

HOUSE BILL NO. 276
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES LARSON, Carney By Request

Introduced: 4/7/93

Referred: House Special Committee on Oil and Gas, State Affairs, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the purposes for which money in the oil and hazardous
2 substance 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
6 community and regional affairs to make grants under AS 29.60.510 and to pay for
7 impact assessments under AS 29.60.560, the commissioner of environmental
8 conservation may use money from the fund to

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

14 (2) pay all costs incurred to

- 1 (A) establish and maintain the oil and hazardous substance
2 response office;
- 3 (B) review oil discharge prevention and contingency plans
4 submitted under AS 46.04.030;
- 5 (C) conduct training, response exercises, inspections, and tests,
6 in order to verify equipment inventories and ability to prevent and respond to
7 oil and hazardous substance release emergencies, and to undertake other
8 activities intended to verify or establish the preparedness of the state, a
9 municipality, or a party required by AS 46.04.030 to have an approved
10 contingency plan to act in accordance with that plan; and
- 11 (D) verify or establish proof of financial responsibility required
12 by AS 46.04.040;
- 13 (3) pay the expenses incurred by the Alaska division of emergency
14 services for the oil and hazardous substance response corps and the oil and hazardous
15 substance response depots when presented with appropriate documentation by the
16 division;
- 17 (4) provide matching funds for participation in federal oil discharge
18 cleanup activities and under 42 U.S.C. 9601 - 9657 (Comprehensive Environmental
19 Response, Compensation, and Liability Act of 1980);
- 20 (5) recover the costs to the state, a municipality, or a village of a
21 containment and cleanup resulting from the release or the threatened release of oil or
22 a hazardous substance;
- 23 (6) prepare, review, and revise
- 24 (A) the state's master oil and hazardous substance discharge
25 prevention and contingency plan required by AS 46.04.200; and
- 26 (B) a regional master oil and hazardous substance discharge
27 prevention and contingency plan required by AS 46.04.210; [AND]
- 28 (7) restore the environment by addressing the effects of an oil or
29 hazardous substance release; and
- 30 (8) pay compensation to persons engaged in commercial fishing for
31 the loss of fishing gear or for the fouling of that gear if

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(A) the loss of or fouling of that gear

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

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

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

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

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