conservation the Alaska State Emergency Response Commission.

1           Sec. 46.13.020. COMPOSITION OF THE COMMISSION. The commission  
2 consists of the commissioners of the Department of Community and  
3 Regional Affairs, Department of Environmental Conservation, Department  
4 of Fish and Game, Department of Health and Social Services, Department  
5 of Labor, Department of Military and Veterans' Affairs, Department of  
6 Natural Resources, and Department of Transportation and Public  
7 Facilities, or their designees, and seven public members to be  
8 appointed by the governor. To the extent practicable, the commission  
9 must include members with expertise in the emergency response field.

10           Sec. 46.13.030. POWERS AND DUTIES OF COMMISSION. The commission  
11 shall

12           (1) serve as the state emergency response commission  
13 required by Title III of the Superfund Amendments and Reauthorization  
14 Act of 1986 ("SARA"; Pub. L. 99-499, Oct. 17, 1986, 100 Stat. 1613, as  
15 amended);

16           (2) designate, and revise as necessary, the boundaries of  
17 emergency planning districts, using the boundaries of political  
18 subdivisions if appropriate;

19           (3) review, oversee, and facilitate the preparation and  
20 implementation of emergency plans for hazardous substance response,  
21 including statewide and regional contingency plans;

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

25           (5) supervise and coordinate the activities of local  
26 emergency planning committees;

27           (6) establish procedures for receiving and processing  
28 requests from the public for information under sec. 324 of SARA (42  
29 U.S.C. 11044), including Tier II information under sec. 312 of SARA

1 (42 U.S.C. 11022);

2 (7) 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 (8) adopt regulations necessary to effectuate the purposes  
7 of this chapter and SARA Title III;

8 (9) provide procedures and oversight to integrate, as  
9 appropriate, hazardous substance response planning under SARA Title  
10 III and state and regional hazardous substance contingency planning;  
11 and

12 (10) to the extent consistent with the Alaska Constitution  
13 and Alaska Statutes, perform all other functions prescribed for state  
14 emergency response commissions in SARA Title III.

15 Sec. 46.13.040. OFFICERS, TERMS, AND COMPENSATION. The  
16 commissioner of the Department of Environmental Conservation, or the  
17 commissioner's designee, shall chair the commission. The commissioner  
18 of the Department of Military and Veterans' Affairs shall serve as  
19 vice-chair. Members of the commission other than those from the  
20 designated state departments shall serve at the pleasure of the  
21 governor for staggered terms of three years. Members of the  
22 commission shall serve without compensation but are entitled to per  
23 diem and travel expenses as authorized by law for members of boards  
24 and commissions.

25 Sec. 46.13.050. AGENCY COOPERATION. The commission may request  
26 data, reports, or other information from any state agency. To the  
27 extent feasible, every state agency shall cooperate with the  
28 commission and furnish it with the information and assistance  
29 necessary to accomplish the purposes of SARA Title III and of this

1 chapter.

2 Sec. 46.13.060. EMERGENCY PLANNING DISTRICT BOUNDARIES.  
3 Boundaries for emergency planning districts are the regions designated  
4 by the division of emergency services until otherwise designated by  
5 the commission.

6 Sec. 46.13.070. LOCAL EMERGENCY PLANNING COMMITTEES. The  
7 commission shall establish and appoint the members of a local  
8 emergency planning committee for each emergency planning district.  
9 Each committee shall include, at a minimum, representatives from each  
10 of the following groups or organizations: elected state and local  
11 officials; law enforcement; civil defense; fire fighting; first aid;  
12 health; local environmental, hospital, and transportation personnel;  
13 broadcast and print media; community groups; and owners and operators  
14 of facilities subject to the requirements of SARA Title III secs. 301  
15 - 305 (42 U.S.C. 11001 - 11005).

16 Sec. 46.13.080. DUTIES OF LOCAL EMERGENCY PLANNING COMMITTEES.  
17 Each local emergency planning committee shall

18 (1) establish procedures for receiving and processing  
19 requests from the public for information under sec. 324 of SARA (42  
20 U.S.C. 11044), including Tier II information under sec. 312 of SARA  
21 (42 U.S.C. 11022);

22 (2) appoint a chairperson and establish rules by which the  
23 committee shall function, including provisions for public notification  
24 of committee activities, public meetings to discuss the emergency  
25 plan, public comments, response to the comments by the committee,  
26 distribution of the emergency plan, and designation of an official to  
27 serve as coordinator for information;

28 (3) prepare and periodically review an emergency plan in  
29 accordance with sec. 303(a) of SARA (42 U.S.C. 11003(a));

1           (4) evaluate the need for resources necessary to develop,  
2 implement, and exercise the emergency plan, and shall make  
3 recommendations with respect to additional resources that may be  
4 required and the means for providing the additional resources;

5           (5) to the extent consistent with the Alaska Constitution  
6 and Alaska Statutes, perform all other functions prescribed for  
7 emergency planning committees in SARA Title III; and

8           (6) participate as a local advisory committee in the  
9 preparation of statewide regional contingency plans.

10          Sec. 46.13.090. EMERGENCY PLANS. Each emergency plan must  
11 include

12           (1) identification of facilities subject to the  
13 requirements of secs. 301 - 305 of SARA (42 U.S.C. 11001 - 11005) that  
14 are within the emergency planning district, identification of routes  
15 likely to be used for the transportation of substances on the list of  
16 extremely hazardous substances referred to in sec. 302(a) of SARA (42  
17 U.S.C. 302(a)), and identification of additional facilities  
18 contributing or subjected to additional risk due to their proximity to  
19 facilities subject to the requirements of secs. 301 - 305 of SARA (42  
20 U.S.C. 11001 - 11005) such as hospitals or natural gas facilities;

21           (2) methods and procedures to be followed by facility  
22 owners and operators and local emergency and medical personnel to  
23 respond to any release of hazardous substances, and to any release of  
24 substances on the list of extremely hazardous substances referred to  
25 in sec. 302(a) of SARA (42 U.S.C. 302(a));

26           (3) designation of a community emergency coordinator and  
27 facility emergency coordinators, who shall make determinations  
28 necessary to implement the emergency plan;

29           (4) procedures providing reliable, effective, and timely

1 notification by the facility emergency coordinators to persons  
2 designated in the emergency plan, and to the public, that a release  
3 has occurred, consistent with the emergency notification requirements  
4 of sec. 304 of SARA (42 U.S.C. 11004);

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

7 (6) a description of emergency equipment and facilities in  
8 the community and at each facility in the community subject to the  
9 requirements of secs. 301 - 305 of SARA (42 U.S.C. 11001 - 11005), and  
10 an identification of the persons responsible for the equipment and  
11 facilities;

12 (7) evacuation plans, including provisions for a  
13 precautionary evacuation and alternative traffic routes;

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

16 (9) methods and schedules for exercising the emergency  
17 plan.

18 Sec. 6.13.900. DEFINITIONS. In this chapter

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

21 (2) "hazardous substance" means any substance defined as a  
22 hazardous substance in AS 46.03.826(5);

23 (3) "SARA" means the Superfund Amendments and  
24 Reauthorization Act of 1986, Pub. L. 99-499, Oct. 17, 1986, 100 Stat.  
25 1613, as amended.

26 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).