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Referred: Finance

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Original sponsors: Faiks, Halford,
Kelly, et al.

1 IN THE SENATE

BY THE SENATE SPECIAL
COMMITTEE ON OIL AND GAS

2 CS FOR SENATE BILL NO. 277 (Oil & Gas)

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 commission to investigate the
7 Exxon Valdez oil spill disaster and to recommend
8 changes needed to minimize the possibility and
9 effects of similar oil spills; and providing for an
10 effective date."

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

12 * Section 1. EXXON VALDEZ OIL SPILL COMMISSION. (a) There is estab-
13 lished the Exxon Valdez Oil Spill Commission consisting of 15 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. Eleven members shall be appointed by the governor.

17 (b) Before appointing 11 members to the commission 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 Corporation to each nominate a representative to serve as a
21 member of the commission. If an entity named in this subsection nominates
22 a representative, the governor shall appoint the nominee as one of the 11
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 11 members, including

- 26 (1) an employee of the Department of Environmental Conservation;
27 (2) a representative of the merchant shipping industry;
28 (3) a representative of environmental groups;
29 (4) a representative of fishermen from the Prince William Sound

1 area; and

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

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

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

8 (f) Members of the commission serve without compensation, but nongov-
9 ernmental members are entitled to \$150 per day while on commission business
10 plus per diem and travel expenses authorized for boards and commissions
11 under AS 39.20.180.

12 * Sec. 2. DUTIES OF THE COMMISSION. (a) The commission shall gather
13 information relating to

14 (1) the events leading up to the Exxon Valdez oil discharge that
15 began March 24, 1989;

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

18 (3) the short-term and long-term effects of the Exxon Valdez oil
19 discharge on the natural resources and the economy of the state.

20 (b) By March 1, 1990, the commission shall submit a report to the
21 governor and to the legislature containing its findings and recommendations
22 on

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

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

1 procedures;

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

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

8 * Sec. 3. INVESTIGATIONS; HEARINGS. (a) The commission may issue
9 subpoenas, administer oaths, hold hearings, and conduct investigations
10 related to its duties.

11 (b) The commission may compel the attendance of witnesses and produc-
12 tion of papers, books, records, accounts, documents, and testimony, and may
13 have the deposition of witnesses taken in a manner prescribed by court rule
14 or law for the taking of depositions in civil actions when consistent with
15 the duties assigned to the commission.

16 (c) On a majority vote of the commission, subpoenas and subpoenas
17 duces tecum may be issued and served in the manner prescribed by AS 44.62.-
18 430(b) and (c) and court rule. The failure, refusal, or neglect to obey a
19 subpoena is punishable as contempt in the manner prescribed by law or court
20 rule. The superior court may compel obedience to the commission's subpoena
21 in the same manner as prescribed for obedience to a subpoena issued by the
22 court.

23 (d) State agencies shall, to the extent permitted by law, cooperate
24 with the commission and provide it with information it requests for carry-
25 ing out its duties.

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

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