

BY SEN. ZHAROFF

1 IN THE SENATE

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SENATE BILL NO. 432

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act authorizing the governor to regulate or prohibit the transfer of certain assets of persons responsible for a catastrophic oil discharge, and permitting release of those assets; and providing for an effective date."

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

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\* Section 1. AS 46.04 is amended by adding a new section to read:

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Sec. 46.04.085. EMERGENCY POWERS OF THE GOVERNOR. (a) In

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addition to the powers granted under AS 26.23, in the event of a catastrophic oil discharge the governor may regulate or prohibit any transaction involving the transfer of an asset that is located in the state and either is owned by the person who has caused or permitted the catastrophic oil discharge or is an asset in which the person who has caused or permitted the catastrophic oil discharge has an interest.

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(b) In exercising the authority granted by (a) of this section, the governor may require a person to keep a record of, and to furnish under oath in the form the governor may require, complete information relative to a transaction referred to in (a) of this section in which the person who has caused or permitted the catastrophic oil discharge has an ownership or other interest. The governor may require the production of any books, records, contracts, letters, memoranda, or other papers in the custody of the person that relate to the transaction.

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1 (c) The governor may exclude a transaction involving an asset  
2 from a regulation or prohibition under (a) of this section if the  
3 party who owns or has an interest in the asset files a bond or gives  
4 other suitable security in an amount of not less than the fair market  
5 value of the asset involved in the proposed transaction. The condi-  
6 tion of the bond or security shall be that the applicant for the bond  
7 will take all necessary action to complete containment and cleanup of  
8 the catastrophic oil discharge as may be required by law or by the  
9 commissioner of environmental conservation. On the request of the  
10 party owning or having an interest in the asset, the governor may  
11 reduce the amount of the required bond or permit the substitution of  
12 another bond with the same or different sureties. The governor shall  
13 designate the officer with whom the bond or other security shall be  
14 filed.

15 (d) The authority provided to the governor under (a) of this  
16 section terminates when the commissioner of environmental conservation  
17 certifies to the governor that the catastrophic oil discharge has been  
18 cleaned up and the affected environment restored to its former state.

19 \* Sec. 2. RETROACTIVE APPLICABILITY. AS 46.04.085, added by sec. 1 of  
20 this Act, applies to liability for releases of catastrophic oil discharges  
21 that occurred before the effective date of this Act, and therefore, AS 46.-  
22 04.085, as added by sec. 1 of this Act, is retroactive in its effect.  
23 However, AS 46.04.085, as added by sec. 1 of this Act, does not apply to an  
24 action in which final judgment no longer subject to appeal has been entered  
25 before the effective date of this Act.

26 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).