

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 566 (Finance)(title am)(efd fld)

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 state response actions and plan-
7 ning involving the releases or threatened releases of
8 oil or a hazardous substance; and establishing the
9 Alaska State Emergency Response Commission."

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

11 * Section 1. AS 26.23 is amended by adding a new section to read:

12 Sec. 26.23.215. RELATIONSHIP TO OTHER PLANNING STATUTES. To the
13 extent that the state emergency plan, interjurisdictional plans, and
14 local plans prepared under this chapter relate to action required to
15 avert damage from a release of oil or a hazardous substance, the plans
16 must be substantially equivalent in relevant respects to the emergency
17 plans prepared or approved by the Alaska State Emergency Response
18 Commission under AS 46.13 and use the same incident command system
19 used in those plans.

20 * Sec. 2. AS 46.03.865(c) is amended to read:

21 (c) When the department issues an order [DURING A PERIOD OF
22 EMERGENCY DECLARED] under (a) of this section, each state agency [,
23 INCLUDING, WHEN APPROPRIATE, THE DEPARTMENT OF MILITARY AND VETERANS'
24 AFFAIRS UNDER THE AUTHORITY CONFERRED BY AS 26.20,] shall take whatev-
25 er action the department finds necessary to meet the emergency, and to
26 protect the public health, welfare, or environment.

27 * Sec. 3. AS 46.04.080(a) is amended to read:

28 (a) The actual or imminent occurrence of a catastrophic oil
29 discharge constitutes a disaster emergency under AS 26.23. In the

1 event of a catastrophic oil discharge, the [HOWEVER, THE DEPARTMENT
2 SHALL PERFORM THE DUTIES OF THE ALASKA DIVISION OF EMERGENCY SERVICES
3 UNDER AS 26.23.040 AS THEY APPLY TO CATASTROPHIC OIL DISCHARGES. THE]
4 department shall, to the extent consistent with the plans developed
5 under AS 46.04.200 - 46.04.210 and AS 46.13, consult and coordinate
6 its duties under this chapter and AS 46.03 [SECTION] with the Alaska
7 division of emergency services.

8 * Sec. 4. AS 46.04 is amended by adding a new section to article 2 to
9 read:

10 Sec. 46.04.220. CONSISTENCY WITH OTHER PLANS. The plans pre-
11 pared under AS 46.04.200 - 46.04.210 must be substantially equivalent
12 in relevant respects to the emergency plans prepared or approved by
13 the Alaska State Emergency Response Commission under AS 46.13 and use
14 the same incident command system used in those plans.

15 * Sec. 5. AS 46 is amended by adding a new chapter to read:

16 CHAPTER 13. ALASKA STATE EMERGENCY RESPONSE COMMISSION.

17 Sec. 46.13.010. ALASKA STATE EMERGENCY RESPONSE COMMISSION
18 ESTABLISHED. There is established in the Department of Environmental
19 Conservation the Alaska State Emergency Response Commission.

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

29 Sec. 46.13.030. POWERS AND DUTIES OF COMMISSION. The commission

1 shall

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

4 (2) designate, and revise as necessary, the boundaries of
5 emergency planning districts, using the boundaries of political sub-
6 divisions if appropriate;

7 (3) review, oversee, and facilitate the preparation and
8 implementation of emergency plans for hazardous substance response,
9 including statewide, regional, and local contingency plans prepared
10 under AS 26.23 and AS 46.04.200 - 46.04.210;

11 (4) supervise and coordinate the activities of local emer-
12 gency planning committees;

13 (5) establish procedures for receiving and processing
14 requests from the public for information under 42 U.S.C. 11044, in-
15 cluding tier II information under 42 U.S.C. 11022;

16 (6) perform other coordinating, advisory, or planning tasks
17 related to hazardous substance emergency planning and preparedness,
18 community right-to-know reporting, toxic chemical release reporting,
19 or management of hazardous substances;

20 (7) provide procedures and oversight to integrate, as
21 appropriate, hazardous substance response planning under 42 U.S.C.
22 11001 - 11005, federal contingency planning under 33 U.S.C. 1321 and
23 other federal laws applicable to hazardous substance discharges, and
24 state, regional, and local hazardous substance contingency planning
25 under AS 26.23 and AS 46.04.200 - 46.04.210;

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

29 (9) adopt regulations necessary to carry out the purposes

1 of this chapter and 42 U.S.C. 11001 - 11005.

2 Sec. 46.13.040. OFFICERS, TERMS, AND COMPENSATION. The commis-
3 sioner of environmental conservation, or the commissioner's designee,
4 shall chair the commission. The adjutant general of the Department of
5 Military and Veterans' Affairs, or the adjutant general's designee,
6 shall serve as vice-chair. Members of the commission other than those
7 from the designated state departments serve at the pleasure of the
8 governor for staggered terms of three years. Members of the commis-
9 sion serve without compensation but are entitled to per diem and
10 travel expenses authorized for members of boards and commissions under
11 AS 39.20.180.

12 Sec. 46.13.050. AGENCY COOPERATION. The commission may request
13 data, reports, or other information from a state agency. To the
14 extent feasible, the state agency shall cooperate with the commission
15 and furnish the commission with the information and assistance neces-
16 sary to accomplish the purposes of 42 U.S.C. 11001 - 11005 and this
17 chapter.

18 Sec. 46.13.060. EMERGENCY PLANNING DISTRICT BOUNDARIES. Bound-
19 aries for emergency planning districts are the regions designated by
20 the division of emergency services, Department of Military and Veter-
21 ans' Affairs unless otherwise designated by the commission.

22 Sec. 46.13.070. LOCAL EMERGENCY PLANNING COMMITTEES. The com-
23 mission may establish and appoint the members of a local emergency
24 planning committee for each emergency planning district. Each commit-
25 tee must include, at a minimum, representatives from each of the
26 following groups or organizations: elected state and local officials;
27 law enforcement; civil defense; fire fighting; first aid; health;
28 local environmental, hospital, and transportation personnel; broadcast
29 and print media; community groups; and owners and operators of

1 facilities subject to the requirements of 42 U.S.C. 11001 - 11005.

2 Sec. 46.13.080. DUTIES OF LOCAL EMERGENCY PLANNING COMMITTEES.

3 Each local emergency planning committee shall

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

7 (2) appoint a chair and establish rules by which the com-
8 mittee shall function, including provisions for public notification of
9 committee activities, public meetings to discuss the emergency plan,
10 public comments, response to the comments by the committee, distribu-
11 tion of the emergency plan, and designation of an official to serve as
12 coordinator for information;

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

15 (4) evaluate the need for resources necessary to develop,
16 implement, and exercise the emergency plan, and make recommendations
17 with respect to additional resources that may be required and the
18 means for providing the additional resources;

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

22 (6) participate as a local advisory committee in the prepa-
23 ration of statewide regional contingency plans.

24 Sec. 46.13.090. EMERGENCY PLANS. (a) Each emergency plan must
25 include

26 (1) identification of facilities subject to the require-
27 ments of 42 U.S.C. 11001 - 11005 that are within the emergency plan-
28 ning district, identification of routes likely to be used for the
29 transportation of substances on the list of extremely hazardous

1 substances referred to in 42 U.S.C. 302(a), and identification of
2 additional facilities contributing or subjected to additional risk due
3 to their proximity to facilities subject to the requirements of
4 42 U.S.C. 11001 - 11005 such as hospitals or natural gas facilities;

5 (2) methods and procedures to be followed by facility
6 owners and operators and local emergency and medical personnel to
7 respond to a release of hazardous substances, and to a release of
8 substances on the list of extremely hazardous substances referred to
9 in 42 U.S.C. 302(a);

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

13 (4) procedures providing reliable, effective, and timely
14 notification by the facility emergency coordinators to persons des-
15 igned in the emergency plan, and to the public, that a release has
16 occurred, consistent with the emergency notification requirements of
17 42 U.S.C. 11004;

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

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

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

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

28 (9) methods and schedules for exercising the emergency
29 plan.

1 (b) Each emergency plan must incorporate within it an incident
2 command system. The incident command system must provide that final
3 state decision-making authority in situations involving a response to
4 the release of a hazardous substance lies with the Department of
5 Environmental Conservation. The plans must include criteria the
6 department will use when considering whether to delegate all or part
7 of its authority in specific response situations.

8 Sec. 46.13.100. CONSULTATION WITH CITIZEN ADVISORY GROUPS. The
9 commission and the local planning committees established under AS 46.-
10 13.070 shall actively solicit the advice of appropriate citizen advi-
11 sory groups and oversight councils when performing their duties under
12 this chapter. When feasible, the commission and planning committees
13 shall meet with the advisory groups and oversight councils or with
14 representatives of the groups or councils.

15 Sec. 46.13.900. DEFINITIONS. In this chapter,

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

18 (2) "hazardous substance" has the meaning given in AS 46.-
19 03.826.

20 * Sec. 6. TRANSITIONAL PROVISION. The Alaska State Emergency Response
21 Commission established under AS 46.13, enacted by sec. 5 of this Act, is a
22 continuation of the Alaska State Emergency Response Commission established
23 by Administrative Order No. 103. The terms of the public members of the
24 commission who are serving terms on the effective date of this Act continue
25 until the date that was scheduled for their expiration before the effective
26 date of this Act.