

BY SEN. SZYMANSKI

1 IN THE SENATE

2

SENATE BILL NO. 421

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act establishing an Oil and Hazardous Substance
7 Spill Technology Review Commission in the Department
8 of Environmental Conservation; and amending the
9 duties of the department relating to oil and hazard-
10 ous substance spill related technology."

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

12 * Section 1. FINDINGS AND PURPOSE. (a) The legislature

13 (1) finds and declares that there exists a lack of scientific
14 knowledge concerning the availability, properties, and effectiveness of
15 various oil and hazardous substance containment and cleanup technologies;
16 and

17 (2) concludes that it is in the best interest of the state and
18 its citizens for the Department of Environmental Conservation to adopt
19 regulations to

20 (A) establish and maintain a schedule of depart-
21 ment-approved oil and hazardous substance cleanup technologies;

22 (B) maintain and review testing protocol for oil and haz-
23 arduous substance cleanup products and procedures; and

24 (C) compile and maintain a listing of manufacturers and
25 sources of department-approved containment and cleanup products.

26 (b) It is the intent of the legislature to establish an Oil and
27 Hazardous Substance Spill Technology Review Commission in the Department of
28 Environmental Conservation to identify containment and cleanup products and
29 procedures for arctic and sub-arctic oil and hazardous substance releases

1 and make recommendations to the commissioner of environmental conservation
2 regarding their use and deployment.

3 * Sec. 2. AS 46.08 is amended by adding new sections to read:

4 ARTICLE 3. OIL AND HAZARDOUS SUBSTANCE

5 SPILL TECHNOLOGY REVIEW COMMISSION.

6 Sec. 46.08.200. OIL AND HAZARDOUS SUBSTANCE SPILL TECHNOLOGY
7 REVIEW COMMISSION. (a) There is established in the Department of
8 Environmental Conservation the Oil and Hazardous Substance Spill
9 Technology Review Commission.

10 (b) The commission consists of seven members, appointed by the
11 governor, with broad experience or expertise in one or more of the
12 following areas: physical or biological science; oil technology,
13 transportation, or management; fisheries; economics; sociology; or
14 law. Members of the commission serve overlapping three-year terms.

15 (c) The commission members shall elect from among themselves a
16 chair and vice-chair.

17 (d) The commission may hire staff it considers necessary to
18 perform its duties.

19 (e) Members of the commission serve without compensation, but
20 are entitled to per diem and travel expenses authorized for boards and
21 commissions under AS 39.20.180.

22 (f) The commission shall meet regularly at the call of the
23 commissioner or the chair of the commission.

24 (g) Members of the commission are subject to AS 39.50.

25 Sec. 46.08.210. DUTIES OF THE COMMISSION. The commission shall

26 (1) review and recommend to the commissioner research
27 topics;

28 (2) obtain information relating to

29 (A) containment and cleanup technology that is

1 available in the event of an oil or hazardous substance dis-
2 charge, the extent to which current containment and cleanup
3 technology is available and may be applied in the state, and ways
4 to improve oil or hazardous substance spill response technology
5 and procedures;

6 (B) steps that should be taken by government and
7 industry to ensure proper management, handling, and transporta-
8 tion of oil and hazardous substances and to improve the statewide
9 ability of industry and governmental agencies to respond to
10 discharges of oil and hazardous substances;

11 (C) the extent to which industry practices and govern-
12 mental practices or laws should be changed to reduce or minimize
13 the potential for oil and hazardous substance discharges;

14 (D) oil and hazardous substances spill technology
15 conducted by the oil and hazardous substance response office
16 under AS 46.08.130, as authorized by AS 46.08.150, or as under-
17 taken by the department under AS 46.03.020(14);

18 (3) identify sources of money that may be available for
19 discharge-related research;

20 (4) make proposals to the governor and commissioner to
21 encourage and fund prevention, response, cleanup, and mitigation of
22 future discharges of oil and hazardous substances; and

23 (5) perform other functions as may be requested by the
24 commissioner.

25 Sec. 46.08.220. INVESTIGATIONS; HEARINGS. (a) The commission
26 may issue subpoenas, administer oaths, and conduct investigations
27 related to its duties.

28 (b) The commission may compel the attendance of witnesses and
29 production of papers, books, records, accounts, documents, and

1 testimony, and may have the deposition of witnesses taken in a manner
2 prescribed by court rule or law for the taking of depositions in civil
3 actions when consistent with the duties assigned to the commission.

4 (c) On a majority vote of the commission, subpoenas and subpoe-
5 nas duces tecum may be issued and served in the manner prescribed by
6 AS 44.62.430(b) and (c) and court rule. The failure, refusal, or
7 neglect to obey a subpoena is punishable as contempt in the manner
8 prescribed by law or court rule. The superior court may compel obedi-
9 ence to the commission's subpoena in the same manner as prescribed for
10 obedience to a subpoena issued by the court.

11 (d) State agencies shall, to the extent permitted by law, coop-
12 erate with the commission and provide it with information it requests
13 for carrying out its duties.

14 Sec. 46.08.249. DEFINITION. In AS 44.08.200 - 44.08.249, "com-
15 mission" means the Oil and Hazardous Substance Spill Technology Review
16 Commission.

17 * Sec. 3. AS 46.03.020 is amended by adding a new paragraph to read:

18 (14) for the purpose of being prepared to respond to an oil
19 or hazardous substance discharge,

20 (A) establish and maintain a schedule of approved
21 containment and cleanup technologies;

22 (B) maintain testing protocols for cleanup products
23 and procedures; and

24 (C) compile and maintain a list of manufacturers and
25 sources of approved containment and cleanup products.

26 * Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:

27 (50) Oil and Hazardous Substance Spill Technology Review
28 Commission (AS 46.08.200).

29 * Sec. 5. AS 44.66.010(a) is amended by adding a new paragraph to read:

1 (17) Oil and Hazardous Substance Spill Technology Review
2 Commission (AS 46.08.200) -- June 30, 1994.