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1 IN THE SENATE

2 SENATE BILL NO. 277

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 a panel to investigate the
7 Valdez oil discharge disaster and to recommend
8 changes needed to minimize the possibility and
9 effects of similar oil discharges; and providing for
10 an effective date."

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

12 * Section 1. VALDEZ OIL DISASTER REVIEW PANEL. (a) There is estab-
13 lished the Valdez Oil Disaster Review Panel consisting of 14 members. Two
14 members shall be senators appointed by the president of the senate and two
15 members shall be representatives appointed by the speaker of the house of
16 representatives. Ten members shall be appointed by the governor.

17 (b) Before appointing 10 members to the panel under (a) of this
18 section, the governor shall request the United States Coast Guard, the
19 Environmental Protection Agency, the Alyeska Pipeline Service Company, and
20 the Exxon USA Corporation to each nominate a representative to serve as a
21 member of the panel. If an entity named in this subsection nominates a
22 representative, the governor shall appoint the nominee as one of the 10
23 members to be appointed by the governor.

24 (c) After appointing members under (b) of this section, the governor
25 shall appoint additional members up to a total of 10 members, including

26 (1) a representative of the merchant shipping industry;
27 (2) a representative of environmental groups;
28 (3) a representative of fishermen from the Prince William Sound
29 area; and

1 (4) three persons who are recognized nationally or statewide for
2 their expertise in science, technology, or management.

3 (d) The panel members shall elect from among themselves a chair and
4 vice-chair.

5 (e) The panel may hire staff it considers necessary to perform its
6 duties, including legal counsel.

7 (f) Members of the panel serve without compensation, but nongovern-
8 mental members are entitled to per diem and travel expenses authorized for
9 boards and commissions under AS 39.20.180.

10 * Sec. 2. DUTIES OF THE PANEL. (a) The panel shall gather information
11 relating to

12 (1) the events leading up to the Valdez oil disaster that began
13 March 24, 1989;

14 (2) the ensuing efforts to contain and clean up the oil dis-
15 charged;

16 (3) the short-term and long-term effects of the Valdez oil
17 disaster on the natural resources and the economy of the state.

18 (b) By March 1, 1990, the panel shall submit a report to the governor
19 and to the legislature containing its findings and recommendations on

20 (1) the factual chain of events that preceded the grounding of
21 the Exxon Valdez and the extent to which oil industry practices and govern-
22 mental practices or laws should be changed to minimize the potential for
23 future similar events;

24 (2) the containment and cleanup actions that were taken or not
25 taken after the discharge, the extent to which current technology was
26 available and used, and ways to improve oil spill response technology and
27 procedures;

28 (3) the environmental and economic effects of the oil discharge;
29 and

1 (4) recommendations on steps that should be taken by the oil
2 industry and by all levels of government to ensure proper management,
3 handling, and transportation of crude oil and to improve the ability of
4 industry and governmental agencies to respond to oil discharges.

5 * Sec. 3. INVESTIGATIONS; HEARINGS. (a) The panel may issue subpoe-
6 nas, administer oaths, hold hearings, and conduct investigations related to
7 its duties.

8 (b) The panel may compel the attendance of witnesses and production
9 of papers, books, records, accounts, documents, and testimony, and may have
10 the deposition of witnesses taken in a manner prescribed by court rule or
11 law for the taking of depositions in civil actions when consistent with the
12 duties assigned to the panel.

13 (c) On a majority vote of the panel, subpoenas and subpoenas duces
14 tecum may be issued and served in the manner prescribed by AS 44.62.430(b)
15 and (c) and court rule. The failure, refusal, or neglect to obey a sub-
16 poena is punishable as contempt in the manner prescribed by law or court
17 rule. The superior court may compel obedience to the panel's subpoena in
18 the same manner as prescribed for obedience to a subpoena issued by the
19 court.

20 (d) State agencies shall, to the extent permitted by law, cooperate
21 with the panel and provide it with information it requests for carrying out
22 its duties.

23 * Sec. 4. This Act is repealed March 21, 1990.

24 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).