

BY THE RESOURCES COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 578

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act creating a citizens' oversight council on oil  
7 and other hazardous substances and regional advisory  
8 committees."

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

10 \* Section 1. LEGISLATIVE FINDINGS. The legislature finds that

11 (1) one of the contributing factors to the Exxon Valdez disaster  
12 was complacency on the part of the oil industry and of federal and state  
13 agencies responsible for monitoring the operation of the Valdez oil termi-  
14 nal and oil tanker traffic in Valdez Arm and Prince William Sound;

15 (2) the involvement of local citizens in the oversight of indus-  
16 try compliance with environmental laws and regulations relating to the  
17 production, transport, and storage of oil and other hazardous substances  
18 and in the oversight of government enforcement of those laws and regula-  
19 tions will effectively reduce this complacency;

20 (3) a state oversight council and a series of regional advisory  
21 committees will provide an efficient mechanism for citizen participation  
22 and an opportunity for citizens to express their concerns to the governor  
23 and the legislature about environmental safety in production, transport,  
24 and storage of oil and other hazardous substances.

25 \* Sec. 2. AS 44.19 is amended by adding new sections to read:

26 ARTICLE 16. CITIZENS' OVERSIGHT COUNCIL ON

27 OIL AND OTHER HAZARDOUS SUBSTANCES.

28 Sec. 44.19.570. CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER  
29 HAZARDOUS SUBSTANCES. (a) There is created in the Office of the

1 Governor the Citizens' Oversight Council on Oil and Other Hazardous  
2 Substances. The council consists of five members appointed by the  
3 governor. Members of the council serve without compensation but are  
4 entitled to per diem and travel expenses authorized for boards and  
5 commissions under AS 39.20.180.

6 (b) The council shall elect a chair and other officers that the  
7 council finds necessary to carry out its responsibilities.

8 (c) Members of the council serve staggered terms of three years  
9 and, upon expiration of their terms, continue to serve until their  
10 successors qualify and are appointed. There is no limit to the number  
11 of terms that a member of the council may serve.

12 (d) A member of the council may not be employed by the state or  
13 by a person engaged in the production, transport, or storage of oil,  
14 may not be an elected official of the state or of a political subdivi-  
15 sion of the state other than those established under AS 14, and may  
16 not work as an independent contractor for a person engaged in the  
17 production, transport, or storage of oil or other hazardous sub-  
18 stances, or for a state agency charged with regulating the production,  
19 transport, or storage of oil or other hazardous substances. In ap-  
20 pointing members of the council, the governor shall consider the  
21 council's need for expertise in areas relating to releases of oil and  
22 other hazardous substances and the consequences of those releases.

23 Sec. 44.19.572. POWERS AND DUTIES OF THE COUNCIL. (a) The  
24 council shall

25 (1) assure that state and federal agencies responsible for  
26 the prevention of the release of oil and other hazardous substances,  
27 and for responding to releases, are carrying out their duties in these  
28 areas;

29 (2) conduct investigations, studies, and analyses necessary

1 to enable the council to monitor compliance by persons engaged in the  
2 production, transport, or storage of oil and other hazardous sub-  
3 stances with laws and regulations regarding releases of these sub-  
4 stances;

5 (3) recommend to the governor, the legislature, agencies of  
6 the federal government, and private entities appropriate policies to  
7 prevent releases of oil and other hazardous substances;

8 (4) assist the governor and the legislature in the develop-  
9 ment of interstate compacts and policy recommendations to the federal  
10 government regarding the release of oil and other hazardous sub-  
11 stances;

12 (5) file an annual report with the governor and the legis-  
13 lature assessing the status of major areas of risk, the performance of  
14 state and federal regulatory agencies, and changes in the long-term  
15 options for improving safety; and

16 (6) bring or move to intervene in legal actions in order to  
17 ensure compliance with state laws and regulations regarding the re-  
18 lease of oil and other hazardous substances.

19 (b) The council may

20 (1) hire an executive director and additional administra-  
21 tive staff, and enter into contracts for personal services that the  
22 council finds necessary to carry out its responsibilities under this  
23 section;

24 (2) subpoena witnesses, administer oaths, take testimony,  
25 and require the production for examination and copying of books or  
26 papers relating to matters within the responsibility of the council;  
27 and

28 (3) appoint advisory panels in specialized areas to include  
29 representatives of appropriate groups such as state and municipal

1 regulatory agencies, regional oil spill authorities, fishing and  
2 environmental groups, residents of areas of risk, and the corporate  
3 environmental protection executives of shippers and owners of oil and  
4 other hazardous substances produced or transported in the state.

5 Sec. 44.19.574. REGIONAL CITIZEN ADVISORY COMMITTEES. (a) The  
6 governor may create regional citizen advisory committees to assist the  
7 council, or may designate an existing regional body as a regional  
8 citizen advisory committee. The governor, with the advice of the  
9 council, shall determine the number of advisory committees to be  
10 established, the geographic area for which each advisory committee has  
11 responsibility, and the number of members each advisory committee  
12 shall have. The governor is not required to establish an advisory  
13 committee for every area of the state, but if a part of the state is  
14 not within the geographic area assigned to a regional advisory commit-  
15 tee and is within a coastal resource district under AS 46.40, the  
16 governing body of the coastal resource district is authorized to act  
17 as a regional advisory committee.

18 (b) Members of the advisory committees shall be appointed by the  
19 governor to serve staggered terms of three years. In appointing the  
20 members, the governor shall make all efforts to ensure that residents  
21 of smaller towns and villages in an advisory committee's geographic  
22 area are adequately represented on the advisory committee. There is  
23 no limit on the number of terms that a member of an advisory committee  
24 may serve.

25 (c) Each advisory committee shall elect a chair and other offi-  
26 cers necessary for the advisory committee to carry out its respon-  
27 sibilities.

28 (d) Members of the advisory committees serve without compen-  
29 sation but are entitled to per diem and travel expenses authorized for

1 state boards and commissions under AS 39.20.180.  
2 (e) An advisory committee shall  
3 (1) oversee the activities, in the geographic area for  
4 which it has responsibility, of federal, state, and local agencies  
5 regulating entities that produce, transport, or store oil and other  
6 hazardous substances and the activities of entities undertaking these  
7 activities to ensure that the risk of environmental harm is minimized;  
8 (2) provide an opportunity to these regulators and to these  
9 entities to utilize local resources and the knowledge of local resi-  
10 dents in establishing prevention and response policies for accidents  
11 involving the transportation of oil and other hazardous substances;  
12 and  
13 (3) advise the council and consider and respond to rec-  
14 ommendations by the council.  
15 Sec. 44.19.576. DEFINITIONS. In AS 44.19.570 - 44.19.576,  
16 (1) "council" means the Citizens' Oversight Council on Oil  
17 and Other Hazardous Substances;  
18 (2) "hazardous substance" has the meaning given in AS 46.-  
19 08.900; and  
20 (3) "oil" has the meaning given in AS 46.08.900.