

**CS FOR SENATE BILL NO. 33(FIN)****IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - SECOND SESSION****BY THE SENATE FINANCE COMMITTEE****Offered: 2/18/94****Referred: Rules****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(b) is amended to read:

10 (b) The Alaska division of emergency services shall play an integral part in  
11 the development and revision of local and interjurisdictional disaster plans prepared  
12 under AS 26.23.060. To this end, it may employ or otherwise secure the services of  
13 professional and technical personnel capable of providing expert assistance to political

1 subdivisions, their disaster agencies, and representatives of interjurisdictional disaster  
2 planning and service areas [DISASTER AGENCIES]. These personnel shall consult  
3 with political subdivisions and agencies on a regular basis and shall make field  
4 examinations of the areas, circumstances, and conditions to which particular local and  
5 interjurisdictional disaster plans are intended to apply and may suggest or require  
6 revisions.

7 \* Sec. 2. AS 26.23.040(c) is amended to read:

8 (c) In preparing and maintaining the state emergency plan, the Alaska division  
9 of emergency services shall seek the advice and assistance of local government,  
10 business, labor, industry, agriculture, civic and volunteer organizations and community  
11 leaders. In advising local and interjurisdictional disaster planners [AGENCIES], the  
12 office shall encourage them also to seek advice from these sources.

13 \* Sec. 3. AS 26.23.040(e) is amended to read:

14 (e) The Alaska division of emergency services shall

15 (1) determine requirements of the state and its political subdivisions for  
16 food, clothing, and other necessities in the event of a disaster emergency;

17 (2) procure and pre-position supplies, medicines, materials, and  
18 equipment;

19 (3) adopt standards and requirements for local and interjurisdictional  
20 disaster plans;

21 (4) periodically review local and interjurisdictional disaster plans;

22 (5) establish and operate, or assist political subdivisions, their disaster  
23 agencies, and representatives of interjurisdictional disaster planning and service  
24 areas [AGENCIES] to establish and operate, training programs;

25 (6) plan and make arrangements for the availability and use of any  
26 private facilities, services, and property and, if necessary and if in fact used, provide  
27 for payment for use under terms and conditions agreed upon by the parties;

28 (7) establish a register of persons with types of training and skills  
29 important in disaster prevention, preparedness, response, and recovery;

30 (8) prepare, for issuance by the governor, orders, proclamations, and  
31 regulations as necessary or appropriate in coping with disasters;

1 (9) cooperate with the federal government and any public or private  
2 agency or entity in achieving any purpose of this chapter and in implementing  
3 programs for disaster prevention, preparedness, response and recovery;

4 (10) develop and carry out procedures and policies to effectively  
5 employ disaster relief funds made available by the governor's authority or by special  
6 legislative action; these procedures shall include application and documentation by  
7 disaster victims or applicants, review, verification and funding approval, and  
8 processing of appeals;

9 (11) do other things necessary or proper for the implementation of this  
10 chapter;

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

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

15 (B) in order to comply with 49 U.S.C. Appx. 1815(a)(3),  
16 make funds available to local emergency planning committees for  
17 developing and maintaining emergency plans under AS 26.23.073 and  
18 26.23.075;

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

21 (D) award grants for training local emergency planning  
22 committees and for training and equipping the emergency response  
23 organizations that execute the plans developed by the committees under  
24 AS 26.23.073 and 26.23.075.

25 \* Sec. 4. AS 26.23.040 is amended by adding a new subsection to read:

26 (f) To the extent that the plan prepared under this section relates to action  
27 required to avert human injury or other damage from a release of a hazardous  
28 substance, the plan must be substantially equivalent in relevant respect to the local  
29 emergency plans prepared under AS 26.23.073 and 26.23.075 and the state and  
30 regional master plans prepared by the Department of Environmental Conservation  
31 under AS 46.04.200 - 46.04.210. The plan must use an incident command system

1 comparable to the system used in those plans and must be reviewed by the Alaska  
2 State Emergency Response Commission under AS 26.23.077.

3 • Sec. 5. AS 26.23 is amended by adding a new section to read:

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

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

15 • Sec. 6. AS 26.23.060(a) is amended to read:

16 (a) Each political subdivision in the state is within the jurisdiction of, and shall  
17 be served by, the Alaska division of emergency services. [A MUNICIPALITY ALSO  
18 MAY BE SERVED BY A LOCAL OR INTERJURISDICTIONAL AGENCY  
19 RESPONSIBLE FOR DISASTER PREPAREDNESS AND COORDINATION OF  
20 RESPONSE].

21 • Sec. 7. AS 26.23.060(b) is amended to read:

22 (b) Each political subdivision is responsible for disaster preparedness and  
23 coordination of response

24 (1) by itself;

25 (2) in conjunction with other political subdivisions by establishing  
26 an [BOROUGH MAY MAINTAIN A DISASTER AGENCY, OR PARTICIPATE IN  
27 A LOCAL OR] interjurisdictional planning and service area under AS 26.23.070;  
28 or

29 (3) in conjunction with the Alaska division of emergency services  
30 [DISASTER AGENCY THAT, EXCEPT AS OTHERWISE PROVIDED IN THIS  
31 CHAPTER, HAS JURISDICTION OVER AND SERVES THE ENTIRE BOROUGH]

1    \* **Sec. 8.** AS 26.23.060(c) is amended to read:

2           (c) Each political subdivision that has not established the ability to mitigate,  
3           prepare for, respond to, and recover from disasters [DOES NOT HAVE A  
4           DISASTER AGENCY AND HAS NOT MADE ARRANGEMENTS TO SECURE OR  
5           PARTICIPATE IN THE SERVICES OF A DISASTER AGENCY] shall designate,  
6           and provide to the Alaska division of emergency services the name of, a liaison  
7           officer to facilitate the cooperation and protection of that political subdivision in the  
8           work of disaster prevention, preparedness, response, and recovery.

9    \* **Sec. 9.** AS 26.23.060(e) is amended to read:

10           (c) Each political subdivision [LOCAL AND INTERJURISDICTIONAL  
11           AGENCY] shall ensure that [PREPARE AND KEEP CURRENT] a written local or  
12           interjurisdictional disaster emergency plan for its area is prepared, maintained, and  
13           distributed to all appropriate officials. The disaster emergency plan must include  
14           a clear and complete statement of the emergency responsibilities of all local  
15           agencies and officials.

16    \* **Sec. 10.** AS 26.23.060 is amended by adding a new subsection to read:

17           (g) 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 respects, including the  
20           use of a comparable incident command system, to the local emergency plans prepared  
21           under AS 26.23.073 and 26.23.075 and the state and regional master plans prepared  
22           by the Department of Environmental Conservation under AS 46.04.200 - 46.04.210.  
23           The plan must use an incident command system comparable to the system used in  
24           those plans and must be reviewed by the Alaska State Emergency Response  
25           Commission under AS 26.23.077.

26    \* **Sec. 11.** AS 26.23.070 is amended by adding a new subsection to read:

27           (d) To the extent that a plan prepared under this section relates to action  
28           required to avert human injury or other damage from a release of a hazardous  
29           substance, the plan must be substantially equivalent in relevant respect to the local  
30           emergency plans prepared under AS 26.23.073 and 26.23.075 and the state and  
31           regional master plans prepared by the Department of Environmental Conservation

1 under AS 46.04.200 - 46.04.210. The plan must use an incident command system  
2 comparable to the system used in those plans and must be reviewed by the Alaska  
3 State Emergency Response Commission under AS 26.23.077.

4 • **Sec. 12.** AS 26.23 is amended by adding new sections to read:

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

8 (b) The commission consists of the commissioners of community and regional  
9 affairs, environmental conservation, fish and game, health and social services, labor,  
10 natural resources, public safety, and transportation and public facilities, or the  
11 designees of the commissioners, the adjutant general of the Department of Military and  
12 Veterans' Affairs or a designee, and seven members of the public appointed by the  
13 governor, two of whom must be members of a local emergency planning committee  
14 for an emergency planning district that is predominantly rural in character and two of  
15 whom must be members of a local emergency planning committee for an emergency  
16 planning district that is predominantly urban in character. Two of the other three  
17 members of the public who are appointed to the commission must be members of the  
18 governing body of, or the mayor of, a political subdivision that has a local emergency  
19 planning committee or a person nominated by the governing body or the mayor to  
20 represent the political subdivision. To the extent practicable, the commission must  
21 include members with expertise in the emergency response field.

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**(e) The commission shall**

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

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

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

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

**(5) establish a local emergency planning committee under AS 26.23.073(d) for each emergency planning district;**

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

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

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

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

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

**(11) to the extent consistent with the constitution and law of the state, perform all other functions prescribed for state emergency response commissions under**

1 42 U.S.C. 11001 - 11005; and

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

4 **Sec. 26.23.073. EMERGENCY PLANNING DISTRICTS AND**  
5 **COMMITTEES.** (a) The commission shall set the boundaries of local emergency  
6 planning districts. The commission shall set the boundaries of a district so that they  
7 are coextensive with the boundaries of a single political subdivision except when it  
8 would be more appropriate, based on findings of the commission, for the district to  
9 include more than one political subdivision or some area that is not contained within  
10 a political subdivision. Before the commission sets the boundaries for a district under  
11 this subsection so that it includes more than one political subdivision or some area that  
12 is not within a political subdivision, the commission shall consult the emergency  
13 response organizations and the political subdivisions in the proposed district.

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

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

22 (d) The commission shall appoint the members of a local emergency planning  
23 committee for each emergency planning district established under (a) and (b) of this  
24 section. In making appointments for a district that contains only one political  
25 subdivision, the commission shall follow the recommendations of the political  
26 subdivision if those recommendations would constitute a committee that meets the  
27 requirements of this subsection. In making appointments for a district that contains  
28 more than one political subdivision, the commission shall consider the  
29 recommendations of each political subdivision and follow the recommendations to the  
30 extent that the political subdivisions are in agreement and their recommendations  
31 would constitute a committee that meets the requirements of this subsection. To the

1 extent required under regulations that may be adopted by the commission, the political  
2 subdivisions in a district that includes more than one political subdivision shall follow  
3 a process under which they develop coordinated recommendations to submit to the  
4 commission under this subsection. In making appointments for a district that includes  
5 some area that is not contained within a political subdivision, the commission shall  
6 consider the recommendations of emergency response organizations in the district. In  
7 making appointments for the district formed under (b) of this section, the commission  
8 shall attempt to achieve equitable geographical representation on the committee.  
9 Except as provided in (e) of this section, each committee must include, at a minimum,  
10 representatives of each of the following seven categories:

11 (1) elected local officials;

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

14 (3) broadcast or print media;

15 (4) community groups;

16 (5) owners and operators of facilities subject to the requirements of 42  
17 U.S.C. 11001 - 11005;

18 (6) representatives of a local or interjurisdictional disaster planning and  
19 service area if one has been established that includes part of the district; and

20 (7) members of the public that are not described in (1) - (6) of this  
21 subsection.

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

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

29 (g) Each local emergency planning committee shall

30 (1) establish procedures for receiving and processing requests from the  
31 public for information under 42 U.S.C. 11044, including tier II information under 42

1 U.S.C. 11022;

2 (2) appoint a chair and establish rules by which the committee shall  
3 function, including provisions for public notification of committee activities, public  
4 advertising of positions available on the committee, public meetings to discuss the  
5 emergency plan, public comments, response to the comments by the committee,  
6 distribution of the emergency plan, and designation of an official to serve as  
7 coordinator for information;

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

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

15 (5) to the extent consistent with the constitution and law of the state,  
16 perform all other functions prescribed for emergency planning committees in 42 U.S.C.  
17 11001 - 11005;

18 (6) to the extent considered advisable by the committee, make  
19 recommendations to political subdivisions, representatives of interjurisdictional disaster  
20 planning and service areas, and state agencies about the preparation of local, state, and  
21 interjurisdictional plans; and

22 (7) serve as an advisory committee to the political subdivisions within  
23 the emergency planning district or the interjurisdictional planning and service area  
24 established under AS 26.23.070 with respect to emergency planning, training, and  
25 response.

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

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

31 (1) identification of facilities subject to the requirements of 42 U.S.C.

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

7 (2) methods and procedures to be followed by facility owners and  
8 operators and local emergency and medical personnel to respond to a release of  
9 hazardous substances or a release of substances on the list of extremely hazardous  
10 substances referred to in 42 U.S.C. 11002(a);

11 (3) designation of an emergency coordinator, as required under  
12 AS 26.23.060(d), and facility emergency coordinators, who shall make determinations  
13 necessary to implement the emergency plan;

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

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

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

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

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

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

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

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

5 **Sec. 26.23.077. PLAN REVIEW; INCIDENT COMMAND SYSTEMS. (a)**  
6 The commission shall review and make recommendations about local,  
7 interjurisdictional, regional, and state emergency plans, including plans prepared under  
8 this chapter and AS 46.04.200 - 46.04.210.

9 (b) When making recommendations about a plan, the commission shall suggest  
10 changes that ensure that the plan includes an incident command system that describes  
11 the respective roles of affected persons and agencies in a clear and specific manner and  
12 that the respective roles of state agencies are consistent with their statutory duties. The  
13 commission shall also suggest changes that ensure that the plans are well-integrated  
14 with related plans.

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

20 \* Sec. 13. AS 26.23.140(c) is amended to read:

21 (c) A representative of an [AN] interjurisdictional disaster planning and  
22 service area [AGENCY OR OFFICIAL OF AN AGENCY] may not declare a local  
23 disaster emergency unless expressly authorized by the principal executive officer of  
24 each political subdivision in the emergency area [AGREEMENT UNDER WHICH  
25 THE AGENCY FUNCTIONS. AN INTERJURISDICTIONAL DISASTER AGENCY  
26 SHALL PROVIDE AID AND SERVICES IN ACCORDANCE WITH THE  
27 AGREEMENT UNDER WHICH IT FUNCTIONS].

28 \* Sec. 14. AS 26.23.150(a) is amended to read:

29 (a) In addition to disaster prevention measures as included in the state, local,  
30 and interjurisdictional disaster plans, the governor shall consider, on a continuing basis,  
31 steps that could be taken to prevent or reduce the harmful consequences of disasters.

1 At the governor's direction, and under any other authority and competence they have,  
2 state agencies, including but not limited to those charged with responsibilities in  
3 connection with flood plain management, stream encroachment and flow regulation,  
4 weather modification, fire prevention and control, environmental [AIR] quality, public  
5 works, land use and land use planning, and construction standards, shall make studies  
6 of disaster-prevention-related matters. The governor, from time to time, shall make  
7 recommendations to the legislature, local governments, and other appropriate public  
8 and private entities as may facilitate measures for the prevention or reduction of the  
9 harmful consequences of disasters.

10 \* Sec. 15. AS 26.23.180(c) is amended to read:

11 (c) It is a sufficient reason for the governor to require an interjurisdictional  
12 agreement or arrangement under AS 26.23.070 that the area involved and political  
13 subdivisions in it have available equipment, supplies, and forces necessary to provide  
14 mutual aid on a regional basis, and that the political subdivisions have not already  
15 made adequate provision for mutual aid; but in requiring an interjurisdictional  
16 arrangement in order to accomplish the purpose of this section, the governor need not  
17 require establishment and maintenance of an interjurisdictional disaster planning and  
18 service area [AGENCY] or arrangement for any other disaster purposes.

19 \* Sec. 16. AS 26.23.900 is amended by adding new paragraphs to read:

20 (8) "commission" means the Alaska State Emergency Response  
21 Commission;

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

23 \* Sec. 17. AS 46.03.865(a) is amended to read:

24 (a) When the department finds that an actual or imminent discharge of oil, a  
25 hazardous substance, or low level radioactive materials to the air, water, land, or  
26 subsurface land of the state poses an immediate threat to the public health or welfare  
27 or the environment of the state, it may issue an order declaring an emergency and  
28 directing a person or persons to take action the department believes necessary to meet  
29 the emergency, and protect the public health, welfare, or environment. If there is an  
30 incident command system established under AS 26.23 or [,] AS 46.04.200 - 46.04.210  
31 [, OR AS 46.13] that is applicable to the situation for which the department issues an

1 order under this subsection, the department's exercise of authority under this  
2 subsection shall be guided by the relevant provisions of the incident command system.

3 \* Sec. 18. AS 46.03.865(c) is amended to read:

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

10 \* Sec. 19. AS 46.04.200 is amended to read:

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

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

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

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

21 (A) the Department of Environmental Conservation [, THE  
22 DIVISION OF EMERGENCY SERVICES IN THE DEPARTMENT OF  
23 MILITARY AND VETERANS' AFFAIRS, AND OTHER AGENCIES OF  
24 THE STATE; RESPONSIBILITIES ASSIGNED TO EACH AGENCY MUST  
25 BE CONSISTENT WITH ITS STATUTORY AUTHORITY];

26 (B) municipalities of the state;

27 (C) appropriate federal agencies;

28 (D) operators of facilities;

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

31 (F) if the release involves a disaster declared by a state or

1 ~~local official, the duties of all appropriate state agencies~~ [OTHER PARTIES  
2 IDENTIFIED BY THE COMMISSION AS HAVING AN INTEREST IN OR  
3 THE RESOURCES TO ASSIST IN THE CONTAINMENT AND CLEANUP  
4 OF AN OIL OR HAZARDOUS SUBSTANCE DISCHARGE];

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

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

12 (5) DESIGNATE THE LOCATIONS WHERE OIL AND  
13 HAZARDOUS SUBSTANCE EMERGENCY RESPONSE DEPOTS SHOULD BE  
14 ESTABLISHED IN THE STATE AND WHERE EMERGENCY RESPONSE CORPS  
15 PERSONNEL SHOULD BE AVAILABLE].

16 (c) If the commissioner determines that [IN PREPARING AND  
17 ANNUALLY REVIEWING] the state master plan should be revised, the  
18 commissioner shall

19 (1) consult with municipal, [AND] community, and local emergency  
20 planning committee officials, and with representatives of affected regional  
21 organizations;

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

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

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

31 (5)] submit [THE PLAN AND] any revision of the plan to the Alaska

1           **State Emergency Response Commission for its review [AND APPROVAL] under**  
2           **AS 26.23.077 [AS 46.13.045].**

3           \* **Sec. 20.** AS 46.04.200 is amended by adding a new subsection to read:

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

9           \* **Sec. 21.** AS 46.04.210(a) is amended to read:

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

16           \* **Sec. 22.** AS 46.04.210 is amended by adding a new subsection to read:

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

20           \* **Sec. 23.** AS 46.08.040(a) is amended to read:

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

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

30                           (2) pay all costs incurred to

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

1 response office, including costs incurred under an agreement entered into  
2 under AS 46.04.090 or AS 46.02.040:

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 Department of Military and  
14 Veterans' Affairs [ALASKA DIVISION OF EMERGENCY SERVICES] for Alaska  
15 State Emergency Response Commission activities, including staff support, when  
16 the activities and staff support relate to oil and hazardous substances and for the  
17 costs of being prepared for and responding to a request by the Department of  
18 Environmental Conservation for support in response and restoration activities,  
19 but not including the costs of maintaining the [OIL AND HAZARDOUS  
20 SUBSTANCE] response corps and the emergency [OIL AND HAZARDOUS  
21 SUBSTANCE] response depots under AS 26.23.045, when presented with appropriate  
22 documentation by the Department of Military and Veterans' Affairs [DIVISION];

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

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

29 (6) prepare, review, and revise

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

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

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

5 \* Sec. 24. AS 46.08.150 is amended to read:

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

10 [(1) PROVIDE THE PERSONNEL, EQUIPMENT, OR OTHER  
11 SERVICES OR SUPPLIES NECESSARY TO ESTABLISH AND MAINTAIN  
12 REGIONAL OIL AND HAZARDOUS SUBSTANCES DEPOTS AND  
13 AS NECESSARY FOR RESPONSE READINESS;

14 (2) TRAIN MEMBERS OF RESPONSE CORPS; AND

15 (3)] conduct research into oil and hazardous substances spill  
16 technology; the department [OFFICE] shall include in the research topics for which  
17 it conducts or contracts for research, the research topics recommended to it by the  
18 Hazardous Substance Spill Technology Review Council under AS 46.13.120.

19 \* Sec. 25. AS 46.09.040 is amended to read:

20 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND  
21 CLEANUP. The department [COMMISSIONER] may contract with a person or a  
22 municipality for personnel, equipment, or services that may be useful to carry out the  
23 requirements of this chapter. If the department [COMMISSIONER] determines that  
24 it is infeasible to contract with a person or a municipality, the department  
25 [COMMISSIONER] may establish and maintain containment and cleanup personnel,  
26 equipment, and supplies necessary to carry out the requirements of this chapter. When  
27 exercising its authority under this section, the department shall coordinate with  
28 the Department of Military and Veterans' Affairs to avoid duplication of efforts.

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

30 Sec. 46.13.100. FINDINGS AND PURPOSE. The legislature

31 (1) finds and declares that there exists a lack of scientific knowledge

1 concerning the availability, properties, and effectiveness of various hazardous substance  
2 containment and cleanup technologies; and

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

9 \* Sec. 27. AS 46.13.110(a) is amended to read:

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

13 \* Sec. 28. AS 26.23.060(f), 26.23.190(b), 26.23.195, 26.23.215; AS 46.08.110, 46.08.120,  
14 46.08.190(1), 46.08.190(2), 46.08.190(3); AS 46.13.010, 46.13.020, 46.13.030, 46.13.040,  
15 46.13.045, 46.13.050, 46.13.060, 46.13.070, 46.13.080, 46.13.090, 46.13.120(6), and  
16 46.13.900(1) are repealed.

17 \* Sec. 29. TRANSITION. (a) Litigation, hearings, investigations, and other proceedings  
18 pending under a law amended or repealed by this Act, or in connection with functions  
19 transferred by this Act, continue in effect and may be continued and completed  
20 notwithstanding a transfer or amendment or repeal provided for in this Act.

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

24 (c) Regulations adopted under sections amended or repealed by this Act remain in  
25 effect until superseded by new regulations adopted under sections amended or enacted by this  
26 Act.