

Original sponsor(s): Resources Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

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CS FOR HOUSE BILL NO. 578 (Finance)

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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  
and other hazardous substances; and authorizing  
funding of the council through the oil and hazardous  
substance release response fund."

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

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

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

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ARTICLE 4. CITIZENS' OVERSIGHT COUNCIL ON

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OIL AND OTHER HAZARDOUS SUBSTANCES.

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Sec. 24.20.600. CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER

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HAZARDOUS SUBSTANCES. (a) There is created in the legislature the

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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 a council administrator 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; all employees of the council are in the exempt service under  
6 AS 39.25.110;

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

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

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

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

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

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

1                   (2) "hazardous substance" has the meaning given in  
2 AS 46.08.900; and

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

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

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

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