

CS FOR HOUSE BILL NO. 571 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 5/4/92
Referred: Finance

Sponsor(s): HOUSE RESOURCES COMMITTEE A BILL

FOR AN ACT ENTITLED

1 "An Act amending the purposes for which money in the oil and hazardous substance
2 release response fund may be expended."

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

4 * **Section 1.** AS 46.08.040(a) is amended to read:

5 (a) In addition to money in the fund that is transferred to the commissioner of community
6 and regional affairs to make grants under AS 29.60.510 and to pay for impact assessments under
7 AS 29.60.560, the commissioner of environmental conservation may use money from the fund
8 to

9 (1) investigate and evaluate the release or threatened release of oil or a hazardous
10 substance, and contain, clean up, and take other necessary action, such as monitoring and
11 assessing, to address a release or threatened release of oil or a hazardous substance that poses
12 an imminent and substantial threat to the public health or welfare, or to the environment;

13 (2) pay all costs incurred to

14 (A) establish and maintain the oil and hazardous substance response office;

1 (B) review oil discharge prevention and contingency plans submitted under
2 AS 46.04.030;

3 (C) conduct training, response exercises, inspections, and tests, in order
4 to verify equipment inventories and ability to prevent and respond to oil and hazardous
5 substance release emergencies, and to undertake other activities intended to verify or
6 establish the preparedness of the state, a municipality, or a party required by AS
7 46.04.030 to have an approved contingency plan to act in accordance with that plan; and

8 (D) verify or establish proof of financial responsibility required by AS
9 46.04.040;

10 (3) pay the expenses incurred by the Alaska division of emergency services for
11 the oil and hazardous substance response corps and the oil and hazardous substance response
12 depots when presented with appropriate documentation by the division;

13 (4) provide matching funds for participation in federal oil discharge cleanup
14 activities and under 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,
15 Compensation, and Liability Act of 1980);

16 (5) recover the costs to the state, a municipality, or a village of a containment and
17 cleanup resulting from the release or the threatened release of oil or a hazardous substance;

18 (6) prepare, review, and revise

19 (A) the state's master oil and hazardous substance discharge prevention
20 and contingency plan required by AS 46.04.200; and

21 (B) a regional master oil and hazardous substance discharge prevention
22 and contingency plan required by AS 46.04.210; [AND]

23 (7) restore the environment by addressing the effects of an oil or hazardous
24 substance release; and

25 (8) pay compensation to persons engaged in commercial fishing for the loss
26 of fishing gear or for the fouling of that gear if

27 (A) the loss of or fouling of that gear

28 (i) occurs in state water or, if the gear loss or fouling occurs
29 outside state water, the loss or fouling occurs in conjunction with a fishery activity
30 that is authorized by the Board of Fisheries and to the gear of a vessel that is
31 registered under the laws of the state; and

1 (ii) is attributable to the release of oil or a hazardous
2 substance; and

3 (B) the person responsible for the release cannot be identified.

4 * Sec. 2. AS 46.08.040(c) is amended to read:

5 (c) Notwithstanding other provisions of this section, money from the fund may not be
6 used for a purpose specified in (a)(2) - (8) [(a)(2)-(7)] and (d)(2) of this section unless money
7 is available from an appropriation made specifically for that purpose.