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1 IN THE SENATE

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SENATE BILL NO. 264

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing an oil and hazardous substance
7 response office and corps; and authorizing the use of
8 the oil and hazardous substance release response fund
9 for certain expenses."

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

11 * Section 1. AS 46.08 is amended by adding new sections to read:

12 ARTICLE 2. OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE.

13 Sec. 46.08.100. OFFICE ESTABLISHED. There is established in the
14 department the oil and hazardous substance response office. The
15 office shall include a director and employees who are specially
16 trained in programs and technologies related to the containment and
17 cleanup of releases or threatened releases of oil and hazardous sub-
18 stances.

19 Sec. 46.08.110. RESPONSE CORPS. (a) The office shall establish
20 an oil and hazardous substance response corps.

21 (b) The corps consists of volunteers who register with the
22 office and agree to be trained by the office in techniques for con-
23 tainment and cleanup and to be available on short notice to assist the
24 office in containment and cleanup.

25 (c) Members of the corps are entitled to wages, per diem, and
26 expenses as determined by the commissioner for training and for days
27 spent in service to the state in containment and cleanup actions.

28 Sec. 46.08.120. RESPONSE DEPOTS. The office shall maintain
29 emergency response depots in areas of the state determined by the

1 director to be potential sites of releases or threatened releases of
2 oil or hazardous substances. The depots shall be equipped and staffed
3 in a manner that ensures prompt response when containment and cleanup
4 actions are necessary.

5 Sec. 46.08.130. EMERGENCY POWERS. (a) When the office has
6 reasonable grounds to believe that a release of oil or a hazardous
7 substance has occurred or is threatened to occur which, in the judg-
8 ment of its director, presents an imminent or present danger to the
9 health or welfare of the people of the state or would result in or is
10 likely to result in irreversible or irreparable damage to the natural
11 resources or environment, and it appears to be prejudicial to the
12 interest of the people of the state to delay action until an oppor-
13 tunity for a hearing can be provided, state employees or members of
14 the corps may, with permission of the director and without prior
15 hearing, enter private property for the purpose of containment or
16 cleanup.

17 (b) The property owner affected by a response action taken under
18 (a) of this section has the right to be heard as soon as practicable
19 and to present proof to the office that the containment or cleanup
20 action is unnecessary or that it is not necessary to enter the per-
21 son's property for the containment or cleanup action.

22 Sec. 46.08.140. CONTRACTS. The office may enter into agreements
23 with municipalities and private entities to provide services for the
24 containment and cleanup of oil and hazardous substances.

25 Sec. 46.08.150. RESEARCH. The office may conduct, or contract
26 for, research studies designed to develop and improve the technology
27 that would be appropriate for effective containment and cleanup of oil
28 and hazardous substances in the state.

29 Sec. 46.08.190. DEFINITIONS. In AS 46.08.100 - 46.08.190

1 (1) "corps" means the oil and hazardous substance response
2 corps;

3 (2) "office" means the oil and hazardous substance response
4 office.

5 * Sec. 2. AS 46.08.040 is amended to read:

6 Sec. 46.08.040. PURPOSES OF THE FUND. The commissioner may use
7 money from the fund to

8 (1) contain, clean up, and take other necessary action,
9 such as monitoring, assessing, investigating, and evaluating the
10 release or threatened release of oil or a hazardous substance that
11 poses an imminent and substantial threat to the public health or
12 welfare, or to the environment;

13 (2) pay all costs incurred to establish and maintain the
14 oil and hazardous substance response office and for the expenses of
15 the oil and hazardous substance response corps established by that
16 office;

17 (3) provide matching funds for participation in federal oil
18 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-
19 hensive Environmental Response, Compensation, and Liability Act of
20 1980); and

21 (4) [(3)] recover the cost to the state or to a municipal-
22 ity of a containment and cleanup resulting from the release or the
23 threatened release of oil or a hazardous substance.