

Offered: 5/6/89
Referred: Rules

6-1209G

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

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 277 (Finance)
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. EXXON VALDEZ OIL SPILL COMMISSION. (a) There is estab-
13 lished in the Department of Administration the Exxon Valdez Oil Spill
14 Commission consisting of seven distinguished members appointed by the
15 governor.
16 (b) The members must include
17 (1) five state residents with broad experience or expertise in
18 one or more of the following areas: physical or biological science, oil
19 transportation, fisheries, economics, sociology, or law; these members may
20 not be federal or state employees or employees of a political subdivision
21 of the state or be employees or independent contractors of any corporation
22 directly involved in the Exxon Valdez oil spill disaster;
23 (2) two persons who are recognized nationally for their exper-
24 tise in science, technology, or management and are not employees of a
25 governmental entity.
26 (c) The commission members shall elect from among themselves a chair
27 and vice-chair.
28 (d) The commission may hire staff it considers necessary to perform
29 its duties, including legal counsel.

1 (e) Members of the commission serve without compensation, but are
2 entitled to \$150 a day while on commission business plus per diem and
3 travel expenses authorized for boards and commissions under AS 39.20.180.

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

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

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

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

12 (b) By January 8, 1990, the commission shall submit a report to the
13 governor and to the legislature containing its findings and recommendations
14 on

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

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

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

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

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

1 related to its duties.

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

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

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

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

18 * Sec. 4. This Act is repealed February 15, 1990.

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