

Offered: 5/5/89
Referred: Finance

6-1209M

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

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 277 (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 a commission to investigate the
7 Exxon Valdez oil spill disaster and to recommend
8 changes needed to minimize the possibility and ef-
9 fects 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. ALASKA OIL SPILL COMMISSION. (a) There is established in
13 the Department of Administration the Alaska Oil Spill Commission consisting
14 of seven distinguished members appointed by the governor.
15 (b) The members must include
16 (1) five state residents with broad experience or expertise in
17 one or more of the following areas: physical or biological science, oil
18 transportation, fisheries, economics, sociology, or law; these members may
19 not be federal or state employees or employees of a political subdivision
20 of the state or be employees or independent contractors of any corporation
21 directly involved in the Exxon Valdez oil spill disaster;
22 (2) two persons who are recognized nationally for their exper-
23 tise in science, technology, or management and are not employees of a
24 governmental entity.
25 (c) The commission members shall elect from among themselves a chair
26 and vice-chair.
27 (d) The commission may hire staff it considers necessary to perform
28 its duties, including legal counsel.
29 (e) Members of the commission serve without compensation, but are

1 entitled to \$250 a day while on commission business plus per diem and
2 travel expenses authorized for boards and commissions under AS 39.20.180.

3 (f) The commission shall meet regularly to direct its investigation,
4 hold hearings, review progress, and draft final recommendations.

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

7 (1) the series of events that allowed the Exxon Valdez oil
8 discharge on March 24, 1989, to occur; and

9 (2) the ensuing efforts to contain and clean up the oil dis-
10 charged.

11 (b) By December 1, 1989, the commission shall submit a report to the
12 governor and to the legislature containing its findings and recommendations
13 on

14 (1) the containment and cleanup actions that were taken or not
15 taken after the discharge, the extent to which current technology was
16 available and used, and ways to improve oil spill response technology and
17 procedures;

18 (2) steps that should be taken by all levels of government and
19 by the oil industry to ensure proper management, handling, and transporta-
20 tion of crude and refined oil and to improve the statewide ability of
21 industry and governmental agencies to respond to oil discharges;

22 (3) the extent to which oil industry practices and governmental
23 practices or laws should be changed to minimize the potential for future
24 events similar to the grounding of the Exxon Valdez; and

25 (4) legislative proposals to encourage and fund prevention,
26 response, cleanup, and mitigation of all future discharges of oil.

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

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

6 (c) On a majority vote of the commission, subpoenas and subpoenas
7 duces tecum may be issued and served in the manner prescribed by AS 44.62.-
8 430(b) and (c) and court rule. The failure, refusal, or neglect to obey a
9 subpoena is punishable as contempt in the manner prescribed by law or court
10 rule. The superior court may compel obedience to the commission's subpoena
11 in the same manner as prescribed for obedience to a subpoena issued by the
12 court.

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

16 (e) The commission is subject to AS 44.62.

17 * Sec. 4. This Act is repealed January 30, 1990.

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