

Original sponsor(s): Resources Committee

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 578 (Resources)

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 authorizing
8 funding of the council through the oil and hazardous
9 substance release response fund."

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

11 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

12 (1) a pervasive contributing factor to the Exxon Valdez disaster
13 was the complacency of the oil industry and the federal and state agencies
14 responsible for monitoring the operation of the Valdez oil terminal and oil
15 tanker traffic in Valdez Arm and Prince William Sound;

16 (2) it is essential to involve local citizens to help ensure
17 compliance with environmental laws and regulations relating to the produc-
18 tion, transport, and storage of oil and other hazardous substances in order
19 to overcome this complacency;

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

24 * Sec. 2. AS 24.20 is amended by adding new sections to read:

25 ARTICLE 4. CITIZENS' OVERSIGHT COUNCIL ON

26 OIL AND OTHER HAZARDOUS SUBSTANCES.

27 Sec. 24.20.600. CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER
28 HAZARDOUS SUBSTANCES. (a) There is created in the legislature the
29 Citizens' Oversight Council on Oil and Other Hazardous Substances.

1 The council consists of five members appointed by the Alaska Legisla-
2 tive Council. The Alaska Legislative Council shall notify members of
3 the public throughout the state that nominations for membership are
4 being sought. Members of the council serve without compensation but
5 are entitled to per diem and travel expenses authorized for boards and
6 commissions under AS 39.20.180.

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

9 (c) Members of the council serve staggered terms of four years
10 and, upon expiration of their terms, continue to serve until their
11 successors qualify and are appointed. A member may serve no more than
12 two consecutive terms.

13 (d) A member of the council may not be employed by the state or
14 by a person engaged in the production, transport, or storage of oil or
15 other hazardous substances, may not be an elected official of the
16 state or of a political subdivision of the state other than those
17 established under AS 14, and may not work as an independent contractor
18 for a person engaged in the production, transport, or storage of oil
19 or other hazardous substances, or for a state agency charged with
20 regulating the production, transport, or storage of oil or other
21 hazardous substances. The Alaska Legislative Council shall appoint
22 members who have a demonstrated interest in and commitment to prevent-
23 ing oil and hazardous substance releases in the state.

24 (e) The council shall make a formal request to the Alaska Legis-
25 lative Council for funds it considers necessary for the staff, per
26 diem, travel, and contractual expenses of the council. Funds distri-
27 buted to the council are to be disbursed and accounted for under
28 procedures required by the Legislative Affairs Agency. The council
29 chair shall approve all expenditure documents.

1 Sec. 24.20.610. POWERS AND DUTIES OF THE COUNCIL. (a) The
2 council shall

3 (1) determine whether state and federal agencies responsi-
4 ble for the prevention of the release of oil and other hazardous
5 substances, and for responding to releases, are carrying out their
6 duties in these areas;

7 (2) recommend to the legislature, the governor, agencies of
8 the federal government, and private entities appropriate policies and
9 actions to prevent releases of oil and other hazardous substances;

10 (3) assist the legislature and the governor in the develop-
11 ment of interstate compacts and policy recommendations to the federal
12 government regarding the prevention of releases of oil and other
13 hazardous substances;

14 (4) file an annual report with the legislature and the
15 governor assessing the status of major areas of risk, the performance
16 of state and federal regulatory agencies, and changes in the long-term
17 options for improving environmental safety;

18 (5) request the attorney general to bring or move to inter-
19 vene in legal actions in order to ensure compliance with state laws
20 and regulations regarding the release of oil and other hazardous
21 substances;

22 (6) make recommendations to the legislature, the governor,
23 and the federal government on the creation, funding, and composition
24 of regional or local advisory committees and on the relationship
25 between the council, local advisory committees, and other citizens'
26 oversight groups on oil and other hazardous substances; and

27 (7) schedule regular meetings with local and regional
28 advisory committees as they are created to make sure that they comple-
29 ment each other and avoid overlap in oversight and advisory functions.

1 (b) The council may

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

6 (2) subpoena witnesses, administer oaths, take testimony,
7 and require the production for examination and copying of books or
8 papers relating to matters within the responsibility of the council;
9 and

10 (3) conduct investigations, studies, and analyses necessary
11 to enable the council to carry out its duties under (a) of this sec-
12 tion; and

13 (4) appoint advisory panels in specialized areas to include
14 representatives of appropriate groups such as state and municipal
15 regulatory agencies, oil spill prevention and response authorities,
16 fishing and environmental groups, residents of areas of risk, scien-
17 tists, and shippers and owners of oil and other hazardous substances
18 produced or transported in the state.

19 Sec. 24.20.620. COOPERATION BY STATE AGENCIES. Each agency of
20 the executive branch of state government shall, to the extent permit-
21 ted by state or federal law, cooperate fully with the council by
22 providing information and assistance, including disclosure of records
23 relating to the agency's enforcement of laws and regulations for the
24 prevention of and response to releases of oil and other hazardous
25 substances.

26 Sec. 24.20.630. DEFINITIONS. In AS 24.20.600 - 24.20.630,

27 (1) "council" means the Citizens' Oversight Council on Oil
28 and Other Hazardous Substances;

29 (2) "hazardous substance" has the meaning given in

1 AS 46.08.900; and

2 (3) "oil" has the meaning given in AS 46.08.900.

3 * Sec. 3. AS 46.08.040 is amended by adding a new subsection to read:

4 (b) The commissioner shall use money from the fund to reimburse
5 the Alaska Legislative Council for expenditures made by the council
6 for the operation of the Citizens' Oversight Council on Oil and Other
7 Hazardous Substances, established under AS 24.20.600, upon a request
8 from the Alaska Legislative Council.

9 * Sec. 4. INITIAL APPOINTMENTS. Notwithstanding AS 24.20.600(c), as
10 enacted by sec. 2 of this Act, one initial member of the council shall be
11 appointed to a term of one year, one initial member shall be appointed to a
12 term of two years, one initial member shall be appointed to a term of three
13 years, and two initial members shall be appointed to terms of four years.
14 The members appointed to terms of one and two years are eligible to serve
15 two full terms following the completion of their initial shortened terms.