

Offered: 4/21/89  
Referred: Finance

6-1182D

Original sponsors: Kelly, Sturgulewski,  
Eliason, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 264 (Resources)

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, corps, and depots, establishing an  
8 account in the oil and hazardous substance release  
9 response fund, and authorizing use of money in that  
10 account for certain related expenses; and providing  
11 for an effective date."

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

13 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that the  
14 March 24, 1989, oil spill disaster in Prince William Sound demonstrates a  
15 need for the state to have an independent spill containment and clean-up  
16 capability in the event of future discharges of oil or a hazardous sub-  
17 stance.

18 (b) It is the purpose of this Act to provide assurance to the people  
19 of the state that their health, safety, and well-being will be protected  
20 from the adverse consequences of oil and hazardous substance releases of a  
21 magnitude that presents a grave and substantial threat to the economy and  
22 the environment of the state.

23 \* Sec. 2. AS 46.08 is amended by adding a new section to read:

24 Sec. 46.08.015. OIL SPILL CONTINGENCY ACCOUNT ESTABLISHED. (a)  
25 There is established in the oil and hazardous substance release re-  
26 sponse fund the oil spill contingency account. The account shall be  
27 administered by the commissioner.

28 (b) Appropriations made to the account and remaining in the  
29 account at the end of a fiscal year do not lapse unless otherwise

1 specified in the act making the appropriation.

2 (c) The account shall be used for actual expenses incurred under  
3 AS 46.08.100 - 46.08.190 and may not be used for capital improvements.

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

5 (b) The commissioner may use money from the oil spill contin-  
6 gency account to pay all costs incurred to establish and maintain the  
7 oil and hazardous substance response office and for the expenses of  
8 the oil and hazardous substance response corps and the oil and hazard-  
9 ous response depots established by that office.

10 \* Sec. 4. AS 46.08.050(b) is amended to read:

11 (b) The department shall develop procedures governing the expen-  
12 diture of, and accounting for, money expended from the fund and from  
13 the oil spill contingency account, and may not delay implementation of  
14 this chapter pending the effective date of the procedures.

15 \* Sec. 5. AS 46.08 is amended by adding new sections to read:

16 ARTICLE 2. OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE.

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

23 (b) The commissioner may establish and maintain the office by

24 (1) direct employment;

25 (2) contract with political subdivisions, the University of  
26 Alaska, transporters, and other private persons; or

27 (3) any combination of (1) and (2) of this subsection.

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

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

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

8 Sec. 46.08.120. RESPONSE DEPOTS. The office shall maintain  
9 emergency response depots in areas of the state determined by the  
10 director to be potential sites of releases or threatened releases of  
11 oil or hazardous substances. The depots shall be equipped and staffed  
12 in a manner that ensures prompt response when containment and cleanup  
13 actions are necessary.

14 Sec. 46.08.130. DUTIES OF THE OFFICE. (a) The office shall be  
15 prepared to respond promptly to a discharge of oil or a hazardous  
16 substance into the navigable waters of the state.

17 (b) The office may respond under (a) of this section to an oil  
18 or hazardous substance discharge only if:

19 (1) the oil discharge is a catastrophic oil discharge that  
20 constitutes an emergency under AS 46.04.080(a);

21 (2) the discharge of oil or a hazardous substance is de-  
22 clared to be an emergency under AS 46.03.865;

23 (3) the governor declares the discharge an emergency under  
24 AS 26.23; or

25 (4) the commissioner reasonably believes that there has  
26 been a discharge of oil or a hazardous substance, or that there is a  
27 potential discharge of oil or a hazardous substance, and the discharge  
28 may qualify under (1) - (3) of this subsection.

29 Sec. 46.08.140. EMERGENCY POWERS. (a) When the office has

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26 been a discharge of oil or a hazardous substance, or that there is a  
27 potential discharge of oil or a hazardous substance, and the discharge  
28 may qualify under (1) - (3) of this subsection.

29 Sec. 46.08.140. EMERGENCY POWERS. (a) When the office has

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

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

17 Sec. 46.08.150. CONTRACTS. The office may enter into agreements  
18 with agencies of the state and federal government, political subdivi-  
19 sions, the University of Alaska, and private entities to

20 (1) establish and maintain regional oil and hazardous  
21 substances depots and to acquire the supplies and equipment necessary  
22 for response readiness;

23 (2) train members of response corps; and

24 (3) conduct research into oil and hazardous substances  
25 spill technology.

26 Sec. 46.08.160. USE OF MONEY IN THE OIL SPILL CONTINGENCY AC-  
27 COUNT. Subject to legislative appropriation, the commissioner may use  
28 money in the oil spill contingency account for costs of personal  
29 services or contracts entered into under AS 46.08.100 - 46.08.190, and

1 for purchases of necessary equipment, supplies, and transportation for  
2 the office, corps, and depots.

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

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

6 (2) "depots" means the oil and hazardous substance supply  
7 and equipment storage depots;

8 (3) "office" means the oil and hazardous substance response  
9 office.

10 \* Sec. 6. APPLICABILITY OF ACT. This Act does not relieve a person  
11 responsible for an oil terminal facility, offshore exploration or produc-  
12 tion facility, or a vessel that transports crude oil, or a person who has  
13 control of a hazardous substance from the responsibility for containing and  
14 cleaning up a discharge of oil or the hazardous substance as required by  
15 law.

16 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).