

CS FOR HOUSE BILL NO. 535 (HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION
BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/10/92

Referred: Resources, Finance

Sponsor(s): REPRESENTATIVES LINCOLN, Ivan

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 village, as defined in
9 AS 46.07.080, 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).