

CS FOR SENATE BILL NO. 165 (TRANSPORTATION)**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE TRANSPORTATION COMMITTEE****Offered: 4/5/91**
Referred: Finance**Sponsor(s): SENATORS KERTTULA, Menard, Duncan****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to acquisition of vessels of the Alaska marine highway system having
2 the capacity to assist in responding to spills of oil and hazardous substances."

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

4 * **Section 1.** AS 19.65 is amended by adding a new section in article 1 to read:

5 Sec. 19.65.025. **VESSEL DESIGN AND CONSTRUCTION.** Under the authority
6 provided in AS 44.42.020(a)(1) to plan, design, construct, and maintain modes of transportation,
7 the commissioner of transportation and public facilities shall, subject to legislative appropriation
8 for the purpose, plan, design, and retrofit or construct vessels of the Alaska marine highway
9 system that, in addition to providing the freight and passenger services customarily provided by
10 the state's marine highway vessels, have the capability to assist in responding to, containing, and
11 cleaning up spills of oil and hazardous substances into the marine waters of the state.

12 * **Sec. 2.** AS 46.08.005 is amended to read:

13 Sec. 46.08.005. **PURPOSE.** The legislature finds and declares that the release of oil or
14 hazardous substances into the environment presents a real and substantial threat to the public

1 health and welfare, to the environment, and to the economy of the state. The legislature therefore
2 concludes that it is in the best interest of the state and its citizens to provide a readily available
3 fund for the payment of the expenses incurred by the Department of Environmental Conservation
4 and the Department of Transportation and Public Facilities in the protection of the
5 environment of the state from the release of oil or hazardous substances.

6 * Sec. 3. AS 46.08.010(c) is amended to read:

7 (c) The fund shall be used for actual expenses incurred under AS 46.08.040. Except as
8 provided in AS 46.08.040(d)(2), the [THE] fund may not be used for capital improvements.

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

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

13 * Sec. 5. AS 46.08.040(d) is amended to read:

14 (d) Upon a request from

15 (1) the Alaska Legislative Council, the commissioner shall use money from the
16 fund to reimburse the Alaska Legislative Council for expenditures that it makes for the operation
17 of the Citizens' Oversight Council on Oil and Other Hazardous Substances, established under
18 AS 24.20.600; and

19 (2) the commissioner of transportation and public facilities, the commissioner
20 shall transfer money from the fund to the Department of Transportation and Public
21 Facilities to pay for the construction or refurbishment of one or more vessels of the Alaska
22 marine highway system that have the capability to assist in responding to spills of oil and
23 hazardous substances; in expending money in the fund whose use for vessels of the marine
24 highway system is authorized by AS 19.65.025 and this paragraph, the commissioner shall
25 give priority to construction of one or more new vessels that have the characteristics
26 required by this paragraph.