

Original sponsor(s): Resources Committee

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

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

7 (b) The oversight council shall elect a chair and other officers
8 that the oversight council finds necessary to carry out its respon-
9 sibilities.

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

14 (d) The Alaska Legislative Council shall appoint as members of
15 the oversight council persons who have an interest in and commitment
16 to preventing oil and hazardous substance releases in the state.

17 (e) The oversight council shall make a formal request to the
18 Alaska Legislative Council for money it considers necessary for staff,
19 per diem, travel, and contractual expenses. Money distributed to the
20 oversight council is to be disbursed and accounted for under proce-
21 dures required by the Legislative Affairs Agency. The chair of the
22 oversight council shall approve all expenditure documents.

23 Sec. 24.20.610. POWERS AND DUTIES OF THE OVERSIGHT COUNCIL. (a)

24 The oversight council shall

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

29 (2) recommend to the legislature, the governor, agencies of

1 the federal government, and private entities appropriate policies and
2 actions to prevent releases of oil and other hazardous substances;

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

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

11 (5) request the attorney general to bring or request the
12 attorney general to move to intervene in legal actions in order to
13 ensure compliance with state laws and regulations regarding the re-
14 lease of oil and other hazardous substances;

15 (6) make recommendations to the legislature, the governor,
16 and the federal government on the creation, funding, and composition
17 of regional or local advisory committees and on the relationship
18 between the oversight council, local advisory committees, and other
19 citizens' oversight groups on oil and other hazardous substances; and

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

23 (b) The oversight council may

24 (1) hire an administrator and additional administrative
25 staff, and enter into contracts for personal services that the over-
26 sight council finds necessary to carry out its responsibilities under
27 this section; all employees of the oversight council are in the exempt
28 service under AS 39.25.110;

29 (2) subpoena witnesses, administer oaths, take testimony,

1 and require the production for examination and copying of books or
2 papers relating to matters within the responsibility of the oversight
3 council; and

4 (3) conduct investigations, studies, and analyses necessary
5 to enable the oversight council to carry out its duties under (a) of
6 this section; and

7 (4) appoint advisory panels in specialized areas to include
8 representatives of appropriate groups such as state and municipal
9 regulatory agencies, oil spill prevention and response authorities,
10 fishing and environmental groups, residents of areas of risk, scien-
11 tists, and shippers and owners of oil and other hazardous substances
12 produced or transported in the state.

13 Sec. 24.20.620. COOPERATION BY STATE AGENCIES. Each agency of
14 the executive branch of state government shall, to the extent permit-
15 ted by state or federal law, cooperate fully with the oversight coun-
16 cil by providing information and assistance, including disclosure of
17 records relating to the agency's enforcement of laws and regulations
18 for the prevention of and response to releases of oil and other haz-
19 ardous substances.

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

21 (1) "hazardous substance" has the meaning given in AS 46.-
22 08.900;

23 (2) "oil" has the meaning given in AS 46.08.900; and

24 (3) "oversight council" means the Citizens' Oversight
25 Council on Oil and Other Hazardous Substances.

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

27 (b) Upon a request from the Alaska Legislative Council, the
28 commissioner shall use money from the fund to reimburse the Alaska
29 Legislative Council for expenditures that it makes for the operation

1 of the Citizens' Oversight Council on Oil and Other Hazardous Sub-
2 stances, established under AS 24.20.600.

3 * Sec. 4. INITIAL APPOINTMENTS. Notwithstanding AS 24.20.600(c), as
4 enacted by sec. 2 of this Act, one initial member of the Citizens' Over-
5 sight Council on Oil and Other Hazardous Substances shall be appointed to a
6 term of one year, one initial member shall be appointed to a term of two
7 years, one initial member shall be appointed to a term of three years, and
8 two initial members shall be appointed to terms of four years. The members
9 appointed to terms of one and two years are eligible to serve two full
10 terms following the completion of their initial shortened terms.