

Original sponsor(s): Resources Committee

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 578 (Finance)
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) A member of the oversight council may not work as an inde-
15 pendent contractor for or be employed by a federal, state, or munici-
16 pal agency directly or indirectly involved in the oversight or regu-
17 lation of industries engaged in the production, transport, or storage
18 of oil or other hazardous substances; be an elected official of the
19 state or of a political subdivision; or work as an independent con-
20 tractor for or be employed by a person engaged in the production,
21 transport, or storage of oil or other hazardous substances. The
22 Alaska Legislative Council shall appoint as members of the oversight
23 council persons who have an interest in and commitment to preventing
24 oil and hazardous substance releases in the state.

25 (e) The oversight council shall make a formal request to the
26 Alaska Legislative Council for money it considers necessary for staff,
27 per diem, travel, and contractual expenses. Money distributed to the
28 oversight council is to be disbursed and accounted for under proce-
29 dures required by the Legislative Affairs Agency. The chair of the

1 oversight council shall approve all expenditure documents.

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

3 The oversight council shall

4 (1) determine whether state and federal agencies responsi-

5 ble for the prevention of the release of oil and other hazardous

6 substances, and for responding to releases, are carrying out their

7 duties in these areas;

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

9 the federal government, and private entities appropriate policies and

10 actions to prevent releases of oil and other hazardous substances;

11 (3) assist the legislature and the governor in the develop-

12 ment of interstate compacts and policy recommendations to the federal

13 government regarding the prevention of releases of oil and other

14 hazardous substances;

15 (4) file an annual report with the legislature and the

16 governor assessing the status of major areas of risk, the performance

17 of state and federal regulatory agencies, and changes in the long-term

18 options for improving environmental safety;

19 (5) request the attorney general to bring or request the

20 attorney general to move to intervene in legal actions in order to

21 ensure compliance with state laws and regulations regarding the re-

22 lease of oil and other hazardous substances;

23 (6) make recommendations to the legislature, the governor,

24 and the federal government on the creation, funding, and composition

25 of regional or local advisory committees and on the relationship

26 between the oversight council, local advisory committees, and other

27 citizens' oversight groups on oil and other hazardous substances; and

28 (7) schedule regular meetings with local and regional

29 advisory committees as they are created to make sure that they

1 complement each other and avoid overlap in oversight and advisory
2 functions.

3 (b) The oversight council may

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

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

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

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

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

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

1 (1) "hazardous substance" has the meaning given in AS 46.-
2 08.900;

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

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

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

7 (b) Upon a request from the Alaska Legislative Council, the
8 commissioner shall use money from the fund to reimburse the Alaska
9 Legislative Council for expenditures that it makes for the operation
10 of the Citizens' Oversight Council on Oil and Other Hazardous Sub-
11 stances, established under AS 24.20.600.

12 * Sec. 4. INITIAL APPOINTMENTS. Notwithstanding AS 24.20.600(c), as
13 enacted by sec. 2 of this Act, one initial member of the Citizens' Over-
14 sight Council on Oil and Other Hazardous Substances shall be appointed to a
15 term of one year, one initial member shall be appointed to a term of two
16 years, one initial member shall be appointed to a term of three years, and
17 two initial members shall be appointed to terms of four years. The members
18 appointed to terms of one and two years are eligible to serve two full
19 terms following the completion of their initial shortened terms.