

**CS FOR SENATE BILL NO. 33(STA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE STATE AFFAIRS COMMITTEE**

**Offered: 1/24/94  
Referred: Finance**

**Sponsor(s): SENATOR LEMAN**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to emergency planning and response; transferring the Hazardous  
2 Substance Spill Technology Review Council to the Department of Environmental  
3 Conservation; transferring the Alaska State Emergency Response Commission,  
4 including its duty to designate local emergency planning districts and appoint local  
5 emergency planning committees, to the Department of Military and Veterans'  
6 Affairs; and eliminating a requirement that the state and regional oil discharge  
7 prevention and contingency plans be revised annually."

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

9 \* Section 1. AS 26.23.040(e) is amended by adding a new paragraph to read:

10 (12) to the extent that money is available from an appropriation for the  
11 purposes of this paragraph,

12 (A) award grants for the purpose of forming local emergency  
13 planning committees under AS 26.23.073;

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

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

6 (D) award grants for training local emergency planning  
7 committees and for training and equipping the emergency response  
8 organizations that execute the plans developed by the committees under  
9 AS 26.23.073 and 26.23.075.

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

11 (f) To the extent that the plan prepared under this section relates to action  
12 required to avert human injury or other damage from a release of a hazardous  
13 substance, the plan must be substantially equivalent in relevant respect to the local  
14 emergency plans prepared under AS 26.23.073 and 26.23.075 and the state and  
15 regional master plans prepared by the Department of Environmental Conservation  
16 under AS 46.04.200 - 46.04.210. The plan must use an incident command system  
17 comparable to the system used in those plans and must be reviewed by the Alaska  
18 State Emergency Response Commission under AS 26.23.077.

19 \* Sec. 3. AS 26.23 is amended by adding a new section to read:

20 Sec. 26.23.045. RESPONSE CORPS; DEPOTS. (a) The department shall  
21 establish a response corps. The corps consists of volunteers who register with the  
22 department and agree to be trained in techniques for emergency and disaster response  
23 and to be available on short notice to carry out responsibilities of the corps under an  
24 applicable incident command system. Members of the corps are entitled to per diem  
25 and expenses as determined by the department for training and for days spent in  
26 service to the state.

27 (b) The department shall maintain emergency response depots in areas of the  
28 state identified for that purpose in the state emergency plan developed under  
29 AS 26.23.040. The depots shall be equipped and staffed in a manner that ensures  
30 prompt response to emergencies and disasters.

31 \* Sec. 4. AS 26.23.060(a) is amended to read:

1           (a) Each political subdivision in the state is within the jurisdiction of, and shall  
2 be served by, the Alaska division of emergency services. A municipality also may be  
3 served by a local or interjurisdictional agency that is responsible for disaster  
4 preparedness and coordination of response or by a local emergency planning  
5 committee created under AS 26.23.071 that is responsible for oil and hazardous  
6 substance release response planning.

7 \* Sec. 5. AS 26.23.060 is amended by adding a new subsection to read:

8           (g) To the extent that a plan prepared under this section relates to action  
9 required to avert human injury or other damage from a release of a hazardous  
10 substance, the plan must be substantially equivalent in relevant respect to the local  
11 emergency plans prepared under AS 26.23.073 and 26.23.075 and the state and  
12 regional master plans prepared by the Department of Environmental Conservation  
13 under AS 46.04.200 - 46.04.210. The plan must use an incident command system  
14 comparable to the system used in those plans and must be reviewed by the Alaska  
15 State Emergency Response Commission under AS 26.23.077.

16 \* Sec. 6. AS 26.23.070 is amended by adding a new subsection to read:

17           (d) To the extent that a plan prepared under this section relates to action  
18 required to avert human injury or other damage from a release of a hazardous  
19 substance, the plan must be substantially equivalent in relevant respect to the local  
20 emergency plans prepared under AS 26.23.073 and 26.23.075 and the state and  
21 regional master plans prepared by the Department of Environmental Conservation  
22 under AS 46.04.200 - 46.04.210. The plan must use an incident command system  
23 comparable to the system used in those plans and must be reviewed by the Alaska  
24 State Emergency Response Commission under AS 26.23.077.

25 \* Sec. 7. AS 26.23 is amended by adding new sections to read:

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

29           (b) The commission consists of the commissioners of community and regional  
30 affairs, environmental conservation, fish and game, health and social services, labor,  
31 natural resources, public safety, and transportation and public facilities, or the

1 designees of the commissioners, the adjutant general of the Department of Military and  
2 Veterans' Affairs or a designee, and seven members of the public appointed by the  
3 governor, two of whom must be members of a local emergency planning committee  
4 for an emergency planning district that is predominantly rural in character and two of  
5 whom must be members of a local emergency planning committee for an emergency  
6 planning district that is predominantly urban in character. Two of the other three  
7 members of the public who are appointed to the commission must be members of the  
8 governing body of a political subdivision that has a local emergency planning  
9 committee. To the extent practicable, the commission must include members with  
10 expertise in the emergency response field.

11 (c) The adjutant general of the Department of Military and Veterans' Affairs,  
12 or the adjutant general's designee, and the commissioner of environmental  
13 conservation, or the commissioner's designee, shall co-chair the commission. The  
14 Department of Military and Veterans' Affairs shall provide staff support to the  
15 commission.

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

21 (e) The commission shall

22 (1) serve as the state emergency response commission required under  
23 42 U.S.C. 11001 - 11005;

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

27 (3) review the plans described in (2) of this subsection according to the  
28 criteria established in AS 26.23.077;

29 (4) designate, and revise as necessary, the boundaries of emergency  
30 planning districts under AS 26.23.073;

31 (5) establish a local emergency planning committee under

1 AS 26.23.073(d) for each emergency planning district;

2 (6) supervise and coordinate the activities of local emergency planning  
3 committees;

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

7 (8) review reports about responses to disaster emergencies and make  
8 recommendations to the appropriate parties involved in the response concerning  
9 improved prevention and preparedness;

10 (9) perform other coordinating, advisory, or planning tasks related to  
11 emergency planning and preparedness for all types of hazards, community  
12 right-to-know reporting, toxic chemical release reporting, or management of hazardous  
13 substances;

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

19 (11) to the extent consistent with the constitution and law of the state,  
20 perform all other functions prescribed for state emergency response commissions under  
21 42 U.S.C. 11001 - 11005; and

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

24 Sec. 26.23.073. EMERGENCY PLANNING DISTRICTS AND  
25 COMMITTEES. (a) The commission shall set the boundaries of local emergency  
26 planning districts. The commission shall set the boundaries of a district so that they  
27 are coextensive with the boundaries of a single political subdivision except when it  
28 would be more appropriate, based on findings of the commission, for the district to  
29 include more than one political subdivision or some area that is not contained within  
30 a political subdivision. Before the commission sets the boundaries for a district under  
31 this subsection so that it includes more than one political subdivision or some area that

1 is not within a political subdivision, the commission shall consult the emergency  
2 response organizations and the governing body of the political subdivisions in the  
3 proposed district.

4 (b) If, after the commission sets boundaries for districts under (a) of this  
5 section, there remain areas of the state that are not included in any district, those areas  
6 constitute a local emergency planning district.

7 (c) If the commission sets boundaries for a district under this section that  
8 includes more than one political subdivision, the commission shall recommend to the  
9 governor the designation of an interjurisdictional disaster planning and service area  
10 under AS 26.23.070 whose boundaries are coextensive with the boundaries of the local  
11 emergency planning district established under this section.

12 (d) The commission shall appoint the members of a local emergency planning  
13 committee for each emergency planning district established under (a) and (b) of this  
14 section. In making appointments for a district that contains only one political  
15 subdivision, the commission shall follow the recommendations of the governing body  
16 of the political subdivision if those recommendations would constitute a committee that  
17 meets the requirements of this subsection. In making appointments for a district that  
18 contains more than one political subdivision, the commission shall consider the  
19 recommendations of the governing body of each political subdivision and follow the  
20 recommendations to the extent that the governing bodies are in agreement and their  
21 recommendations would constitute a committee that meets the requirements of this  
22 subsection. To the extent required under regulations that may be adopted by the  
23 commission, the political subdivisions in a district that includes more than one political  
24 subdivision shall follow a process under which they develop coordinated  
25 recommendations to submit to the commission under this subsection. In making  
26 appointments for a district that includes some area that is not contained within a  
27 political subdivision, the commission shall consider the recommendations of emergency  
28 response organizations in the district. In making appointments for the district formed  
29 under (b) of this section, the commission shall attempt to achieve equitable  
30 geographical representation on the committee. Except as provided in (e) of this  
31 section, each committee must include, at a minimum, representatives of each of the

1 following seven categories:

- 2 (1) elected local officials;
- 3 (2) law enforcement, civil defense, fire fighting, first aid, health, local  
4 environmental, hospital, and transportation personnel;
- 5 (3) broadcast or print media;
- 6 (4) community groups;
- 7 (5) owners and operators of facilities subject to the requirements of 42  
8 U.S.C. 11001 - 11005;
- 9 (6) members of a local or interjurisdictional planning and disaster  
10 agency if one has been established that includes part of the district; and
- 11 (7) members of the public that are not described in (1) - (6) of this  
12 subsection.

13 (e) If advertisement and the commission's own initiative do not result in the  
14 acceptance of appointment to a committee by at least one person from a category  
15 under (d)(1) - (7) of this section, the requirement of (d) of this section that there be  
16 representation of that category on that committee is suspended until sufficient willing  
17 appointees become available.

18 (f) A person may request the commission to change the membership of a local  
19 emergency planning committee.

20 (g) Each local emergency planning committee shall

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

24 (2) appoint a chair and establish rules by which the committee shall  
25 function, including provisions for public notification of committee activities, public  
26 advertising of positions available on the committee, public meetings to discuss the  
27 emergency plan, public comments, response to the comments by the committee,  
28 distribution of the emergency plan, and designation of an official to serve as  
29 coordinator for information;

30 (3) prepare and periodically review an emergency plan in accordance  
31 with 42 U.S.C. 11003(a) in a manner that includes coordination with the political

1 subdivisions covered by the plan;

2 (4) evaluate the need for resources necessary to develop, implement,  
3 and exercise the emergency plan, and submit recommendations to the political  
4 subdivisions in the emergency planning district with respect to the resources that may  
5 be required and the means for providing the resources;

6 (5) to the extent consistent with the constitution and law of the state,  
7 perform all other functions prescribed for emergency planning committees in 42 U.S.C.  
8 11001 - 11005;

9 (6) to the extent considered advisable by the committee, make  
10 recommendations to political subdivisions, interjurisdictional planning and disaster  
11 agencies, and state agencies about the preparation of local, state, and interjurisdictional  
12 plans; and

13 (7) serve as an advisory committee to the political subdivisions within  
14 the emergency planning district or the interjurisdictional planning and service area  
15 established under AS 26.23.070 with respect to emergency planning, training, and  
16 response.

17 (h) A state agency represented on the commission shall, upon request, provide  
18 technical assistance to a local emergency planning committee in the performance of  
19 its duties under this section.

20 Sec. 26.23.075. EMERGENCY PLANS. (a) An emergency plan prepared  
21 under AS 26.23.073 must include

22 (1) identification of facilities subject to the requirements of 42 U.S.C.  
23 11001 - 11005 that are within the emergency planning district, identification of routes  
24 likely to be used for the transportation of substances on the list of extremely hazardous  
25 substances referred to in 42 U.S.C. 11002(a), and identification of additional facilities  
26 contributing or subjected to additional risk due to their proximity to facilities subject  
27 to the requirements of 42 U.S.C. 11001 - 11005 such as hospitals or natural gas  
28 facilities;

29 (2) methods and procedures to be followed by facility owners and  
30 operators and local emergency and medical personnel to respond to a release of  
31 hazardous substances or a release of substances on the list of extremely hazardous

- 1 substances referred to in 42 U.S.C. 11002(a);
- 2 (3) designation of an emergency coordinator, as required under
- 3 AS 26.23.060(d), and facility emergency coordinators, who shall make determinations
- 4 necessary to implement the emergency plan;
- 5 (4) procedures providing reliable, effective, and timely notification by
- 6 the facility emergency coordinators to persons designated in the emergency plan, and
- 7 to the public, that a release has occurred, consistent with the emergency notification
- 8 requirements of 42 U.S.C. 11004;
- 9 (5) methods for determining the occurrence of a release and the area
- 10 or population likely to be affected by that release;
- 11 (6) a description of emergency equipment and facilities in the
- 12 community and at each facility in the community subject to the requirements of 42
- 13 U.S.C. 11001 - 11005, and an identification of the persons responsible for the
- 14 equipment and facilities;
- 15 (7) evacuation plans, including provisions for a precautionary
- 16 evacuation and alternative traffic routes;
- 17 (8) training programs, including schedules for training of local
- 18 emergency response and medical personnel; and
- 19 (9) methods and schedules for exercising the emergency plan.
- 20 (b) An emergency plan prepared under AS 26.23.073 may include descriptions,
- 21 procedures, and programs related to disasters other than those caused by releases of
- 22 hazardous substances.
- 23 (c) Each emergency plan prepared under AS 26.23.073 must incorporate within
- 24 it an incident command system. The incident command system must be substantially
- 25 equivalent in relevant respects to the incident command systems established under
- 26 AS 46.04.200 - 46.04.210 and meet the requirements of AS 26.23.077.
- 27 **Sec. 26.23.077. PLAN REVIEW; INCIDENT COMMAND SYSTEMS. (a)**
- 28 **The commission shall review and make recommendations about local,**
- 29 **interjurisdictional, regional, and state emergency plans, including plans prepared under**
- 30 **this chapter and AS 46.04.200 - 46.04.210.**
- 31 (b) When making recommendations about a plan, the commission shall suggest

1 changes that ensure that the plan includes an incident command system that describes  
2 the respective roles of affected persons and agencies in a clear and specific manner and  
3 that the respective roles of state agencies are consistent with their statutory duties. The  
4 commission shall also suggest changes that ensure that the plans are well-integrated  
5 with related plans.

6 (c) To the extent consistent with other law, an incident command system  
7 recommended under this section or included in a plan reviewed under this section must  
8 provide that the Department of Military and Veterans' Affairs has a major role in  
9 mobilization of personnel and resources, communications, transportation planning, and  
10 other logistics involved in a state response to a disaster or other emergency.

11 \* Sec. 8. AS 26.23.150(a) is amended to read:

12 (a) In addition to disaster prevention measures as included in the state, local,  
13 and interjurisdictional disaster plans, the governor shall consider, on a continuing basis,  
14 steps that could be taken to prevent or reduce the harmful consequences of disasters.  
15 At the governor's direction, and under any other authority and competence they have,  
16 state agencies, including but not limited to those charged with responsibilities in  
17 connection with flood plain management, stream encroachment and flow regulation,  
18 weather modification, fire prevention and control, environmental [AIR] quality, public  
19 works, land use and land use planning, and construction standards, shall make studies  
20 of disaster-prevention-related matters. The governor, from time to time, shall make  
21 recommendations to the legislature, local governments, and other appropriate public  
22 and private entities as may facilitate measures for the prevention or reduction of the  
23 harmful consequences of disasters.

24 \* Sec. 9. AS 26.23.900 is amended by adding new paragraphs to read:

25 (8) "commission" means the Alaska State Emergency Response  
26 Commission;

27 (9) "hazardous substance" has the meaning given in AS 46.03.826;

28 (10) "interjurisdictional planning and disaster agency" means an  
29 interjurisdictional agency authorized under AS 26.23.060 or an interjurisdictional  
30 relationship created by order of the governor under AS 26.23.070(a).

31 \* Sec. 10. AS 46.03.865(a) is amended to read:

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

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

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

18 \* Sec. 12. AS 46.04.200 is amended to read:

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

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

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

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

29                           (A) the Department of Environmental Conservation [, THE  
30 DIVISION OF EMERGENCY SERVICES IN THE DEPARTMENT OF  
31 MILITARY AND VETERANS' AFFAIRS, AND OTHER AGENCIES OF

1 THE STATE; RESPONSIBILITIES ASSIGNED TO EACH AGENCY MUST  
2 BE CONSISTENT WITH ITS STATUTORY AUTHORITY];

3 (B) municipalities of the state;

4 (C) appropriate federal agencies;

5 (D) operators of facilities;

6 (E) private parties whose land and other property may be  
7 affected by the oil or hazardous substance discharge; and

8 (F) if the release involves a disaster declared by a state or  
9 local official, the duties of all appropriate state agencies [OTHER PARTIES  
10 IDENTIFIED BY THE COMMISSION AS HAVING AN INTEREST IN OR  
11 THE RESOURCES TO ASSIST IN THE CONTAINMENT AND CLEANUP  
12 OF AN OIL OR HAZARDOUS SUBSTANCE DISCHARGE];

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

17 (4) identify actions necessary to reduce the likelihood of  
18 [CATASTROPHIC OIL DISCHARGES AND SIGNIFICANT] discharges of oil or  
19 hazardous substances [; AND

20 (5) DESIGNATE THE LOCATIONS WHERE OIL AND  
21 HAZARDOUS SUBSTANCE EMERGENCY RESPONSE DEPOTS SHOULD BE  
22 ESTABLISHED IN THE STATE AND WHERE EMERGENCY RESPONSE CORPS  
23 PERSONNEL SHOULD BE AVAILABLE].

24 (c) If the commissioner determines that [IN PREPARING AND  
25 ANNUALLY REVIEWING] the state master plan should be revised, the  
26 commissioner shall

27 (1) consult with municipal, [AND] community, and local emergency  
28 planning committee officials, and with representatives of affected regional  
29 organizations;

30 (2) submit the draft plan with revisions to the public for review and  
31 comment; and

1                   (3) submit to the legislature for review, not later than the 10th day  
2 following the convening of each regular session, [THE PLAN AND] any [ANNUAL]  
3 revision of the plan;

4                   (4) [REQUIRE OR SCHEDULE UNANNOUNCED OIL SPILL  
5 DRILLS TO TEST THE SUFFICIENCY OF AN OIL DISCHARGE PREVENTION  
6 AND CONTINGENCY PLAN APPROVED UNDER AS 46.04.030 OR OF THE  
7 CLEANUP PLANS OF A PARTY IDENTIFIED UNDER (b)(2) OF THIS SECTION;

8                   (5)] submit [THE PLAN AND] any revision of the plan to the Alaska  
9 State Emergency Response Commission for its review [AND APPROVAL] under  
10 AS 26.23.077 [AS 46.13.045].

11 \* Sec. 13. AS 46.04.200 is amended by adding a new subsection to read:

12                   (d) In order to determine whether the state master plan should be revised, or  
13 at any other time, the commissioner may require or schedule unannounced oil spill  
14 drills to test the sufficiency of an oil discharge prevention and contingency plan  
15 approved under AS 46.04.030 or of the cleanup plans of a party identified under (b)(2)  
16 of this section.

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

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

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

25                   (c) In setting boundaries under (a) of this section, the department shall, when  
26 possible, group together communities that are likely to require coordination of their  
27 efforts to respond effectively to a discharge.

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

29                   (a) In addition to money in the fund that is transferred to the commissioner of  
30 community and regional affairs to make grants under AS 29.60.510 and to pay for  
31 impact assessments under AS 29.60.560, the commissioner of environmental

1 conservation may use money from the fund to

2 (1) investigate and evaluate the release or threatened release of oil or

3 a hazardous substance, and contain, clean up, and take other necessary action, such as

4 monitoring and assessing, to address a release or threatened release of oil or a

5 hazardous substance that poses an imminent and substantial threat to the public health

6 or welfare, or to the environment;

7 (2) pay all costs incurred to

8 (A) establish and maintain the oil and hazardous substance

9 response office, including costs incurred under an agreement entered into

10 under AS 46.04.090 or AS 46.09.040;

11 (B) review oil discharge prevention and contingency plans

12 submitted under AS 46.04.030;

13 (C) conduct training, response exercises, inspections, and tests,

14 in order to verify equipment inventories and ability to prevent and respond to

15 oil and hazardous substance release emergencies, and to undertake other

16 activities intended to verify or establish the preparedness of the state, a

17 municipality, or a party required by AS 46.04.030 to have an approved

18 contingency plan to act in accordance with that plan; and

19 (D) verify or establish proof of financial responsibility required

20 by AS 46.04.040;

21 (3) pay the expenses incurred by the Department of Military and

22 Veterans' Affairs [ALASKA DIVISION OF EMERGENCY SERVICES] for Alaska

23 State Emergency Response Commission activities, including staff support, and for

24 the costs of being prepared for and responding to a request by the Department

25 of Environmental Conservation for support in response and restoration activities,

26 but not including the costs of maintaining the [OIL AND HAZARDOUS

27 SUBSTANCE] response corps and the emergency [OIL AND HAZARDOUS

28 SUBSTANCE] response depots under AS 26.23.045, when presented with appropriate

29 documentation by the Department of Military and Veterans' Affairs [DIVISION];

30 (4) provide matching funds for participation in federal oil discharge

31 cleanup activities and under 42 U.S.C. 9601 - 9657 (Comprehensive Environmental

1           **Response, Compensation, and Liability Act of 1980);**

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

5                           (6) prepare, review, and revise

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

8   (B) a regional master oil and hazardous substance discharge  
9           **prevention and contingency plan required by AS 46.04.210; and**

10                           (7) restore the environment by addressing the effects of an oil or  
11           **hazardous substance release.**

12   \* **Sec. 17. AS 46.08.150 is amended to read:**

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

17   [(1) PROVIDE THE PERSONNEL, EQUIPMENT, OR OTHER  
18           **SERVICES OR SUPPLIES NECESSARY TO ESTABLISH AND MAINTAIN**  
19           **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  
23           **technology; the department [OFFICE] shall include in the research topics for which**  
24           **it conducts or contracts for research, the research topics recommended to it by the**  
25           **Hazardous Substance Spill Technology Review Council under AS 46.13.120.**

26   \* **Sec. 18. AS 46.09.040 is amended to read:**

27                           Sec. 46.09.040.   **HAZARDOUS SUBSTANCES CONTAINMENT AND**  
28           **CLEANUP.**   The department [COMMISSIONER] may contract with a person or a  
29           **municipality for personnel, equipment, or services that may be useful to carry out the**  
30           **requirements of this chapter. If the department [COMMISSIONER] determines that**  
31           **it is infeasible to contract with a person or a municipality, the department**

1 [COMMISSIONER] may establish and maintain containment and cleanup personnel,  
2 equipment, and supplies necessary to carry out the requirements of this chapter. When  
3 exercising its authority under this section, the department shall coordinate with  
4 the Department of Military and Veterans' Affairs to avoid duplication of efforts.

5 \* Sec. 19. AS 46.13.100 is amended to read:

6 Sec. 46.13.100. FINDINGS AND PURPOSE. The legislature

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

10 (2) concludes that it is in the best interest of the state and its citizens  
11 to establish a Hazardous Substance Spill Technology Review Council [IN THE  
12 ALASKA STATE EMERGENCY RESPONSE COMMISSION] to assist in the  
13 identification of containment and cleanup products and procedures for arctic and  
14 sub-arctic hazardous substance releases and make recommendations to the departments  
15 and agencies of the state regarding their use and deployment.

16 \* Sec. 20. AS 46.13.110(a) is amended to read:

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

20 \* Sec. 21. AS 26.23.190(b), 26.23.195(a), 26.23.195(c), 26.23.215; AS 46.08.110,  
21 46.08.120, 46.08.190(1), 46.08.190(2), 46.08.190(3); AS 46.13.010, 46.13.020, 46.13.030,  
22 46.13.040, 46.13.045, 46.13.050, 46.13.060, 46.13.070, 46.13.080, 46.13.090, 46.13.120(6),  
23 and 46.13.900(1) are repealed.

24 \* Sec. 22. TRANSITION. (a) Litigation, hearings, investigations, and other proceedings  
25 pending under a law amended or repealed by this Act, or in connection with functions  
26 transferred by this Act, continue in effect and may be continued and completed  
27 notwithstanding a transfer or amendment or repeal provided for in this Act.

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

31 (c) Regulations adopted under sections amended or repealed by this Act remain in

- 1 effect until superseded by new regulations adopted under sections amended or enacted by this
- 2 Act.