

**HOUSE BILL NO. 304**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE THERRIAULT**

**Introduced: 5/9/93**

**Referred: Community & Regional Affairs, State Affairs, Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to emergency planning and response; transferring the State  
2 Emergency Response Commission, including its duty to designate local emergency  
3 planning districts and appoint local emergency planning committees, to the  
4 Department of Military and Veterans' Affairs; transferring responsibility for  
5 establishing and maintaining emergency response depots and the oil and hazardous  
6 substance response corps to the Department of Environmental Conservation;  
7 eliminating a requirement that the state and regional oil discharge prevention and  
8 contingency plans be revised annually."

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

10 \* Section 1. AS 26.23.040(e) is amended by adding a new paragraph to read:  
11 (12) to the extent that money is available from an appropriation for the  
12 purposes of this paragraph,

(A) award grants for training local emergency planning committees and for training and equipping the emergency response organizations that execute the plans developed by the committees under AS 26.23.073(c) and 26.23.075;

(B) in order to comply with 49 U.S.C. Appx. 1815(a)(3), make funds available to local emergency planning committees for developing and maintaining emergency plans under AS 26.23.073(c) and 26.23.075;

(C) make funds available to local emergency planning committees to implement 42 U.S.C. 11022(e) and 42 U.S.C. 11044; and

(D) award grants for the purpose of forming local emergency planning committees under AS 26.23.073.

\* Sec. 2. AS 26.23.040 is amended by adding a new subsection to read:

(f) To the extent that the plan prepared under this section relates to action required to avert damage from a release of a hazardous substance, the plan must be substantially equivalent in relevant respect to the local emergency plans prepared under AS 26.23.073(c) and 26.23.075 and the state and regional master plans prepared by the Department of Environmental Conservation under AS 46.04.200 - 46.04.210. The plan must also use the same incident command systems used in those plans and be approved by the Alaska State Emergency Response Commission under AS 26.23.077.

\* Sec. 3. AS 26.23.060 is amended by adding a new subsection to read:

(g) To the extent that a plan prepared under this section relates to action required to avert damage from a release of a hazardous substance, the plan must be substantially equivalent in relevant respect to the local emergency plans prepared under AS 26.23.073(c) and 26.23.075 and the state and regional master plans prepared by the Department of Environmental Conservation under AS 46.04.200 - 46.04.210. The plan must also use the same incident command systems used in those plans and be approved by the Alaska State Emergency Response Commission under AS 26.23.077.

\* Sec. 4. AS 26.23.070 is amended by adding a new subsection to read:

(d) To the extent that a plan prepared under this section relates to action required to avert damage from a release of a hazardous substance, the plan must be substantially equivalent in relevant respect to the local emergency plans prepared under

1 AS 26.23.073(c) and 26.23.075 and the state and regional master plans prepared by the  
2 Department of Environmental Conservation under AS 46.04.200 - 46.04.210. The plan  
3 must also use the same incident command systems used in those plans and be  
4 approved by the Alaska State Emergency Response Commission under AS 26.23.077.

5 \* Sec. 5. AS 26.23 is amended by adding new sections to read:

6 Sec. 26.23.071. ALASKA STATE EMERGENCY RESPONSE  
7 COMMISSION. (a) There is established in the Department of Military and Veterans'  
8 Affairs the Alaska State Emergency Response Commission.

9 (b) The commission consists of the commissioners of community and regional  
10 affairs, environmental conservation, fish and game, health and social services, labor,  
11 natural resources, public safety, and transportation and public facilities, or the  
12 designees of the commissioners, the adjutant general of the Department of Military and  
13 Veterans' Affairs or a designee, and seven members of the public appointed by the  
14 governor, one of whom must be a member of a local emergency planning committee  
15 for an emergency planning district that is predominantly rural in character and one of  
16 whom must be a member of a local emergency planning committee for an emergency  
17 planning district that is predominantly urban in character. To the extent practicable,  
18 the commission must include members with expertise in the emergency response field.

19 (c) The adjutant general of the Department of Military and Veterans' Affairs,  
20 or the adjutant general's designee, and the commissioner of environmental  
21 conservation, or the commissioner's designee, shall co-chair the commission. The  
22 Department of Military and Veterans' Affairs shall provide staff support to the  
23 commission.

24 (d) Members of the commission other than those from the designated state  
25 departments serve at the pleasure of the governor for staggered terms of three years.  
26 Members of the commission serve without compensation but are entitled to per diem  
27 and travel expenses authorized for members of boards and commissions under  
28 AS 39.20.180.

29 (e) The commission shall

30 (1) serve as the state emergency response commission required under  
31 42 U.S.C. 11001 - 11005;

1 (2) facilitate the preparation and implementation of emergency plans,  
2 including the statewide, interjurisdictional, and local plans prepared under this chapter  
3 and the state and regional plans prepared under AS 46.04.200 - 46.04.210;

4 (3) review and approve or disapprove the plans described in (2) of this  
5 subsection according to the criteria established in AS 26.23.077;

6 (4) designate, and revise as necessary, the boundaries of emergency  
7 planning districts under AS 26.23.073(a);

8 (5) establish a local emergency planning committee under  
9 AS 26.23.073(b) for each emergency planning district;

10 (6) serve as the local emergency planning committee for all areas  
11 outside the boundaries of local emergency planning districts designated under  
12 AS 26.23.073(a); in fulfilling its duty under this paragraph, the commission shall  
13 consult with affected political subdivisions;

14 (7) supervise and coordinate the activities of local emergency planning  
15 committees;

16 (8) establish procedures for receiving and processing requests from the  
17 public for information under 42 U.S.C. 11044, including tier II information under 42  
18 U.S.C. 11022;

19 (9) perform other coordinating, advisory, or planning tasks related to  
20 emergency planning and preparedness, community right-to-know reporting, toxic  
21 chemical release reporting, or management of hazardous substances;

22 (10) recommend procedures to integrate, as appropriate, hazardous  
23 substance response planning under 42 U.S.C. 11001 - 11005, federal contingency  
24 planning under 33 U.S.C. 1321 and other federal laws applicable to hazardous  
25 substance discharges, and state, regional, and local planning under this chapter and  
26 AS 46.04.200 - 46.04.210;

27 (11) to the extent consistent with the constitution and law of the state,  
28 perform all other functions prescribed for state emergency response commissions under  
29 42 U.S.C. 11001 - 11005; and

30 (12) adopt regulations necessary to carry out the purposes of  
31 AS 26.23.071 - 26.23.077 and 42 U.S.C. 11001 - 11005.

1           (f) The commission may request data, reports, or other information from a  
2 state agency. To the extent feasible and not otherwise prohibited by laws making  
3 specific information confidential and nondisclosable, a state agency shall cooperate  
4 with the commission and furnish the commission with the information and assistance  
5 necessary to accomplish the purposes of 42 U.S.C. 11001 - 11005 and this chapter.

6           Sec. 26.23.073.       EMERGENCY PLANNING DISTRICTS AND  
7 COMMITTEES. (a) The commission shall set the boundaries of local emergency  
8 planning districts. The commission shall set the boundaries of a district so that they  
9 are coextensive with the boundaries of a single political subdivision except when it  
10 would be more appropriate, in the opinion of the commission, for the district to include  
11 more than one political subdivision or some area that is not contained within a political  
12 subdivision. If the commission sets boundaries for a district under this section that  
13 includes more than one political subdivision, the commission shall recommend to the  
14 governor the designation of an interjurisdictional disaster planning and service area  
15 under AS 26.23.070 whose boundaries are coextensive with the boundaries of the  
16 emergency planning district established under this section.

17           (b) The commission shall establish and appoint the members of a local  
18 emergency planning committee for each emergency planning district established under  
19 (a) of this section. In making appointments for an emergency planning district that  
20 contains only one political subdivision, the commission shall follow the  
21 recommendations of the governing body of the political subdivision if those  
22 recommendations would constitute a committee that meets the requirements of this  
23 subsection. In making appointments for an emergency planning district that contains  
24 more than one political subdivision, the commission shall consider the  
25 recommendations of the governing body of each political subdivision and follow the  
26 recommendations to the extent that the governing bodies are in agreement and their  
27 recommendations would constitute a committee that meets the requirements of this  
28 subsection. Each committee must include, at a minimum, a representative of

29                   (1) elected state or local officials;

30                   (2) law enforcement, civil defense, fire fighting, first aid, health, local  
31 environmental, hospital, and transportation personnel;

1 (3) broadcast or print media;  
2 (4) community groups; and  
3 (5) owners and operators of facilities subject to the requirements of 42  
4 U.S.C. 11001 - 11005.

5 (c) Each local emergency planning committee shall

6 (1) establish procedures for receiving and processing requests from the  
7 public for information under 42 U.S.C. 11044, including tier II information under 42  
8 U.S.C. 11022;

9 (2) appoint a chair, who shall be an elected official of a municipality  
10 represented on the committee, and establish rules by which the committee shall  
11 function, including provisions for public notification of committee activities, public  
12 meetings to discuss the emergency plan, public comments, response to the comments  
13 by the committee, distribution of the emergency plan, and designation of an official  
14 to serve as coordinator for information;

15 (3) prepare and periodically review an emergency plan in accordance  
16 with 42 U.S.C. 11003(a) in a manner that includes coordination with the political  
17 subdivisions covered by the plan;

18 (4) evaluate the need for resources necessary to develop, implement,  
19 and exercise the emergency plan, and make recommendations to the political  
20 subdivisions in the emergency planning district with respect to additional resources that  
21 may be required and the means for providing the additional resources;

22 (5) to the extent consistent with the constitution and law of the state,  
23 perform all other functions prescribed for emergency planning committees in 42 U.S.C.  
24 11001 - 11005;

25 (6) participate as a local advisory committee in the preparation of  
26 statewide regional contingency plans; and

27 (7) serve as an advisory committee to the political subdivisions within  
28 the emergency planning district with respect to emergency planning, training, and  
29 response.

30 (d) The Department of Environmental Conservation shall, upon request,  
31 provide technical assistance to a local emergency planning committee in the

1 performance of its duties under this section that relate to oil or hazardous substances.

2           **Sec. 26.23.075. EMERGENCY PLANS.** (a) An emergency plan prepared  
3 under AS 26.23.073(c) must include

4           (1) identification of facilities subject to the requirements of 42 U.S.C.  
5 11001 - 11005 that are within the emergency planning district, identification of routes  
6 likely to be used for the transportation of substances on the list of extremely hazardous  
7 substances referred to in 42 U.S.C. 302(a), and identification of additional facilities  
8 contributing or subjected to additional risk due to their proximity to facilities subject  
9 to the requirements of 42 U.S.C. 11001 - 11005 such as hospitals or natural gas  
10 facilities;

11           (2) methods and procedures to be followed by facility owners and  
12 operators and local emergency and medical personnel to respond to a release of  
13 hazardous substances or a release of substances on the list of extremely hazardous  
14 substances referred to in 42 U.S.C. 302(a);

15           (3) designation of a community emergency coordinator and facility  
16 emergency coordinators, who shall make determinations necessary to implement the  
17 emergency plan;

18           (4) procedures providing reliable, effective, and timely notification by  
19 the facility emergency coordinators to persons designated in the emergency plan, and  
20 to the public, that a release has occurred, consistent with the emergency notification  
21 requirements of 42 U.S.C. 11004;

22           (5) methods for determining the occurrence of a release and the area  
23 or population likely to be affected by that release;

24           (6) a description of emergency equipment and facilities in the  
25 community and at each facility in the community subject to the requirements of 42  
26 U.S.C. 11001 - 11005, and an identification of the persons responsible for the  
27 equipment and facilities;

28           (7) evacuation plans, including provisions for a precautionary  
29 evacuation and alternative traffic routes;

30           (8) training programs, including schedules for training of local  
31 emergency response and medical personnel; and

1 (9) methods and schedules for exercising the emergency plan.

2 (b) An emergency plan prepared under AS 26.23.073(c) may include  
3 descriptions, procedures, and programs related to disasters other than those caused by  
4 releases of hazardous substances.

5 (c) Each emergency plan prepared under AS 26.23.073(c) must incorporate  
6 within it an incident command system. The incident command system must be  
7 substantially equivalent in relevant respects to the incident command systems  
8 established under AS 46.04.200 - 46.04.210 and meet the requirements of  
9 AS 26.23.077.

10 Sec. 26.23.077. PLAN APPROVAL; INCIDENT COMMAND SYSTEMS.

11 (a) The commission shall review and exercise approval authority over local,  
12 interjurisdictional, regional, and state emergency plans, including plans prepared under  
13 this chapter and AS 46.04.200 - 46.04.210.

14 (b) Before approving a plan, the commission shall ensure that the plan includes  
15 an incident command system that describes the respective roles of affected persons and  
16 agencies in a clear and specific manner and that the respective roles of state agencies  
17 are consistent with their statutory duties. The commission shall also ensure that the  
18 plans are well-integrated with related plans.

19 (c) To the extent consistent with other law, an incident command system  
20 approved under this section must provide that the Alaska division of emergency  
21 services has a major role in mobilization of personnel and resources, communications,  
22 transportation planning, and other logistics involved in a state response to a disaster  
23 or other emergency.

24 \* Sec. 6. AS 26.23.150(a) is amended to read:

25 (a) In addition to disaster prevention measures as included in the state, local,  
26 and interjurisdictional disaster plans, the governor shall consider, on a continuing basis,  
27 steps that could be taken to prevent or reduce the harmful consequences of disasters.  
28 At the governor's direction, and under any other authority and competence they have,  
29 state agencies, including but not limited to those charged with responsibilities in  
30 connection with flood plain management, stream encroachment and flow regulation,  
31 weather modification, fire prevention and control, environmental [AIR] quality, public

1 works, land use and land use planning, and construction standards, shall make studies  
2 of disaster-prevention-related matters. The governor, from time to time, shall make  
3 recommendations to the legislature, local governments, and other appropriate public  
4 and private entities as may facilitate measures for the prevention or reduction of the  
5 harmful consequences of disasters.

6 \* Sec. 7. AS 26.23.190(b) is amended to read:

7 (b) When performing responsibilities assigned to it under an incident command  
8 system established under this chapter or [,] AS 46.04.200 - 46.04.210, [OR AS 46.13,]  
9 the Alaska division of emergency services may, in a situation involving an actual or  
10 imminent discharge of oil or a hazardous substance, issue an order directing persons  
11 and governmental agencies to take action the division believes necessary to carry out  
12 its assigned responsibilities.

13 \* Sec. 8. AS 26.23.195(a) is amended to read:

14 (a) The Alaska division of emergency services shall perform the  
15 responsibilities assigned to it under an incident command system established under this  
16 chapter or [,] AS 46.04.200 - 46.04.210 [, OR AS 46.13] in a state response to a  
17 release or threatened release of oil or a hazardous substance.

18 \* Sec. 9. AS 26.23.195(c) is amended to read:

19 (c) Within the limit of appropriations made specifically for the purpose, the  
20 Alaska division of emergency services may assist persons with mobilization of  
21 personnel and resources, communications, transportation planning, and other logistics  
22 involved in a nongovernmental response to a release or threatened release of oil or a  
23 hazardous substance when to do so would be consistent with the duties assigned to it  
24 under an incident command system established under this chapter or [,] AS 46.04.200 -  
25 46.04.210 [, OR AS 46.13].

26 \* Sec. 10. AS 26.23.900 is amended by adding new paragraphs to read:

27 (8) "commission" means the Alaska State Emergency Response  
28 Commission;

29 (9) "hazardous substance" has the meaning given in AS 46.03.826.

30 \* Sec. 11. AS 46.03.865(a) is amended to read:

31 (a) When the department finds that an actual or imminent discharge of oil, a

1 hazardous substance, or low level radioactive materials to the air, water, land, or  
2 subsurface land of the state poses an immediate threat to the public health or welfare  
3 or the environment of the state, it may issue an order declaring an emergency and  
4 directing a person or persons to take action the department believes necessary to meet  
5 the emergency, and protect the public health, welfare, or environment. If there is an  
6 incident command system established under AS 26.23 or [,] AS 46.04.200 - 46.04.210  
7 [, OR AS 46.13] that is applicable to the situation for which the department issues an  
8 order under this subsection, the department's exercise of authority under this  
9 subsection shall be guided by the relevant provisions of the incident command system.

10 \* Sec. 12. AS 46.03.865(c) is amended to read:

11 (c) During a period of emergency declared under (a) of this section, each state  
12 agency shall take whatever action the department finds necessary to meet the  
13 emergency and to protect the public health, welfare, or environment, consistent with  
14 the responsibilities assigned to them under an incident command system established  
15 under AS 26.23 or [,] AS 46.04.200 - 46.04.210 [, OR AS 46.13] if one is applicable  
16 to the situation.

17 \* Sec. 13. AS 46.04.200 is amended to read:

18 Sec. 46.04.200. STATE MASTER PLAN. (a) The department shall prepare,  
19 [AND] annually review, and revise as necessary a statewide master oil and hazardous  
20 substance discharge prevention and contingency plan.

21 (b) The state master plan prepared under this section must

22 (1) take into consideration the elements of an oil discharge prevention  
23 and contingency plan approved or submitted for approval under AS 46.04.030;

24 (2) include incident command systems that clarify and specify the  
25 respective responsibilities of each of the following in the assessment, containment, and  
26 cleanup of various types and sizes of discharges of oil or a hazardous substance into  
27 the environment of the state:

28 (A) the Department of Environmental Conservation, the division  
29 of emergency services in the Department of Military and Veterans' Affairs, and  
30 other agencies of the state; responsibilities assigned to each agency must be  
31 consistent with its statutory authority;

- 1 (B) municipalities of the state;  
2 (C) appropriate federal agencies;  
3 (D) operators of facilities;  
4 (E) private parties whose land and other property may be  
5 affected by the oil or hazardous substance discharge; and

- 6 (F) other parties identified by the commission as having an  
7 interest in or the resources to assist in the containment and cleanup of an oil  
8 or hazardous substance discharge;

9 (3) include incident command systems that specify the respective  
10 responsibilities of parties identified in (2) of this subsection in an emergency response  
11 under AS 26.23, AS 46.03.865, [OR] AS 46.04.080, or AS 46.09.030; responsibilities  
12 assigned to each state agency must be consistent with its statutory authority;

13 (4) identify actions necessary to reduce the likelihood of catastrophic  
14 oil discharges and significant discharges of hazardous substances; and

15 (5) designate the locations where oil and hazardous substance  
16 emergency response depots should be established in the state and where emergency  
17 response corps personnel should be available.

18 (c) In preparing and annually reviewing the state master plan, the  
19 commissioner shall

20 (1) consult with municipal and community officials, and with  
21 representatives of affected regional organizations;

22 (2) submit the draft plan to the public for review and comment;

23 (3) submit to the legislature for review, not later than the 10th day  
24 following the convening of each regular session, the plan and any [ANNUAL] revision  
25 of the plan;

26 (4) require or schedule unannounced oil spill drills to test the  
27 sufficiency of an oil discharge prevention and contingency plan approved under  
28 AS 46.04.030 or of the cleanup plans of a party identified under (b)(2) of this section;  
29 and

30 (5) submit the plan and any [ANNUAL] revision to the Alaska State  
31 Emergency Response Commission for its review and approval under AS 26.23.077

1 [AS 46.13.045].

2 \* Sec. 14. AS 46.04.210(a) is amended to read:

3 (a) For any region of the state, the boundaries of which are determined by the  
4 commissioner by regulation, in which the department is required to review and approve  
5 an oil discharge prevention and contingency plan submitted by a person under  
6 AS 46.04.030, the department shall prepare, [AND] annually review, and revise as  
7 necessary a regional master oil and hazardous substance discharge prevention and  
8 contingency plan.

9 \* Sec. 15. AS 46.04.210 is amended by adding a new subsection to read:

10 (c) In setting boundaries under (a) of this section, the department shall, when  
11 possible, group together communities that are likely to require coordination of their  
12 efforts to respond effectively to a disaster.

13 \* Sec. 16. AS 46.08.040(a) is amended to read:

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

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

23 (2) pay all costs incurred to

24 (A) establish and maintain the oil and hazardous substance  
25 response office, corps, and depots;

26 (B) review oil discharge prevention and contingency plans  
27 submitted under AS 46.04.030;

28 (C) conduct training, response exercises, inspections, and tests,  
29 in order to verify equipment inventories and ability to prevent and respond to  
30 oil and hazardous substance release emergencies, and to undertake other  
31 activities intended to verify or establish the preparedness of the state, a

1 municipality, or a party required by AS 46.04.030 to have an approved  
2 contingency plan to act in accordance with that plan; and

3 (D) verify or establish proof of financial responsibility required  
4 by AS 46.04.040;

5 (3) pay the expenses incurred by the Alaska division of emergency  
6 services for State Emergency Response Commission activities, including staff  
7 support, and for the division's costs of responding to a request by the department  
8 for support in response and restoration activities [THE OIL AND HAZARDOUS  
9 SUBSTANCE RESPONSE CORPS AND THE OIL AND HAZARDOUS  
10 SUBSTANCE RESPONSE DEPOTS WHEN PRESENTED WITH APPROPRIATE  
11 DOCUMENTATION BY THE DIVISION];

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

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

18 (6) prepare, review, and revise

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

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

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

25 \* Sec. 17. AS 46.08.110 is amended to read:

26 Sec. 46.08.110. RESPONSE CORPS. (a) The department [DIVISION OF  
27 EMERGENCY SERVICES, DEPARTMENT OF MILITARY AND VETERANS'  
28 AFFAIRS,] shall establish an oil and hazardous substance response corps.

29 (b) The corps consists of volunteers who register with the department  
30 [DIVISION] and agree to be trained by the department [DIVISION] in techniques for  
31 containment and cleanup and to be available on short notice to assist in containment

1 and cleanup consistent with the responsibilities assigned to the corps under an  
2 applicable incident command system.

3 (c) Members of the corps are entitled to per diem and expenses as determined  
4 by the department [DIVISION] for training and for days spent in service to the state  
5 in containment and cleanup actions.

6 \* Sec. 18. AS 46.08.120 is amended to read:

7 Sec. 46.08.120. RESPONSE DEPOTS. The department [DIVISION] shall  
8 maintain emergency response depots in areas of the state determined in the plans  
9 prepared under AS 46.04.200 - 46.04.210 to be potential sites of releases or threatened  
10 releases of oil or hazardous substances. The depots shall be equipped and staffed in  
11 a manner that ensures prompt response when containment and cleanup actions are  
12 necessary.

13 \* Sec. 19. AS 46.08.150 is amended to read:

14 Sec. 46.08.150. CONTRACTS. The department [OFFICE OR THE  
15 DIVISION, AS APPLICABLE,] may enter into agreements with agencies of the state  
16 and federal government, political subdivisions, the University of Alaska, or private  
17 persons or entities to

18 (1) provide the personnel, equipment, or other services or supplies  
19 necessary to establish and maintain regional oil and hazardous substances depots and  
20 as necessary for response readiness;

21 (2) train members of response corps; and

22 (3) conduct research into oil and hazardous substances spill technology;  
23 the office shall include in the research topics for which it conducts or contracts for  
24 research, the research topics recommended to it by the Hazardous Substance Spill  
25 Technology Review Council under AS 46.13.120.

26 \* Sec. 20. AS 46.13.100 is amended to read:

27 Sec. 46.13.100. FINDINGS AND PURPOSE. The legislature

28 (1) finds and declares that there exists a lack of scientific knowledge  
29 concerning the availability, properties, and effectiveness of various hazardous substance  
30 containment and cleanup technologies; and

31 (2) concludes that it is in the best interest of the state and its citizens

1 to establish a Hazardous Substance Spill Technology Review Council [IN THE  
2 ALASKA STATE EMERGENCY RESPONSE COMMISSION] to assist in the  
3 identification of containment and cleanup products and procedures for arctic and  
4 sub-arctic hazardous substance releases and make recommendations to the departments  
5 and agencies of the state regarding their use and deployment.

6 \* Sec. 21. AS 46.13.110(a) is amended to read:

7 (a) There is established in the Department of Environmental Conservation  
8 [ALASKA STATE EMERGENCY RESPONSE COMMISSION] the Hazardous  
9 Substance Spill Technology Review Council.

10 \* Sec. 22. AS 26.23.215; AS 46.04.200(b)(5); AS 46.08.190(3); AS 46.13.010, 46.13.020,  
11 46.13.030, 46.13.040, 46.13.045, 46.13.050, 46.13.060, 46.13.070, 46.13.080, 46.13.090,  
12 46.13.120(6), and 46.13.900(1) are repealed.

13 \* Sec. 23. TRANSITION. (a) Litigation, hearings, investigations, and other proceedings  
14 pending under a law amended or repealed by this Act, or in connection with functions  
15 transferred by this Act, continue in effect and may be continued and completed  
16 notwithstanding a transfer or amendment or repeal provided for in this Act.

17 (b) Contracts, rights, liabilities, and obligations created by or under a law amended  
18 or repealed by this Act, and in effect on the effective date of this Act, remain in effect  
19 notwithstanding this Act's taking effect.

20 (c) Regulations adopted under sections amended or repealed by this Act remain in  
21 effect until superseded by new regulations adopted under sections amended or enacted by this  
22 Act.