

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

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/22/94

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 identified in the local plans that execute the plans developed
24 by the committees under 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 may
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 may 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 in a manner that enables prompt response
14 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 (e) 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 new subsections 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 (h) Notwithstanding the definition of "political subdivision" in AS 26.23.900,
27 this section does not empower a political subdivision to perform responsibilities that
28 it is not otherwise empowered to perform. In this section, "political subdivision"
29 includes only a political subdivision that is otherwise empowered to perform the
30 responsibilities assigned under this section.

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

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

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

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

13 (b) The commission consists of the commissioners of community and regional
14 affairs, environmental conservation, fish and game, health and social services, labor,
15 natural resources, public safety, and transportation and public facilities, or the
16 designees of the commissioners, the adjutant general of the Department of Military and
17 Veterans' Affairs or a designee, and seven members of the public appointed by the
18 governor, two of whom must be members of a local emergency planning committee
19 for an emergency planning district that is predominantly rural in character and two of
20 whom must be members of a local emergency planning committee for an emergency
21 planning district that is predominantly urban in character. Two of the other three
22 members of the public who are appointed to the commission must be members of the
23 governing body of, or the mayor of, a political subdivision that has a local emergency
24 planning committee or a person who, in the opinion of the governor, is otherwise
25 appropriate to represent the political subdivision. The United States Department of
26 Defense - Alaska Command, the Federal Emergency Management Agency, the United
27 States Environmental Protection Agency, and the United States Coast Guard may each
28 appoint a representative to serve on the commission in an ex-officio, nonvoting
29 capacity. To the extent practicable, the commission must include members with
30 expertise in the emergency response field.

31 (c) The adjutant general of the Department of Military and Veterans' Affairs,

1 or the adjutant general's designee, and the commissioner of environmental
2 conservation, or the commissioner's designee, shall co-chair the commission. The
3 Department of Military and Veterans' Affairs shall provide staff support to the
4 commission.

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

10 (e) The commission shall

11 (1) serve as the state emergency response commission required under
12 42 U.S.C. 11001 - 11005;

13 (2) facilitate the preparation and implementation of all emergency plans
14 prepared by state agencies under other authorities; the statewide, interjurisdictional, and
15 local plans prepared under this chapter; and the state and regional plans prepared under
16 AS 46.04.200 - 46.04.210;

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

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

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

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

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

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

31 (9) perform other coordinating, advisory, or planning tasks related to

1 emergency planning and preparedness for all types of hazards, community
2 right-to-know reporting, toxic chemical release reporting, or management of hazardous
3 substances;

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

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

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

14 Sec. 26.23.073. EMERGENCY PLANNING DISTRICTS AND
15 COMMITTEES. (a) The commission shall set the boundaries of local emergency
16 planning districts. The commission shall set the boundaries of a district so that they
17 are coextensive with the boundaries of a single political subdivision except when it
18 would be more appropriate, based on findings of the commission, for the district to
19 include more than one political subdivision or some area that is not contained within
20 a political subdivision. Before the commission sets the boundaries for a district under
21 this subsection so that it includes more than one political subdivision or some area that
22 is not within a political subdivision, the commission shall consult the emergency
23 response organizations and the political subdivisions in the proposed district.

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

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

1 (d) The commission shall appoint the members of a local emergency planning
2 committee for each emergency planning district established under (a) and (b) of this
3 section. In making appointments for a district that contains only one political
4 subdivision, the commission shall follow the recommendations of the political
5 subdivision if those recommendations would constitute a committee that meets the
6 requirements of this subsection. In making appointments for a district that contains
7 more than one political subdivision, the commission shall consider the
8 recommendations of each political subdivision and follow the recommendations to the
9 extent that the political subdivisions are in agreement and their recommendations
10 would constitute a committee that meets the requirements of this subsection. To the
11 extent required under regulations that may be adopted by the commission, the political
12 subdivisions in a district that includes more than one political subdivision shall follow
13 a process under which they develop coordinated recommendations to submit to the
14 commission under this subsection. In making appointments for a district that includes
15 some area that is not contained within a political subdivision, the commission shall
16 consider the recommendations of emergency response organizations in the district. In
17 making appointments for the district formed under (b) of this section, the commission
18 shall attempt to achieve equitable geographical representation on the committee.
19 Except as provided in (e) of this section, each committee must include, at a minimum,
20 representatives of each of the following seven categories:

- 21 (1) elected local officials;
- 22 (2) law enforcement, civil defense, fire fighting, first aid, health, local
23 environmental, hospital, and transportation personnel;
- 24 (3) broadcast or print media;
- 25 (4) community groups;
- 26 (5) owners and operators of facilities subject to the requirements of 42
27 U.S.C. 11001 - 11005;
- 28 (6) representatives of a local or interjurisdictional disaster planning and
29 service area if one has been established that includes part of the district; and
- 30 (7) members of the public that are not described in (1) - (6) of this
31 subsection.

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

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

8 (g) Each local emergency planning committee shall

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

12 (2) appoint a chair and establish rules by which the committee shall
13 function, including provisions for public notification of committee activities, public
14 advertising of positions available on the committee, public meetings to discuss the
15 emergency plan, public comments, response to the comments by the committee,
16 distribution of the emergency plan, and designation of an official to serve as
17 coordinator for information;

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

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

25 (5) to the extent consistent with the constitution and law of the state,
26 perform all other functions prescribed for emergency planning committees in 42 U.S.C.
27 11001 - 11005;

28 (6) to the extent considered advisable by the committee, make
29 recommendations to political subdivisions, representatives of interjurisdictional disaster
30 planning and service areas, and state agencies about the preparation of local, state, and
31 interjurisdictional plans; and

1 (7) serve as an advisory committee to the political subdivisions within
2 the emergency planning district or the interjurisdictional planning and service area
3 established under AS 26.23.070 with respect to emergency planning, training, and
4 response.

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

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

10 (1) identification of facilities subject to the requirements of 42 U.S.C.
11 11001 - 11005 that are within the emergency planning district, identification of routes
12 likely to be used for the transportation of substances on the list of extremely hazardous
13 substances referred to in 42 U.S.C. 11002(a), and identification of additional facilities
14 contributing or subjected to additional risk due to their proximity to facilities subject
15 to the requirements of 42 U.S.C. 11001 - 11005 such as hospitals or natural gas
16 facilities;

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

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

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

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

30 (6) a description of emergency equipment and facilities in the
31 community and at each facility in the community subject to the requirements of 42

1 U.S.C. 11001 - 11005, and an identification of the persons responsible for the
2 equipment and facilities;

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

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

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

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

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

15 Sec. 26.23.077. PLAN REVIEW; INCIDENT COMMAND SYSTEMS. (a)
16 The commission shall review and make recommendations about local,
17 interjurisdictional, regional, and state emergency plans, including plans prepared under
18 this chapter and AS 46.04.200 - 46.04.210 and all emergency plans prepared by state
19 agencies under other authorities.

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

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

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

1 (c) A representative of an [AN] interjurisdictional disaster planning and
2 service area [AGENCY OR OFFICIAL OF AN AGENCY] may not declare a local
3 disaster emergency unless expressly authorized by the principal executive officer of
4 each political subdivision in the emergency area [AGREEMENT UNDER WHICH
5 THE AGENCY FUNCTIONS. AN INTERJURISDICTIONAL DISASTER AGENCY
6 SHALL PROVIDE AID AND SERVICES IN ACCORDANCE WITH THE
7 AGREEMENT UNDER WHICH IT FUNCTIONS].

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

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

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

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

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

31 (8) "commission" means the Alaska State Emergency Response

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Commission;

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

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

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

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

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

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

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

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

- (1) take into consideration the elements of an oil discharge prevention and contingency plan approved or submitted for approval under AS 46.04.030;
- (2) include incident command systems that clarify and specify the respective responsibilities of each of the following in the assessment, containment, and cleanup of various types and sizes of discharges of oil or a hazardous substance into the environment of the state:

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

5 (B) municipalities of the state;

6 (C) appropriate federal agencies;

7 (D) operators of facilities;

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

10 (F) other parties identified by the commission as having an
11 interest in or the resources to assist in the containment and cleanup of an oil
12 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. 20. 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. 21. 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. 22. 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. 23. 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, when
24 the activities and staff support relate to oil and hazardous substances and for the
25 costs of being prepared for responding to a request by the Department of
26 Environmental Conservation for support in response and restoration activities,
27 but not including the costs of maintaining the [OIL AND HAZARDOUS
28 SUBSTANCE] response corps and the emergency [OIL AND HAZARDOUS
29 SUBSTANCE] response depots under AS 26.23.045, when presented with appropriate
30 documentation by the Department of Military and Veterans' Affairs [DIVISION];

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

1 cleanup activities and under 42 U.S.C. 9601 - 9657 (Comprehensive Environmental
2 Response, Compensation, and Liability Act of 1980);

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

6 (6) prepare, review, and revise

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

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

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

13 * Sec. 24. 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
19 SERVICES OR SUPPLIES NECESSARY TO ESTABLISH AND MAINTAIN
20 REGIONAL OIL AND HAZARDOUS SUBSTANCES DEPOTS AND
21 AS NECESSARY FOR RESPONSE READINESS;

22 (2) TRAIN MEMBERS OF RESPONSE CORPS; AND

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

27 * Sec. 25. AS 46.09.040 is amended to read:

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

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

6 * Sec. 26. AS 46.13.100 is amended to read:

7 Sec. 46.13.100. FINDINGS AND PURPOSE. The legislature

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

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

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

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

21 * Sec. 28. AS 26.23.060(f), 26.23.190(b), 26.23.195, 26.23.215; AS 46.08.110, 46.08.120,
22 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,
23 46.13.045, 46.13.050, 46.13.060, 46.13.070, 46.13.080, 46.13.090, 46.13.120(6), and
24 46.13.900(1) are repealed.

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

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

1 (c) Regulations adopted under sections amended or repealed by this Act remain in
2 effect until superseded by new regulations adopted under sections amended or enacted by this
3 Act.

4 (d) Notwithstanding any law to the contrary, the terms of the public members of the
5 Alaska State Emergency Response Commission who hold office on the effective date of this
6 Act are terminated on the effective date of this Act, subject to reappointment in a manner that
7 complies with this Act.