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Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 566 (Finance)(efd fld H)

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 release or threatened release 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 26.23.020(g) is amended by adding a new paragraph to
12 read:

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

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

17 (b) Whenever, and to the extent that, money is needed to cope
18 with a disaster, the first recourse shall be to funds regularly appro-
19 priated to state and local agencies. The second recourse shall be to
20 funds available in the disaster relief fund or, for oil or hazardous
21 substances discharges, the oil and hazardous substance release re-
22 sponse fund, as the governor determines appropriate. If money avail-
23 able from these sources is insufficient, and if the governor finds
24 that other sources of money to cope with the disaster are not avail-
25 able or are insufficient, the governor may, notwithstanding any limi-
26 tation imposed by AS 37.07.080(e), transfer and spend money appropri-
27 ated for other purposes or, in situations involving natural disasters,
28 borrow from the United States government or other public or private
29 sources for a term not to exceed two years.

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

2 (b) When performing responsibilities assigned to it under an
3 incident command system established under this chapter, AS 46.04.200 -
4 46.04.210, or AS 46.13, the Alaska division of emergency services may,
5 in a situation involving an actual or imminent discharge of oil or a
6 hazardous substance, issue an order directing persons and governmental
7 agencies to take action the division believes necessary to carry out
8 its assigned responsibilities.

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

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

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

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

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

28 Sec. 26.23.215. RELATIONSHIP TO OTHER PLANNING STATUTES. To the
29 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 (51) 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:

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

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

11 (a) The actual or imminent occurrence of a catastrophic oil
12 discharge constitutes a disaster emergency under AS 26.23 without a
13 declaration of disaster by the governor under AS 26.23.020. The [.
14 HOWEVER, THE] department and [SHALL PERFORM THE DUTIES OF] the Alaska
15 division of emergency services, Department of Military and Veterans'
16 Affairs, shall coordinate their duties under AS 26.23.040 and AS 46.-
17 08.100 - 46.08.190 as they apply to catastrophic oil discharges,
18 consistent with the responsibilities assigned to them under applicable
19 incident command systems. [THE DEPARTMENT SHALL CONSULT AND COORDI-
20 NATE ITS DUTIES UNDER THIS SECTION WITH THE ALASKA DIVISION OF EMER-
21 GENCY SERVICES.]

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

23 (a) The department, when feasible, shall enter into contracts
24 with persons or private organizations to provide the personnel, equip-
25 ment, or other services or supplies that [WHICH] may be required to
26 carry out this chapter. Contracts under this section are governed by
27 AS 36.30 (State Procurement Code). When private contracting is not
28 feasible, the department may establish and maintain at ports, harbors,
29 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;

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

16 (A) the Department of Environmental Conservation, the
17 division of emergency services in the Department of Military and
18 Veterans' Affairs, and other agencies of the state; responsibil-
19 ities assigned to each agency must be consistent with its stat-
20 utory authority;

21 (B) municipalities of the state;

22 (C) appropriate federal agencies;

23 (D) operators of facilities;

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

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

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

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

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,

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 specif-
25 ic 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

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 prepa-
17 ration 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

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

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.

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,

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.