

**HOUSE BILL NO. 535**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVE LINCOLN**

**Introduced: 2/18/92**

**Referred: Health, Education & Social Services, Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the restoration of impaired public drinking water supplies or the  
2 provision of alternative public drinking water supplies in connection with oil or hazardous  
3 substance containment and cleanup activities; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 46.08.010(c) is amended to read:

6 (c) The fund shall be used for actual expenses incurred under AS 46.08.040. Except for  
7 containment or cleanup activities related to restoration of impaired public drinking water  
8 supplies or the provision of alternative public drinking water supplies, or as provided in  
9 AS 46.08.040(d)(2), the fund may not be used for capital improvements.

10 \* **Sec. 2.** AS 46.08.070(a) is amended to read:

11 (a) Except as provided in (d) of this section, the [THE] commissioner shall seek  
12 reimbursement promptly under this section, AS 46.03.760(e), or federal law for the cost incurred  
13 in the cleanup or containment of oil or a hazardous substance that has been released.

14 \* **Sec. 3.** AS 46.08.070(b) is amended to read:

1           **(b) Except as provided in (d) of this section, the [THE] attorney general, at the request**  
2           **of the commissioner, shall immediately seek to recover money expended by the department under**  
3           **AS 46.08.005 - 46.08.080 or other law to contain and clean up oil or a hazardous substance that**  
4           **has been released or to control the threatened release of oil or a hazardous substance.**

5   \* **Sec. 4.** AS 46.08.070 is amended by adding a new subsection to read:

6           **(d) Notwithstanding (a) and (b) of this section, the state may not seek reimbursement or**  
7           **recovery of containment and cleanup costs incurred to restore impaired public drinking water**  
8           **supplies or to provide alternative public drinking water supplies if a municipality or village**  
9           **council is a party responsible for the impairment.**

10 \* **Sec. 5.** AS 46.08.900(3) is amended to read:

11           **(3) "containment and cleanup" includes the direct and indirect efforts associated**  
12           **with the prevention, abatement, containment, or removal of oil or a hazardous substance, and the**  
13           **restoration of the environment including the restoration of impaired public drinking water**  
14           **supplies or the provision of alternative public drinking water supplies; when applied to**  
15           **expenses, the term includes the additional costs of providing a reasonable and appropriate**  
16           **function or service incurred in response to the release of the oil or hazardous substance, including**  
17           **administrative expenses for the incremental costs of providing the function or service;**

18 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).