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and Gas and Finance

6-1734A

BY SEN. KERTTULA, Adams

1 IN THE SENATE

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SENATE BILL NO. 362

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to training for persons who respond
7 to releases or threatened releases of oil or hazard-
8 ous substances; and providing for an effective date."

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

10 * Section 1. AS 46.08 is amended by adding new sections to read:

11 ARTICLE 3. TRAINING AND CERTIFICATION OF RESPONSE PERSONNEL.

12 Sec. 46.08.200. RESPONSE TRAINING AND CERTIFICATION PROGRAMS.

13 (a) The department shall

14 (1) establish guidelines for training certification pro-
15 grams, including competency tests to be completed successfully, to
16 ensure that a person who is used as an employee, volunteer, or inde-
17 pendent contractor to contain or cleanup a release or threatened
18 release of oil or a hazardous substance is trained to do the work
19 safely and effectively and is informed about the potential dangers of
20 working with oil or a hazardous substance;

21 (2) review certification programs proposed by contractors,
22 labor organizations, public and private vocational training programs,
23 and others for persons who will be used as employees, volunteers, or
24 independent contractors to contain or clean up a release or threatened
25 release of oil or a hazardous substance;

26 (3) approve proposed certification programs that meet the
27 department's guidelines under this subsection;

28 (4) assist in meeting the certification guidelines those
29 whose certification program proposals have been found unacceptable.

1 (b) Before a person may undertake work to contain or clean up a
2 release or threatened release of oil or a hazardous substance, the
3 person shall

4 (1) propose to the department a plan for the certification
5 of the person's employees, volunteers, and independent contractors it
6 plans to use, as adequately trained to handle in a safe and knowledge-
7 able way the type of oil or hazardous substance that will be encoun-
8 tered;

9 (2) receive approval from the department of that plan; and

10 (3) certify that each person who will work on the contain-
11 ment and cleanup is adequately trained to handle the oil or hazardous
12 substance in a safe and knowledgeable way.

13 (c) A person may not employ another, use another as a volunteer,
14 or contract with another as an independent contractor to contain or
15 clean up a release or threatened release of oil or a hazardous sub-
16 stance unless the employee, volunteer, or independent contractor has
17 been certified in a program approved by the department under (a) of
18 this section.

19 (d) A person who violates (b) or (c) of this section is subject
20 to a civil penalty not to exceed \$1,000 as determined by the commis-
21 sioner.

22 (e) A person who violates (b) of this section is guilty of a
23 class A misdemeanor.

24 (f) A person who violates (c) of this section is guilty of a
25 class B misdemeanor.

26 Sec. 46.08.210. EXEMPTIONS. The requirements of AS 46.08.200 do
27 not apply to persons who respond to a release or threatened release
28 that the commissioner determines meets the criteria established in
29 AS 46.08.130; however, the oil and hazardous substance response office

1 shall encourage persons who register with the office as volunteers
2 under AS 46.08.110 to successfully complete a training program certi-
3 fied by the department under AS 46.08.200.

4 * Sec. 2. AS 46.08.200(a) and 46.08.210, enacted by sec. 1 of this Act,
5 take effect immediately under AS 01.10.070(c).

6 * Sec. 3. Except as provided in sec. 2 of this Act, this Act takes
7 effect July 1, 1991.