

LEGISLATIVE FINANCE-HOUSE/SENATE FINANCE COMM. FILES 8879

HB 565 cont. HB 566 1119-1120 544

HB

565

SENATE FINANCE COMMITTEE REPORT

DATE: 4/11/90

FURTHER:

DATE TURNED INTO OFFICE: 5/6/90

The Finance Committee considered CSHB 566 (Fin) (title am) (efd fld)

"An Act relating to state response actions and planning involving the releases or threatened releases of oil or a hazardous substance; and establishing the Alaska State Emergency Response Commission."

and recommended:

replace with S CS CSHB 566 (Fin)
 or adopt _____ CS _____
 attached amendment(s)
 _____ letter of intent adopted

same title
 new title
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) DEC Dept/Date: 5/6/90
220.4 GF

zero fiscal note(s) DMEVA Dept/Date: 5/6/90
DOL

appropriation-no fiscal note

APPROVES PREVIOUS:

fiscal note(s) Dept/Date: _____

zero fiscal note(s) _____

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Handwritten signatures]

Paul Ford (DOR)
[Handwritten signature]

1. *[Signature]* **DO PASS**

2. _____

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: May 6, 1990
Title: An act relating to State
Response actions and planning
Sponsor: Rules/Governor
Requestor: Senate (FIN)

Agency Affected: Environmental Conservation
BRU: Environmental Quality
Components: Environmental Quality
Projects

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	264.8	264.8	264.8	264.8	264.8	264.8
TRAVEL	113.4	113.4	113.4	113.4	113.4	113.4
CONTRACTUAL	367.0	367.0	267.0	267.0	267.0	267.0
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT	25.0	25.0	25.0	25.0	25.0	25.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	775.2	775.2	675.2	675.2	675.2	675.2

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	220.4	220.4	220.4	220.4	220.4	220.4
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	554.8	554.8	454.8	454.8	454.8	454.8
TOTAL	775.2	775.2	675.2	675.2	675.2	675.2

POSITIONS:

FULL-TIME	5.0	5.0	5.0	5.0	5.0	5.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS : (Attach a separate page if necessary)

See Attached.

Prepared by: Jan Caulfield Phone: 465-2640
Division: Environmental Quality Date: May 6, 1990

Approved by Commissioner: Denny Kelso Date: May 6, 1990
Agency: Environmental Conservation

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Adopted

FISCAL ANALYSIS

This legislation establishes the State Emergency Response Commission (SERC) in statute, giving the Department authority to request funds for performing its duties under the federal law SARA Title III.

The Department presently funds .5 FTE as technical staff to the SERC. This legislation will require two additional FTE (153.4) to serve as technical support to the SERC, coordinate SERC meetings, coordinate establishment of LEPCs, provide technical information to LEPCs, and other duties as required by the statute. The Department considers it essential that SERC/LEPC plans are coordinated with the State and Regional Oil and Hazardous Substance Discharge Prevention and Contingency Plans.

Travel expenses and per diem for commission members attending quarterly SERC meetings (6-8 persons) and quarterly subcommittee meetings (6-8 persons) are paid by the Department. There are four subcommittees. Based on an air fare of \$360 and one day per diem at \$80/day, travel and per diem amount to \$70.4.

This legislation will require the commission to establish LEPCs for each emergency planning district. Approximately 12 Local Emergency Planning Committees (LEPC) are in the process of being established at an estimated cost of \$20.0 to each community. Contractual services monies in the amount of \$120.0 (\$10 per LEPC) will be necessary to help insure that LEPCs are established, members receive appropriate training, and that the requirements of this proposed statute and SARA Title III are complied with. This cost will recur in subsequent fiscal years as additional LEPCs are established.

Based on the past year's expenditures, annual costs to advertise quarterly SERC meetings in newspapers will require approximately \$5.0. Annual cost to transcribe audio tapes of quarterly SERC meetings is \$2.0.

State Emergency Response Commission Summary

	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
ECO III	57.7	5.0	8.0	1.0	5.0	\$ 76.7
ECO III	57.7	5.0	8.0	1.0	5.0	\$ 76.7
Commission						
Travel		70.4				\$ 70.4
Contractual			127.0			\$127.0
TOTALS	115.4	80.4	143.0	2.0	10.0	\$350.8

The Hazardous Substance Spill Technology Review Council is also established under this legislation. Funding is requested for two FTE to serve as technical support to the Council, coordinate Council meetings, research and compile information required by the Council, manage contractual work conducted on behalf of the Council, and other duties required by the statute.

Travel expenses and per diem for nine Council members attending quarterly meetings is requested, based on three days per meeting at \$80 per diem (\$8.6) and \$400 average air fare (\$14.4). Funds (\$200.0) are included for technical assistance contracts, including analysis of response technologies, assessment of research priorities, and establishing testing protocols for response technologies. These funds are reduced to \$100.0 after the first two fiscal years.

Hazardous Substance Spill Technology Review Council Summary

	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
ECO III	57.7	5.0	8.0	1.0	5.0	\$76.7
ECO III	57.7	5.0	8.0	1.0	5.0	\$76.7
Clerk						
Typist	34.0		8.0	1.0	5.0	\$48.0
Council						
Travel		23.0				\$23.0
Contractual (tech asst)			200.0			\$200.0
TOTALS	149.4	33.0	224.0	3.0	15.0	\$424.4

FISCAL NOTE

REQUEST:

Revision Date: May 6, 1990
Title: Oil and hazardous substance response.
Sponsor: Governor
Requestor: Senate Finance

Agency Affected: DMVA
BRU: Disaster Planning & Control
Components: Oil & Hazardous Substance Response Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	+0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Funding for the oil spill response depots is presently in the Department of Environmental Conservation and will be transferred to DMVA by reimbursable services agreement if this bill becomes law.

Prepared by: Jeff Morrison, Director Phone: 465-4600
Division: Admin & Support Services, DMVA Date: 5/6/90
Approved by Commissioner: Garrey M. Peska for MG John Schaeffer Date: 5/6/90
Agency: Department of Military & Veterans Affairs

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Adopted

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Law
 Title: ...transferring the oil and hazardous substance response office to the Dept. of Military & Veterans' Affairs BRU: Legal Services
 Sponsor: Senate Oil and Gas Components: Operations
 Requestor: Senate Oil and Gas

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services

Phone: 465-3672
 Date: April 2, 1990

Approved by Commissioner: Douglas B. Bailly, Attorney General
 Agency: Department of Law

Date: April 2, 1990

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Changes in CSSB 503 (Fin) have no fiscal impact. This fiscal note is appropriate. *2/2/90*

Adopted

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. 30SCSB 500 (Oil and Gas)

refusal, or neglect to obey a subpoena would be punishable by law or court rule. The superior court would be able to compel obedience to the council's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

These latter powers are substantial and could require considerable attorney legal services if the council conducted extensive investigations. Unfortunately, there is no way to predict the extent to which investigations might be conducted. For instance, if the council's investigations are merely incidental, existing staff who normally assist the Department of Environmental Conservation would suffice. Conversely, if the council undertook an indepth investigation involving complex issues, substantial evidence, or numerous witnesses, additional attorney resources would be required before the work could be undertaken. Consequently, it is likely that an appropriation for legal services will be required at some point after the bill is implemented and the actual workload becomes known.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SES CSMB 566 (Oil and Gas)

This bill amends various statutes to provide that when an actual or imminent oil or hazardous substance discharge develops in to a catastrophic oil discharge, or becomes a declared disaster emergency, the division of emergency services, Department of Military and Veterans' Affairs, shall exercise the authority of the Department of Environment Conservation and direct a person or persons to take action necessary to meet the emergency, and protect the public health, welfare and environment. The division would establish an oil and hazardous substance response office to perform related duties.

The bill would also provide that the attorney general shall immediately seek to recover money expended by the division of emergency services for containment and cleanup. Because the Department of Law already provides this service on behalf of DEC, there will not be a fiscal impact for the Department of Law if the division of emergency services is included in this provision. Law's costs for this purpose are normally reimbursable from the hazardous substance release response fund, as a necessary part of containment and cleanup.

Section 25 of the bill establishes an Alaska State Emergency Response Commission, within the Department of Military and Veterans' Affairs, to oversee state and regional plans for hazardous substance response, and to prepare, review, and revise the statewide and regional master oil and hazardous substance discharge and prevention contingency plans. The commission would be responsible for overseeing local planning committee activities.

A Hazardous Substance Spill Technology Review Council would also be established within the commission. The council would be responsible for reviewing and recommending oil and hazardous substance spill technology research topics to DEC; establishing testing protocols to be used by DEC to evaluate the effectiveness of hazardous substance spill technologies for use in the state; identifying sources of money that may be available for discharge related research; and making proposals to the governor and the commission to encourage and fund prevention, response, cleanup, and mitigation of future discharges of hazardous substances.

The council would serve as a central repository of hazardous substance discharge information and compile and maintain information relating to available containment and cleanup technology, including ways to improve hazardous substance spill response technology and procedures, steps that should be taken by government and industry to ensure proper management, handling, and transportation of hazardous substance, and the steps that should be taken to improve the ability of industry and government to respond to discharges of hazardous substances. The council would also compile and maintain information on the extent to which industry practices and governmental practices or laws should be changed to reduce or minimize the potential for hazardous substance discharge and on hazardous substance spill technology research conducted by the Department of Environmental Conservation.

Finally, the council would be given investigative and hearing powers and would be able to issue subpoenas, administer oaths, and conduct investigations related to its duties. The council would be empowered to compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and could have the depositions of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when it is consistent with the duties assigned to the council. The failure,

Original sponsor(s): Rules/Governor

IN THE HOUSE

BY THE FINANCE COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 566 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to state response actions and planning involving the release or threatened release of oil or a hazardous substance; and establishing the Alaska State Emergency Response Commission; and providing for an effective date."

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

* Section 1. AS 26.23.020(g) is amended by adding a new paragraph to read:

(11) use money from the oil and hazardous substance release response fund, established by AS 46.08.010, to respond to a declared disaster emergency related to an oil or hazardous substance discharge.

* Sec. 2. AS 26.23.050(b) is amended to read:

(b) Whenever, and to the extent that, money is needed to cope with a disaster, the first recourse shall be to funds regularly appropriated to state and local agencies. The second recourse shall be to funds available in the disaster relief fund or, for oil or hazardous substances discharges, the oil and hazardous substance release response fund, as the governor determines appropriate. If money available from these sources is insufficient, and if the governor finds that other sources of money to cope with the disaster are not available or are insufficient, the governor may, notwithstanding any limitation imposed by AS 37.07.080(e), transfer and spend money appropriated for other purposes or, in situations involving natural disasters, borrow from the United States government or other public or private

sources for a term not to exceed two years.

* Sec. 3. AS 26.23.190 is amended by adding a new subsection to read:

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

* Sec. 4. AS 26.23 is amended by adding a new section to read:

Sec. 26.23.195. DISCHARGE RESPONSE ACTIONS. (a) The Alaska division of emergency services shall perform the responsibilities assigned to it under an incident command system established under this chapter, AS 46.04.200 - 46.04.210, or AS 46.13 in a state response to a release or threatened release of oil or a hazardous substance.

(b) The Alaska division of emergency services may contract with persons to provide personnel, including members of the emergency response corps, to assist them with a nongovernmental response to a release or threatened release of oil or a hazardous substance.

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

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

Sec. 26.23.215. RELATIONSHIP TO OTHER PLANNING STATUTES. To the

1 extent that the state emergency plan, interjurisdictional plans, and
2 local plans prepared under this chapter relate to action required to
3 avert damage from a release of oil or a hazardous substance, the plans
4 must be substantially equivalent in relevant respects to the local
5 emergency plans prepared under AS 46.13 and the state and regional
6 master plans prepared by the Department of Environmental Conservation
7 under AS 46.04.200 - 46.04.210, use the same incident command systems
8 used in those plans, and be approved by the Alaska State Emergency
9 Response Commission under AS 46.13.045.

10 * Sec. 6. AS 39.50.200(b) is amended by adding a new paragraph to read:

11 (51) Hazardous Substance Spill Technology Review Council
12 (AS 46.13.110).

13 * Sec. 7. AS 44.66.010(a) is amended by adding a new paragraph to read:

14 (17) Hazardous Substance Spill Technology Review Council
15 (AS 46.13.110) -- June 30, 1994.

16 * Sec. 8. AS 46.03.865(a) is amended to read:

17 (a) When the department finds that an actual or imminent dis-
18 charge of oil, a hazardous substance, or low level radioactive mate-
19 rials to the air, water, land, or subsurface land of the state poses
20 an immediate threat to the public health or welfare [,] or the envi-
21 ronment of the state, it may issue an order declaring an emergency and
22 directing a person or persons to take action the department believes
23 necessary to meet the emergency, and protect the public health, wel-
24 fare, or environment. If there is an incident command system estab-
25 lished under AS 26.23, AS 46.04.200 - 46.04.210, or AS 46.13 that is
26 applicable to the situation for which the department issues an order
27 under this subsection, the department's exercise of authority under
28 this subsection shall be guided by the relevant provisions of the
29 incident command system.

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* Sec. 9. AS 46.03.865(c) is amended to read:

(c) During a period of emergency declared under (a) of this section, each state agency [, INCLUDING, WHEN APPROPRIATE, THE DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS UNDER THE AUTHORITY CONFERRED BY AS 26.20,] 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, AS 46.04.200 - 46.04.210, or AS 46.13 if one is applicable to the situation.

* Sec. 10. AS 46.04.080(a) is amended to read:

(a) The actual or imminent occurrence of a catastrophic oil discharge constitutes a disaster emergency under AS 26.23 without a declaration of disaster by the governor under AS 26.23.020. The [. HOWEVER, THE] department and [SHALL PERFORM THE DUTIES OF] the Alaska division of emergency services, Department of Military and Veterans' Affairs, shall coordinate their duties under AS 26.23.040 and AS 46.-08.100 - 46.08.190 as they apply to catastrophic oil discharges, consistent with the responsibilities assigned to them under applicable incident command systems. [THE DEPARTMENT SHALL CONSULT AND COORDINATE ITS DUTIES UNDER THIS SECTION WITH THE ALASKA DIVISION OF EMERGENCY SERVICES.]

* Sec. 11. AS 46.04.090(a) is amended to read:

(a) The department, when feasible, shall enter into contracts with persons or private organizations to provide the personnel, equipment, or other services or supplies that [WHICH] may be required to carry out this chapter. Contracts under this section are governed by AS 36.30 (State Procurement Code). When private contracting is not feasible, the department may establish and maintain at ports, harbors,

1 or other locations in the state, the cleanup personnel, equipment, and
2 supplies that [WHICH], in its judgment, are necessary to carry out
3 this chapter. When exercising its authority under this subsection,
4 the department shall coordinate with the Department of Military and
5 Veterans' Affairs to avoid duplication of efforts.

6 * Sec. 12. AS 46.04.200(b) is amended to read:

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

8 (1) take into consideration the elements of an oil
9 discharge contingency plan approved or submitted for approval under
10 AS 46.04.030;

11 (2) include incident command systems that clarify and
12 specify the respective responsibilities of each of the following in
13 the assessment, containment, and cleanup of various types and sizes of
14 discharges [A CATASTROPHIC OIL DISCHARGE OR OF A SIGNIFICANT DIS-
15 CHARGE] of oil or a hazardous substance into the environment of the
16 state:

17 (A) the Department of Environmental Conservation, the
18 division of emergency services in the Department of Military and
19 Veterans' Affairs, and other agencies of the state; responsibil-
20 ities assigned to each agency must be consistent with its stat-
21 utory authority;

22 (B) municipalities of the state;

23 (C) appropriate federal agencies;

24 (D) operators of facilities;

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

27 (F) other parties identified by the commission [COM-
28 MISSIONER] as having an interest in or the resources to assist in
29 the containment and cleanup of an oil or hazardous substance

discharge;

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

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

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

* Sec. 13. AS 46.04.200(c) is amended to read:

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

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

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

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

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

(5) submit the plan and any annual revision to the Alaska State Emergency Response Commission for its review and approval under AS 46.13.045.

1 * Sec. 14. AS 46.08.040 is amended to read:

2 Sec. 46.08.040. PURPOSES OF THE FUND. The commissioner may use
3 money from the fund to

4 (1) investigate and evaluate the release or threatened
5 release of oil or a hazardous substance, and contain, clean up, and
6 take other necessary action, such as monitoring and assessing, to
7 address a release or threatened release of oil or a hazardous sub-
8 stance that poses an imminent and substantial threat to the public
9 health or welfare, or to the environment;

10 (2) pay all costs incurred to establish and maintain the
11 oil and hazardous substance response office;

12 (3) pay [AND FOR] the expenses incurred by the Alaska
13 division of emergency services for [OF] the oil and hazardous sub-
14 stance response corps and the oil and hazardous substance response
15 depots when presented with appropriate documentation by the division
16 [ESTABLISHED BY THAT OFFICE];

17 (4) [(3)] provide matching funds for participation in
18 federal oil discharge cleanup activities and under 42 U.S.C. 9601 -
19 9657 (Comprehensive Environmental Response, Compensation, and Liabil-
20 ity Act of 1980); [AND]

21 (5) [(4)] recover the cost to the state or to a municipal-
22 ity of a containment and cleanup resulting from the release or the
23 threatened release of oil or a hazardous substance; [.]

24 (6) [(5)] prepare, review, and revise

25 (A) the state's master oil and hazardous substance
26 discharge and prevention contingency plan required by AS 46.04.-
27 200; and

28 (B) a regional master oil and hazardous substance
29 discharge and prevention contingency plan required by AS 46.04.-

210; and

(7) [(6)] restore the environment by addressing the effects of an oil or hazardous substance release.

* Sec. 15. AS 46.08.040 is amended by adding new subsections to read:

(b) When the governor declares a disaster related to an oil or hazardous substance discharge emergency under AS 26.23.020(c), the governor may, during the effective period of the disaster emergency, use money from the fund to respond to the disaster emergency.

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

* Sec. 16. AS 46.08.060(a) is amended to read:

(a) The commissioner shall submit a report to the legislature not later than the 10th day following the convening of each regular session of the legislature. The report may include information considered significant by the commissioner but must include:

(1) the amount of money expended by the department under AS 46.08.040(a) [AS 46.08.040] during the preceding fiscal year;

(2) the amount and source of money received and money recovered by or on behalf of the department during the preceding fiscal year as specified in AS 46.08.020;

(3) a summary of municipal participation in the department's responses that were funded by the fund;

(4) a detailed summary of department activities in responses funded by the fund during the preceding fiscal year, including response descriptions and statements outlining the nature of the threat; and

(5) the projected cost to the department for the next

fiscal year of monitoring, operating, and maintaining sites where response has been completed or is expected to be continued during the fiscal year.

* Sec. 17. AS 46.08.060 is amended by adding a new subsection to read:

(c) In addition to the department's report required under (a) of this section, the governor shall submit a report about use of the fund during the previous fiscal year to the legislature not later than the 10th day following the convening of each regular session of the legislature. In the report, the governor shall describe in detail the governor's use of money from the fund, with separate explanations, by agency, of the activities that were funded under the authority of AS 46.03.040(b).

* Sec. 18. AS 46.08.110 is amended to read:

Sec. 46.08.110. RESPONSE CORPS. (a) The division of emergency services, Department of Military and Veterans' Affairs, [OFFICE] shall establish an oil and hazardous substance response corps.

(b) The corps consists of volunteers who register with the division [OFFICE] and agree to be trained by the division [OFFICE] in techniques for containment and cleanup and to be available on short notice to assist [THE OFFICE] in containment and cleanup consistent with the responsibilities assigned to the corps under an applicable incident command system.

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

* Sec. 19. AS 46.08.120 is amended to read:

Sec. 46.08.120. RESPONSE DEPOTS. The division [OFFICE] shall maintain emergency response depot. in areas of the state determined in the plans prepared under AS 46.04.200 - 46.04.210 [BY THE DIRECTOR] to

be potential sites of releases or threatened releases of oil or hazardous substances. The depots shall be equipped and staffed in a manner that ensures prompt response when containment and cleanup actions are necessary.

* Sec. 20. AS 46.08.130 is amended by adding a new subsection to read:

(c) When the office or corps responds to an oil or hazardous substance discharge under this section, its activities shall be guided by the relevant provisions of the incident command system applicable to the type of discharge to which it is responding.

* Sec. 21. AS 46.08.150 is amended to read:

Sec. 46.08.150. CONTRACTS. The office or the division, as applicable, may enter into agreements with agencies of the state and federal government, political subdivisions, the University of Alaska, or private persons or entities to

(1) provide the personnel, equipment, or other services or supplies necessary to establish and maintain regional oil and hazardous substances depots and as [TO ACQUIRE THE SUPPLIES AND EQUIPMENT] necessary for response readiness;

(2) train members of response corps; and

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

* Sec. 22. AS 46.08.190 is amended by adding a new paragraph to read:

(4) "division" means the division of emergency services, Department of Military and Veterans' Affairs.

* Sec. 23. AS 46.09.030 is amended to read:

Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner of

environmental conservation or the director of the division of emergency services, Department of Military and Veterans' Affairs, may request the governor to determine that an actual or imminent release of a hazardous substance constitutes a disaster emergency under AS 26.23. If the governor declares a disaster emergency under AS 26.23, the commissioner and [MAY ASSIST] the division of emergency services, Department of Military and Veterans' Affairs, shall respond appropriately [ADJUTANT GENERAL] in the relief of the emergency, in accordance with the relevant provisions of the applicable incident command system.

* Sec. 24. AS 46 is amended by adding a new chapter to read:

CHAPTER 13. ALASKA STATE EMERGENCY RESPONSE COMMISSION.

Sec. 46.13.010. ALASKA STATE EMERGENCY RESPONSE COMMISSION ESTABLISHED. (a) There is established in the Department of Environmental Conservation the Alaska State Emergency Response Commission.

(b) The oil and hazardous substance response office established under AS 46.08.100 shall serve as staff for the commission.

Sec. 46.13.020. COMPOSITION OF THE COMMISSION. The commission consists of the commissioners of community and regional affairs, environmental conservation, fish and game, health and social services, labor, natural resources, public safety, and transportation and public facilities, or the designees of the commissioners, the adjutant general of the Department of Military and Veterans' Affairs or a designee, and seven public members to be appointed by the governor. To the extent practicable, the commission must include members with expertise in the emergency response field.

Sec. 46.13.030. OFFICERS, TERMS, AND COMPENSATION. The commissioner of environmental conservation, or the commissioner's designee, shall chair the commission. The adjutant general of the Department of

Military and Veterans' Affairs, or the adjutant general's designee, shall serve as vice-chair. Members of the commission other than those from the designated state departments serve at the pleasure of the governor for staggered terms of three years. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

Sec. 46.13.040. POWERS AND DUTIES OF COMMISSION. The commission shall

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

(2) designate, and revise as necessary, the boundaries of emergency planning districts, using the boundaries of regions established under AS 46.04.200 - 46.04.210 and of political subdivisions where appropriate;

(3) facilitate the preparation and implementation of emergency plans for hazardous substance response, including the statewide, interjurisdictional, and local plans prepared under AS 26.23, state and regional plans prepared under AS 46.04.200 - 46.04.210, and plans prepared under this chapter;

(4) review and approve or disapprove the plans described in (3) of this section according to the criteria established in AS 46.13.045;

(5) establish a local emergency planning committee for each emergency planning district, and appoint, and revise as necessary, the membership of each committee;

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

(9) 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 hazardous substance contingency planning under AS 26.23 and AS 46.04.200 - 46.04.210;

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

(11) adopt regulations necessary to carry out the purposes of this chapter and 42 U.S.C. 11001 - 11005.

Sec. 46.13.045. PLAN APPROVAL; INCIDENT COMMAND SYSTEMS. (a) The commission shall review and exercise approval authority over local, interjurisdictional, regional, and state plans for hazardous substance discharge response, including plans prepared under AS 26.23, AS 46.04.200 - 46.04.210, and this chapter.

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

(c) To the extent consistent with other law, an incident command

system approved under this section must provide that the Alaska division of emergency services has a major role in mobilization of personnel and resources, communications, transportation planning, and other logistics involved in a state response to an imminent or actual hazardous substance discharge.

Sec. 46.13.050. AGENCY COOPERATION. The commission may request data, reports, or other information from a state agency. To the extent feasible and not otherwise prohibited by laws making specific information confidential and nondisclosable, a state agency shall cooperate with the commission and furnish the commission with the information and assistance necessary to accomplish the purposes of 42 U.S.C. 11001 - 11005 and this chapter.

Sec. 46.13.060. EMERGENCY PLANNING DISTRICT BOUNDARIES. Boundaries for emergency planning districts are the regions designated by the Department of Environmental Conservation under AS 46.04.210, unless otherwise designated by the commission.

Sec. 46.13.070. LOCAL EMERGENCY PLANNING COMMITTEES. The commission shall establish and appoint the members of a local emergency planning committee for each emergency planning district. Each committee must include, at a minimum, representatives from each of the following groups or organizations: elected state and local officials; law enforcement; civil defense; fire fighting; first aid; health; local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of 42 U.S.C. 11001 - 11005.

Sec. 46.13.080. DUTIES OF LOCAL EMERGENCY PLANNING COMMITTEES. Each local emergency planning committee shall

(1) 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;

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

(3) prepare and periodically review an emergency plan in accordance with 42 U.S.C. 11003(a);

(4) evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and make recommendations with respect to additional resources that may be required and the means for providing the additional resources;

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

(6) participate as a local advisory committee in the preparation of statewide regional contingency plans.

Sec. 46.13.090. EMERGENCY PLANS. (a) An emergency plan prepared under AS 46.13.080 must include

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

(2) methods and procedures to be followed by facility

owners and operators and local emergency and medical personnel to respond to a release of hazardous substances, and to a release of substances on the list of extremely hazardous substances referred to in 42 U.S.C. 302(a);

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

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

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

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

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

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

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

(b) Each emergency plan prepared under AS 46.13.080 must incorporate within it an incident command system. The incident command system must be substantially equivalent in relevant respects to the incident command systems established under AS 46.04.200 - 46.04.210 and meet the requirements of AS 46.13.045.

Sec. 46.13.100. FINDINGS AND PURPOSE. The legislature

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

(2) concludes that it is in the best interest of the state and its citizens to establish a Hazardous Substance Spill Technology Review Council in the Alaska State Emergency Response Commission to assist in the identification of containment and cleanup products and procedures for arctic and sub-arctic hazardous substance releases and make recommendations to the departments and agencies of the state regarding their use and deployment.

Sec. 46.13.110. HAZARDOUS SUBSTANCE SPILL TECHNOLOGY REVIEW COUNCIL. (a) There is established in the Alaska State Emergency Response Commission the Hazardous Substance Spill Technology Review Council.

(b) The council consists of the commissioner of environmental conservation, the adjutant general of the Department of Military and Veterans' Affairs, a representative of the University of Alaska appointed by the governor, the governor's senior science advisor, a representative of the Prince William Sound Science Center in Cordova appointed by the governor, and four other members, one from each judicial district of the state, appointed by the governor, with broad experience or expertise in one or more of the following areas: physical or biological science; oil technology, transportation, or management; fisheries; economics; environmental engineering; or law. The U.S. Coast Guard and the Environmental Protection Agency may each appoint a federal employee to the council to represent their agencies as nonvoting members. Appointed state members of the council serve

overlapping three-year terms.

(c) The council members shall elect from among themselves a chair and vice-chair.

(d) The oil and hazardous substance response office established under AS 46.08.100 shall serve as staff for the council.

(e) State and federal members of the council serve without compensation, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(f) The council shall meet regularly at the call of the commission or the chair of the council.

(g) State members of the council are subject to AS 39.50.

Sec. 46.13.120. DUTIES OF THE COUNCIL. The council shall

(1) review and recommend to the Department of Environmental Conservation research topics for it to pursue;

(2) establish testing protocols to be used by the Department of Environmental Conservation to evaluate the effectiveness of hazardous substance spill technologies for use in the state;

(3) identify sources of money that may be available for discharge-related research;

(4) make proposals to the governor, commission, and other entities to encourage and fund prevention, response, cleanup, and mitigation of future discharges of hazardous substances;

(5) compile and maintain information relating to

(A) containment and cleanup technology that is available in the event of a hazardous substance discharge, the extent to which current containment and cleanup technology is available and may be applied in the state, and ways to improve hazardous substance spill response technology and procedures;

(B) steps that should be taken by government and

industry to ensure proper management, handling, and transportation of hazardous substances and to improve the statewide ability of industry and governmental agencies to respond to discharges of hazardous substances;

(C) the extent to which industry practices and governmental practices or laws should be changed to reduce or minimize the potential for hazardous substance discharges;

(D) hazardous substances spill technology research conducted by the Department of Environmental Conservation; and

(6) perform other functions as may be requested by the commission.

Sec. 46.13.130. INVESTIGATIONS; HEARINGS. (a) The council may issue subpoenas, administer oaths, and conduct investigations related to its duties.

(b) The council may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the deposition of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the duties assigned to the council.

(c) On a majority vote of the council, subpoenas and subpoenas duces tecum may be issued and served in the manner prescribed by AS 44.62.430(b) and (c) and court rule. The failure, refusal, or neglect to obey a subpoena is punishable as contempt in the manner prescribed by law or court rule. The superior court may compel obedience to the council's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

(d) State agencies shall, to the extent permitted by law, cooperate with the council and provide it with information it requests for carrying out its duties.

Sec. 46.13.900. DEFINITIONS. In this chapter,

(1) "commission" means the Alaska State Emergency Response Commission;

(2) "council" means the Hazardous Substance Spill Technology Review Council;

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

* Sec. 25. TRANSITIONAL PROVISION. The Alaska State Emergency Response Commission established under AS 46.13, enacted by sec. 24 of this Act, is a continuation of the Alaska State Emergency Response Commission established by Administrative Order No. 103. The terms of the public members of the commission who are serving terms on the effective date of this section continue until the date that was scheduled for their expiration before the effective date of this section.

* Sec. 26. TESTING PROTOCOLS. The Hazardous Substance Spill Technology Review Council shall establish the initial testing protocols required under AS 46.13.120(2), enacted by sec. 24 of this Act, by January 1, 1991.

* Sec. 27. APPROVAL OF SPILL TECHNOLOGY. The Department of Environmental Conservation shall, by March 1, 1991, report to the legislature its recommendations about the feasibility of establishing a process under which all types of oil and hazardous substance spill technology would have to be submitted to the department for approval before they could be used in the state.

* Sec. 28. This Act takes effect immediately under AS 01.10.070(c).

ADOPTED
by SFC
5/6/90

SCS FOR CS FOR HOUSE BILL 566

- 1) SERC: Sets up Alaska State Emergency Response Commission (SERC) under DEC with Commissioner of DEC is Chair; Adjutant General as Vice Chair. Duties include:
 - a) Facilitate the preparation of and approve hazardous substance spill plans under SARA Title III and State and Regional Plans;
 - b) Serve as coordinating group to establish agency roles and duties and ensure proper roles and linkages between state and local entities and the public;
 - c) Appoint Local Emergency Planning Committees.
- 2) INCIDENT COMMAND SYSTEM: Requires State, Regional and Local plans to include an Incident Command System; details, including who does what, to be developed by DEC, and the local Emergency Planning Committees, as appropriate, with final approval by the SERC. Roles must be consistent with statutory responsibility;
- 3) DES ROLE: Transfers Response Depots and Response Corps to Military Affairs, Division of Emergency Services (DES); allows DES to assist with communication and logistics involved in non-governmental responses to releases;
- 4) DEC ROLE: Keeps response office and responsibility to develop State and Regional Plans;
- 5) TECHNOLOGY COUNCIL: Establishes the Hazardous Substance Spill Technology Review Council located in SERC to:
 - a) Develop protocols to test technology;
 - b) Serve as clearinghouse for technology and research;
 - c) Direct DEC to conduct or contract for research into oil and hazardous substances spill technology;
 - d) Make recommendations regarding spill issues;
- 6) "470 FUND": Fund could be used for cleanup, containment and related costs associated with the release or threatened release oil or a hazardous substance without a specific appropriation for that purpose. All other uses of fund monies (e.g. response office, response depots, response corps, matching funds, preparation of state and regional master contingency plans, etc.) would require specific appropriation language. Also requires annual reports to the Legislature from DEC and the Governor of fund uses and related information.

- 7) OTHER: Requires DEC to report to the legislature, by March 1, 1991, its recommendations about the feasibility of establishing a process under which all types of oil and hazardous substance spill technology would have to be submitted to the department for approval before it could be used in the state.

HB 566



Oil Reform Alliance



The Oil Reform Alliance (ORA) is a grassroots coalition among commercial fishermen, environmentalists, and others within and outside of Alaska who are dedicated to reforming oil industry practises that adversely affect communities on social, economic and environmental levels.

ORA SUPPORTS: HB315, HB316, HB317, HB409, HB558, CSHB566 (HFIN), HB567, HB577, HB578, HJR78/SJR 70

ORA SUPPORTS WITH AMMENDMENTS: HB565, SB359

ORA DOES NOT SUPPORT: HB591/SB539, SB540/HB592, SB503

MEMBER GROUPS

Alaska Center for the Environment

Cordova District Fishermen United

Greenpeace

Kachemak Bay Conservation Society

Kachemak Resource Institute

Kenai Penninsula Fishermen's Association

Kodiak Environmental Clean-Up Effort

North Pacific Fisheries Association

National Outdoor Leadership School

Prince William Sound Conservation Alliance

Prince William Sound Seiners' Association

Seldovia Oil Spill Relief Office

Sound Renewal Project

United Cook Inlet Driftnet Association

Whittier Concerned Citizens

ORGANIZATIONS CONCURRING WITH OIL REFORM ALLIANCE
PRESS RELEASE OF 3/15/90

Alaska Center for the Environment
Alaska Friends of the Earth
Alaska Health Project
Alaska League of Women Voters
Alaska Public Interest Research Group
Alaska Wild Wings (Cordova)
Alaska Wilderness Sailing Safaris
Alaskans for Peace
Anchorage Clean Air Coalition
Bering Sea Fishermen's Association
Cenaliulriit
Cordova District Fishermen United
Greenpeace
Kachemak Bay Conservation Society
Kachemak Resource Institute
Kenai Peninsula Fishermen's Association
Kodiak Environmental Clean-Up Effort
National Outdoor Leadership School
North Pacific Fisheries Association
Northern Alaska Environmental Center
Nunam Kitlusisti
Prince William Sound Conservation Alliance
Prince William Sound Seiners' Association
Public Awareness Committee for the Environment (Kenai)
Sea Hawk Seafoods (Valdez)
Seldovia Oil Response Team
Seldovia Oil Spill Relief Office
Sound Renewal Project
Southeastern Alaska Conservation Association
Stan Stevens Charters
Trustees for Alaska
United Cook Inlet Driftnet Association
Whittier Community Service Service Center
Whittier Concerned Citizens
Whittier Boat Owners' Association
Whittier Response Center
Juneau Audubon Society

HB 566

Testimony before Senate Oil & Gas Committee: Tuesday, March 27, 1990

Thank you Madame Chair for the opportunity to testify before this committee. For the record, my name is Erv Martin, Director of the Alaska Division of Emergency Services.

I wish to preface my comments with the following caveat:

As a member of the Executive Branch of State Government, it is my duty not to dissent from the Administration's formal position on any particular issue.

That said, and notwithstanding, Alaska Statute 26.23.040 paragraphs (e) (12) & (14) require the Division of Emergency Services to cooperate in achieving the purposes and proper implementation of the Alaska Disaster Act for disaster prevention, preparedness, response and recovery. And in accordance with the bylaws of the State Emergency Response Commission as vice chair, for emergency planning and training in executing the provisions of SARA Title III thru Administrative Order 103.

What is your question?

(in response to Senator Halford's question)
I believe SB 468 accurately reflects the Oil Spill Commission's recommendations #43, 44, 50 and 51.

I strongly and enthusiastically support the Dept. of Environmental Conservation responsibilities as the State's technical lead agency for oversight authority for regulatory compliance, pollution monitoring, inspections and investigations; directly with industry & facility operators.

From the macro perspective and comprehensive view - It is logical and reasonable and more cost effective in the long run for all disaster management and emergency response coordination functions to be vested in a single state agency for continuity of management principles rather than being distributed and dissipated between various State agencies. This bill would not diminish, in any way, DEC's regulatory authority for compliance of the oil industry and they would remain the technical, lead agency in an oil spill disaster.

(In response to Deputy Commissioner Amy Kyle's comments.)

My interpretation on the activation of the oil and hazardous substance response office is predicated upon an actual or potential event which poses an imminent and substantial threat to public health or welfare or to the environment, under a declared incident.

(Further response to Deputy Commissioner Amy Kyle's comments.)

The Division of Emergency Services is not just logisticians or communicators, but comprehensive managers of dysfunctional resources dispersed throughout multiple agency's, both vertically from local-state-federal levels and horizontally across the spectrum of available assets. This is within our cooperative effort with local government for the totality of the impacts.

The network of the existing infrastructure is a continuous, ongoing relationship for multi-hazard, disaster preparedness, response, and recovery.

Without the bill - the confusion and fragmentation of responsibilities will continue to exist.

END OF TESTIMONY

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 21, 1990

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting three bills implementing recommendations made by the Alaska Oil Spill Commission.

One bill authorizes the governor to use the oil and hazardous substance release response fund, established under AS 46.08.010, to respond to declared disaster emergencies under AS 26.23.020(c). The bill also repeals the exception in AS 46.04.080(a) that requires the Department of Environmental Conservation (DEC) to perform the duties of the Division of Emergency Services during a catastrophic oil discharge. Finally, the bill creates in statute the State Emergency Response Commission, presently established by an administrative order.

Another bill extensively revises AS 46.03.758 - 46.03.763, which deals with civil penalties for oil spills. In general, the bill increases penalties for spills and eliminates unwarranted exemptions and defenses.

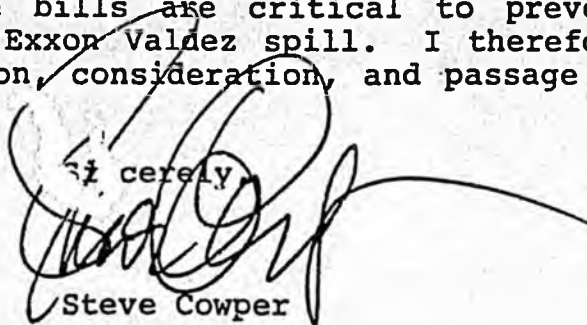
The third bill strengthens DEC's authority to require compliance with oil discharge contingency plans. Of particular significance is the requirement that applicants for contingency plans must maintain sufficient resources to contain and remove, within the shortest possible time, a realistic maximum oil discharge. Next, this bill increases the financial responsibility requirements for offshore oil exploration and production activities, to guarantee that in the event of another spill, significant financial resources will exist to compensate damaged parties, including the state. Finally, this bill authorizes DEC to inspect oil industry facilities and tankers to guarantee compliance with contingency plans and to assure structural integrity of the equipment.

Sectional analyses of each bill, describing the bills in detail, will be provided by my staff.

As you know, the Oil Spill Commission "Executive Summary," issued last month, includes over 50 recommendations. Through this legislation, as well as other bills already under consideration by the legislature (House Bill 409, Senate Bills 359, 421, and 497), most of those recommendations are being addressed. Furthermore, additional legislative proposals based upon these recommendations are still under consideration, and, after review of the full commission report, just released, additional proposals might be forthcoming.

The Oil Spill Commission, after extensive study, has identified several ways for the state to improve its ability to prevent future spills and to better respond if a serious spill occurs again. These bills are critical to prevent another disaster like the Exxon Valdez spill. I therefore urge your serious discussion, consideration, and passage of these measures.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Steve Cowper". The signature is written over the word "Sincerely" and extends to the right with a long horizontal flourish.

Steve Cowper
Governor

HB 566

DAVID E. ROGERS

LAWYER

P.O. BOX 33932
JUNEAU, AK 99803

907-586-2366
FAX 907-586-6959

April 11, 1990

Senator John Binkley
Senate Finance Committee
Room 518, Capitol
Juneau, Alaska

RECEIVED APR 17 1990

Dear Senator:

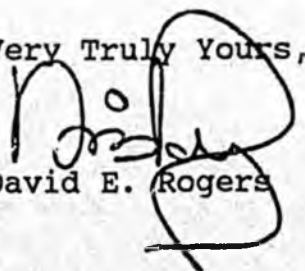
Senator Pearce asked me to give you this proposed amendment to SCS CSHB 566 (Oil and Gas) for your review and comment. It attempts to address the Finance Committee's concern about use of "470 Fund" money in connection with oil and hazardous substance spill matters.

This amendment (see page 2, #2) would authorize use of the "470 Fund" for cleanup, containment and related costs associated with the release or threatened release of oil or a hazardous substance without the need for a specific appropriation for that purpose. All other uses of fund monies (e.g. response office, response depots, response corps, matching funds, preparation of state and regional master contingency plans, etc.) would require specific appropriation language.

A related amendment (see page 1, #1) clarifies that "470 Fund" money may continue to be used for spill technology research conducted through the Department of Environmental Conservation.

Please let me know what you think as soon as possible.
Thanks.

Very Truly Yours,


David E. Rogers

A M E N D M E N T

OFFERED IN THE SENATE

TO: SCS CSHB 566 (Oil & Gas)

Page 7, after line 4:

Insert a new bill section to read:

"* Sec. 15. AS 46.08.040 is amended to read:

Sec. 46.08.040. PURPOSES OF THE FUND. The commissioner may use money from the fund to

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

(2) pay the costs of oil and hazardous substances spill technology research authorized under AS 46.03.020(14) [ALL COSTS INCURRED TO ESTABLISH AND MAINTAIN THE OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE AND FOR THE EXPENSES OF THE OIL AND HAZARDOUS SUBSTANCE RESPONSE CORPS AND THE OIL AND HAZARDOUS SUBSTANCE RESPONSE DEPOTS ESTABLISHED BY THAT OFFICE];

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

(4) recover the cost to the state or to a municipality of a

containment and cleanup resulting from the release or the threatened release of oil or a hazardous substance; and [.]

(5) [PREPARE, REVIEW, AND REVISE

(A) THE STATE'S MASTER OIL AND HAZARDOUS SUBSTANCE DISCHARGE AND PREVENTION CONTINGENCY PLAN REQUIRED BY AS 46.04.-200; AND

(B) A REGIONAL MASTER OIL AND HAZARDOUS SUBSTANCE DISCHARGE AND PREVENTION CONTINGENCY PLAN REQUIRED BY AS 46.04.-210; AND

(6)] restore the environment by addressing the effects of an oil or hazardous substance release."

Renumber the following bill sections accordingly.

Page 7, after line 24:

Insert a new subsection to read:

"(e) Notwithstanding other provisions of this section, money from the fund may not be used for a purpose described in (a)(2) - (5), (c)(1), or (d) of this section unless funds are available from an appropriation made specifically for that purpose."

Page 20, line 11:

Delete "27"

Insert "28"

Page 20, line 19:

Delete "27"

Insert "28"

Page 20, line 22:

Delete "25"

Insert "26"

Page 20, lines 24 - 25:

Delete all material.

Insert a new bill section to read:

"* Sec. 31. AS 46.08.150(3) is repealed."

Page 20, line 26:

Delete "25"

Insert "26"

Page 20, line 28:

Delete "31"

Insert "32"


STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99801
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 12, 1990

SUBJECT: CSHB 556 (Finance) -- sectional analysis
TO: Representative Max F. Gruenberg, Jr.
FROM: Jack Chenoweth
Legislative Counsel 

The following summarizes the principal provisions of CSHB 556 (Finance) amending the Alaska Disaster Act, AS 26.23, and repealing related provisions.

This bill revises the Alaska Disaster Act in order to put the statutory authority for state planning, response, and assistance in the event of a disaster emergency on a sound basis. After giving attention to the respective roles of the governor and the legislature in responding to a disaster emergency declaration, the balance of the bill revises and updates key provisions applicable to the state's preparedness and response mechanisms.

* * *

The relationship between the executive branch and the legislative branch in responding to disasters is addressed in the bill's first two sections.

Bill section 1 defines the essential elements of the governor's role in declaring a disaster emergency and initiating the response of the state government's executive branch. After removing from this subsection all references to the legislature's role in responding to a disaster emergency and establishing those in a separate section (AS 26.23.025, added in the next following bill section), the section rewrites the section stylistically, shifting the description of the governor's responsibilities from the passive to the active voice. Significant substantive changes are not otherwise made.

Bill section 2 describes the legislature's role in formulating a disaster emergency response:

-- Subsection (a) should be read in conjunction with AS 26.23.300, set out later in the measure as part of bill section 17. It limits the operation of the section on legislative involvement to those instances in which the governor proposes to spend (1) more than \$1,000,000 from the disaster relief fund as grants and loans to alleviate the effects of a disaster; (2) more than \$500,000 from the fund if "an event . . . occurs in the state . . . that, in the determination of the governor, poses a direct and imminent threat of a disaster of sufficient magnitude and severity to justify state action" (see page 10, lines 13 - 16); or (3) an amount from the fund that exceeds the fund's unallocated balance.

-- Subsection (b) directs that, if the disaster emergency is declared while the legislature is in session, the governor is to submit a financing plan identifying sources of appropriated money that the governor intends to use to respond to the disaster or a supplemental appropriation.

-- Subsection (c) directs that, if the disaster emergency is declared while the legislature is not in session, the governor is to call for a legislative special session and submit the same documents; if within five days of the governor's call the presiding officers determine that a special session should not be convened, the governor is not to convene one.

-- Subsection (d) provides that actions of the governor in response to a disaster emergency not approved by concurrent resolution of the legislature at a regular or special session are void.

-- Subsection (e) authorizes the governor to proceed under his proposed financing plan if the legislature, not in session, does not convene in a special session.

-- Following current law (AS 26.23.020), subsection (f) allows the legislature to terminate a disaster emergency at any time by concurrent resolution.

* * *

The remainder of the bill makes a series of technical and substantive changes whose inclusion had been suggested by the division of emergency services, drafting corrections, and substantive changes intended to better define the rela-

Representative Max F. Gruenberg, Jr.

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tionship of the Alaska Disaster Act to available federal assistance and to other related state laws.

Bill section 3 deletes a requirement that the annual plan prepared by the division of emergency services include a provision listing catalogs and extracts of current disaster assistance programs.

Bill section 4 deletes from the list of the division's duties (1) providing mobile support units; (2) making surveys necessary to carry out the purposes of the Alaska Disaster Act, and (3) establishing equipment and housing registers.

Bill section 5 removes certain unnecessary limitations relating to the governor's authority to borrow when necessary to cope with a disaster, and makes technical language corrections.

Bill section 6 makes a technical correction in a reference to the term "municipality."

In bill section 7, and in several others that follow, the term "political subdivision" is substituted in order to make uniform the reference as to entities who are eligible to seek necessary financial assistance from the state and federal governments under the Alaska Disaster Act.

Bill section 8 deletes an unnecessary reference to "community" in the section caption and eliminates a provision that limits a political subdivision from applying for disaster assistance in an amount that would exceed 25 percent of the subdivision's annual operating budget for the fiscal year in which application is made.

The change made by bill section 9 revises and extends the limitation on grants awardable to families, to conform to the limitations of current federal law (i.e. \$10,000 plus a cost-of-living adjustment).

Bill sections 10 and 11 substitute the term "political subdivision" for various other terms in order to provide uniformity of reference as to entities eligible to seek necessary financial assistance from the state and federal governments under the Alaska Disaster Act.

Bill section 12 revises AS 26.23.210 in a way intended to clarify the relationship between assistance available under

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AS 26.23 (the Alaska Disaster Act) and disaster assistance provided under the state's civil defense provisions (AS 26.-20) in the event of disaster arising from military or paramilitary action.

The substantive change to the definition of "disaster" by bill section 13 at page 9, line 3 is made to align the definition to the change made in bill section 12. The substitution made at page 9, lines 8 and 9 is intended to clarify state response under the Alaska Disaster Act as it may be applicable to an oil or hazardous substance discharge that poses the threat of environmental danger or damage. The remaining change is stylistic.

The amendments made in bill sections 14 and 16 revise references to the principal source of federal disaster assistance.

Bill section 15 modifies the definition of "political subdivision" in light of the definition of "municipality" provided in AS 01.10.060 and makes stylistic changes.

Bill section 17 brings forward from AS 44.19.048 and 44.19.-052 the existing statutory provisions establishing the Disaster Relief Fund and the Fuel Emergency Fund. The limitations applicable to uses of these funds are brought forward without significant substantive change. However, outdated references to assistance available to the disaster of August, 1967 (the Fairbanks flood) and certain related deadlines are not brought forward. An addition to substantive law appears in proposed AS 26.23.300(e) (page 10, lines 19 and 20) in which the governor is directed to prepare and adopt regulations applicable to the fund and its use, and especially as to its use for grants and loans (page 10, lines 6 - 9).

The repealed provisions identified in bill section 18

(1) delete current AS 44.19.048 establishing the Disaster Relief Fund (transferred by bill section 17 to AS 26.23.300) and current AS 44.19.052 establishing the Fuel Emergency Fund (transferred by bill section 17 to AS 26.23.-400);

(2) eliminate AS 44.19.050 as unnecessary a definition of the term "disaster" applicable to AS 44.19.048 and AS 44.-19.049;

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(3) eliminate AS 44.19.049, a dated and obsolete section authorizing state assistance in response to natural disasters that is tied to and dependent on federal sources (i.e. urban renewal assistance provisions of Title I of the Housing Act of 1949) that no longer exist; and

(4) eliminate AS 26.23.090(c), a dated definition of a crime involving willful misstatement in an application for financial assistance submitted under AS 26.23; the same act is covered by the elements of the crime of "unsworn falsification" under AS 11.56.210.

JBC:pl
WKP4/057

FISCAL NOTE

REQUEST:

Revision Date: April 2, 1990
 Title: Oil and hazardous substance response.
 Sponsor: Governor
 Requestor: Senate Oil and Gas Committee

Agency Affected: DMVA
 BRU: Disaster Planning & Control
 Components: Oil & Hazardous Substance Response Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	443.4	443.4	443.4	443.4	443.4	443.4
TRAVEL	115.4	115.4	115.4	115.4	115.4	115.4
CONTRACTUAL	1327.0	1327.0	1327.0	1327.0	1327.0	1327.0
SUPPLIES	59.0	59.0	59.0	59.0	59.0	59.0
EQUIPMENT	67.0	67.0	67.0	67.0	67.0	67.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2111.8	2011.8	2011.8	2011.8	2011.8	2011.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER	2111.8	2011.8	2011.8	2011.8	2011.8	2011.8
TOTAL						

POSITIONS:

FULL-TIME	9	9	9	9	9	9
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Jeff Morrison, Director Phone: 465-4600
 Division: Administrative & Support Services, DMVA Date: 4/2/90

Approved by Commissioner: MG John Schaeffer Date: 4/2/90
 Agency: Department of Military & Veterans Affairs

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Changes in CSSB 503 (Fin)
 have no fiscal impact.

This fiscal note is
 appropriate. 4/4/90

FISCAL NOTE FOR CSSB 5166 (O&G)
Department of Military and Veterans Affairs

This bill does two things that have a fiscal impact: 1) it transfers the Oil and Hazardous Substance Response Office created by Ch 113, SLA 1989 from the Department of Environmental Conservation to the Department of Military and Veterans Affairs; and 2) it establishes the State Emergency Response Commission (SERC) in statute. Passage of the act would create a new component in the Disaster Planning and Control ERU: Oil and Hazardous Substance Response Office.

The fiscal note for DMVA for these two purposes is derived from the fiscal notes prepared by the Department of Environmental Conservation for SB264 (Ch 113, SLA 1989) [for the costs associated with the Oil and Hazardous Substance Response Office], and for the initial Governor's submission of SB 503 [for the costs associated with the SERC].

Due to the short response time to prepare this fiscal note, it may be necessary to revise it after consultation with the Department of Environmental Conservation. There was not ample time to work closely with DEC prior to the deadline for submission of the fiscal note.

TRANSFER OF OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE

The response office would consist of a full-time staff of nine agency personnel: a deputy director, six response specialists, one administrative assistant, and one clerk typist. The contractual line includes the following: 1) the second of two years of office set-up costs (\$100,000); 2) training contracts (\$200,000); 3) contracts with local governments (\$500,000); 4) wages and per diem for volunteer training (\$300,000); 5) contracts with private response specialist (\$100,000); and contracts for oil spill response research (\$100,000). These funds are currently budgeted in the Department of Environmental Conservation, in the Environmental Quality Projects component of the Environmental Quality ERU.

Funding for this office is from the Oil and Hazardous Substance Release Response Fund, established by A.S. 46.08.010. Including the personal services costs and contractual services costs specifically addressed above, the total costs of this portion of the fiscal note are:

Personal services	443.4
Travel	45.0
Contractual Services	1300.0
Supplies	59.0
Equipment	67.0
Total	1914.4

ESTABLISHMENT OF STATE EMERGENCY RESPONSE COMMISSION (SERC)

The staff of the Oil and Hazardous Substance Response Office will serve as staff to the SERC under terms of this bill, providing the following services: serve as technical support to the SERC, coordinate SERC meetings, coordinate establishment of the Local Emergency Planning Committees (LEPCs), provide technical information to LEPCs and other duties required by statute. This legislation will not require additional new positions. Costs of the SERC will consist chiefly of travel and per diem of SERC members, and costs of establishing Local Emergency Planning Committees (LEPCs).

Travel expenses and per diem for Commission members attending quarterly meetings (6-8 persons) and quarterly subcommittee meetings (6-8 persons) will be paid by the fiscal note to this bill. There are four subcommittees. Assuming air fare of \$360.00 and per diem of \$80.00 per member on an average, the total cost of travel and per diem are estimated to be \$70,400.

The legislation will require the SERC to establish LEPCs for each emergency planning district. Approximately 12 LEPCs are in the process of being established at an estimated cost of \$20,000 to each community. Contractual services monies in the amount of \$120,000 (\$10,000 per LEPC) will be necessary to help ensure that LEPCs are established, members receive appropriate training, and that the requirements of this proposed statute and SARA Title III are complied with. This cost will recur in subsequent fiscal years as additional LEPCs are established.

Based on past experience, annual costs to advertise quarterly SERC meetings in newspapers will require approximately \$5,000. Annual cost to transcribe audio tapes of quarterly SERC meetings is \$2,000.

Including the travel and contractual services costs specifically addressed above, the total costs of this portion of the fiscal note are:

Personal services	0.0
Travel	70.4
Contractual Services	127.0
Supplies	0.0
Equipment	0.0
Total	197.4

The combined annual cost of the fiscal note is \$2,111,800. This drops by \$100,000, to \$2,011,800, in the second year due to the end of office start-up costs. Since this fiscal note was prepared rather hastily, we welcome the critical review of the legislative finance committees.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION : SCS HB 566 (O&G)

PUBLISH DATE : 4/11/90

FISCAL NOTE

APR 19 1990

REQUEST:

Revision Date 4/19/90
Title: An Act relating to State response actions and planning...
Sponsor: Rules/Governor
Requestor: Senate Finance

Agency Affected: Environ. Conservation
BRU: Environmental Quality
Components: Environmental Quality projects

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	493.0	493.0	493.0	493.0	493.0	493.0
TRAVEL	141.3	141.3	141.3	141.3	141.3	141.3
CONTRACTUAL	573.0	573.0	473.0	473.0	473.0	473.0
SUPPLIES	10.0	10.0	10.0	10.0	10.0	10.0
EQUIPMENT	50.0	50.0	50.0	50.0	50.0	50.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	1,267.3	1,267.3	1,167.3	1,167.3	1,167.3	1,167.3
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	1,267.3	1,267.3	1,167.3	1,167.3	1,167.3	1,167.3
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	1,267.3	1,267.3	1,167.3	1,167.3	1,167.3	1,167.3

POSITIONS:

FULL-TIME	10.0	10.0	10.0	10.0	10.0	10.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Lynn Kent
Division: Environmental Quality

Phone: 465-2630
Date: 18-Apr-90

Approved by Commissioner: ADHyle
Agency: Environmental Conservation

Date: 4/11/90

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Section 8

This section of the bill transfers the oil spill response office from the Department of Environmental Conservation to the Department of Military and Veterans Affairs. The transfer includes the staff to respond to catastrophic spills. The response office was to be a focal point in the Department for enhanced expertise in spill response. With the transfer of these positions and the authority to expend Response Fund dollars for these functions, some of these positions will need to be paid by general funds. It is the Department's understanding that the sponsors' stated intent is not to fully eliminate DEC from response on catastrophic spills. Hence, funding for four positions to comprise DEC's response capability are requested in the fiscal note. (The governor's budget proposal included funding to put the oil pollution control program at a core funding level. However, this proposal assumed the existing response office positions.)

Position	100	200	300	400	500	Total
Ecologist III	51.0	7.0	12.0	1.0	5.0	76.0
Env. Field Ofc. III	51.0	7.0	12.0	1.0	5.0	76.0
Env. Field Ofc. III	51.0	7.0	12.0	1.0	5.0	76.0
Env. Field Ofc. II	51.0	7.0	12.0	1.0	5.0	76.0

Sections 12 and 13.

These sections establish the State Emergency Response Commission in statute and place the SERC under the Department of Military and Veterans Affairs. The responsibility of the SERC has been expanded to include preparing state and regional contingency plans, currently under the jurisdiction of DEC. DEC's authority to use the Response Fund for any form of response planning is eliminated. The fiscal note requests three positions to carry out DEC's responsibilities under the SERC in its amended form. These include implementation of the requirements for the toxics emissions inventory, participation in local planning, and providing for some degree of coordination between facility (or private) contingency plans, which remain subject to DEC approval, and SERC, which is proposed to be given responsibility for statewide and regional plans, and the response office, which is proposed to be in DMVA. General funds are requested, as the authority to use the Response Fund has been eliminated.

Position	100	200	300	400	500	Total
Ecologist III	51.0	5.0	8.0	1.0	5.0	70.0
Ecologist II	51.0	5.0	8.0	1.0	5.0	70.0
Clerk Typist III	34.0	0.0	8.0	1.0	5.0	48.0

Section 25

This section of the bill requires the Department to adopt regulations regarding oil and hazardous substance containment and cleanup technologies and products. The Department must include protocols developed by the advisory Technology Review Council established under the State Emergency Response Commission. This Council is staffed by the Department of Military and Veterans Affairs. This is a structure that will require considerable coordination, as many entities are involved. Moreover, to adopt such a process is unprecedented and will require extensive efforts, particularly given the time constraints in the bill. The Department estimates that it will require three positions and a large contract to attempt to do this.

<u>Position</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
Ecologist III	51.0	5.0	8.0	1.0	5.0	70.0
Ecologist II	51.0	5.0	8.0	1.0	5.0	70.0
Ecologist II	51.0	5.0	8.0	1.0	5.0	70.0
Contractual			150.0			150.0

Section 27

This section establishes the State Emergency Response Commission (SERC) in statute. The scope of the SERC, currently established under administrative order, is broadened to include ultimate responsibility for regional and statewide contingency planning for oil spill response, as well as housing the Oil and Hazardous Substance Spill Technology Review Council.

While the SERC is established under the purview of the Division of Emergency Services, Department of Military and Veterans' Affairs, it is established within DEC statutes. Therefore, funding is included in this fiscal note for travel expenses and per diem for commission members attending quarterly SERC meetings (6-8 persons) and quarterly subcommittee meetings (6-8 persons). There are currently four subcommittees. Based on an air fare of \$360 and one day per diem at \$80/day, travel and per diem amount to \$70.4.

This legislation will require the commission to establish LEPCs for each emergency planning district. Approximately 12 Local Emergency Planning Committees (LEPC) are in the process of being established at an estimated cost of \$20.0 to each community. Contractual services monies in the amount of \$120.0 (\$10.0 per LEPC) will be necessary to help insure that LEPCs are established, members receive appropriate training, and that the requirements of this proposed statute and SARA Title III are complied with. This cost will recur in subsequent fiscal years as additional LEPCs are established.

Based on the past year's expenditures, annual costs to advertise quarterly SERC meetings in newspapers will require approximately

\$5.0. Annual cost to transcribe audio tapes of quarterly SERC meetings is \$2.0.

The Hazardous Substance Spill Technology Review Council is also established under this section of the bill. This is established under the SERC, which is established under the purview of the Division of Emergency Services, Department of Military and Veterans' Affairs, but is established within DEC's statutes. Therefore funding is included for travel costs for seven commission members, based on four meetings per year, three days per meeting at \$80 per diem (6.7) and \$400 average per air fare (\$11.2). Funds (\$200.0) are included for technical assistance contracts which may include data collection, analysis of response technologies, and technical research. These funds are reduced to \$100.0 after the first two fiscal years.

	100	200	300	400	500	Total
Travel/per diem (SERC)		70.4				\$ 70.4
Contractual (SERC)			127.0			127.0
Council members		17.9				17.9
Contractual (Tech asst)			200.0			200.0
Totals		88.3	327.0			\$415.3

FISCAL NOTE

REQUEST:

Revision Date: 4/4/90
 Title: An act concerning Response
 Fund expenditures/transferring authority to DES...
 Sponsor: Rules/Governor
 Requestor: S Finance

Agency Affected: Environ. Conservation
 BRU: Environmental Quality

Components: Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	88.3	88.3	88.3	88.3	88.3	88.3
CONTRACTUAL	347.0	327.0	227.0	227.0	227.0	227.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	435.3	415.3	315.3	315.3	315.3	315.3
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	435.3	415.3	315.3	315.3	315.3	315.3
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	445.3	415.3	315.3	315.3	315.3	315.3

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Lynn Kent
 Division: Environmental Quality

Phone: 465-2630
 Date: 4/4/90

Approved by Commissioner: *R. D. Hyle*
 Agency: Environmental Conservation

Date: 4/4/90

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Sections 1-22

These sections of the bill will not require any additional money for the Department.

Section 23

This section of the bill requires the Department to adopt regulations regarding oil and hazardous substance containment and cleanup technologies and products. There is contractual money included (\$20.0) in FY 91 for assistance in writing the regulations.

Section 24

This section will not require any additional money for the Department.

Section 25

This section establishes the State Emergency Response Commission (SERC) in statute. The scope of the SERC, currently established under administrative order, is broadened to include ultimate responsibility for regional and statewide contingency planning for oil spill response, as well as housing the Oil and Hazardous Substance Spill Technology Review Council.

While the SERC is established under the purview of the Division of Emergency Services, Department of Military and Veterans' Affairs, it is established within DEC statutes. Therefore, funding is included for travel expenses and per diem for commission members attending quarterly SERC meetings (6-8 persons) and quarterly subcommittee meetings (6-8 persons). There are currently four subcommittees. Based on an air fare of \$360 and one day per diem at \$80/day, travel and per diem amount to \$70.4.

This legislation will require the commission to establish LEPCs for each emergency planning district. Approximately 12 Local Emergency Planning Committees (LEPC) are in the process of being established at an estimated cost of \$20.0 to each community. Contractual services monies in the amount of \$120.0 (\$10.0 per LEPC) will be necessary to help insure that LEPCs are established, members receive appropriate training, and that the requirements of this proposed statute and SARA Title III are complied with. This cost will recur in subsequent fiscal years as additional LEPCs are established.

Based on the past year's expenditures, annual costs to advertise quarterly SERC meetings in newspapers will require approximately \$5.0. Annual cost to transcribe audio tapes of quarterly SERC meetings is \$2.0.

The Hazardous Substance Spill Technology Review Council is also established under this section of the bill. This is established under the SERC, which is established under the purview of the Division of Emergency Services, Department of Military and Veterans' Affairs, but is established within DEC's statutes. Therefore funding is included for travel costs for seven commission members, based on four meetings per year, three days per meeting at \$80 per diem (\$6.7) and \$400 average per airfare (\$11.2). Funds (\$200.0) are included for technical assistance contracts which may include data collection, analysis of response technologies, and technical research. These funds are reduced to \$100.0 after the first two fiscal years.

Sections 26-30

These sections will not require any additional money for the Department.

FY 91 fiscal detail

<u>Position</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
Travel/per diem (SERC)		70.4				\$ 70.4
Contractual (SERC)			127.0			127.0
Contractual (Regs)			20.0			20.0
Council members		17.9				17.9
Contractual (Tech asst)			200.0			200.0
TOTALS		88.3	347.0			\$435.3

STATE OF ALASKA
1990 LEGISLATIVE SESSION

No. 3
BILL VERSION: CSHB 566(Fin)
PUBLISH DATE: HOUSE 4/3/90

FISCAL NOTE

REQUEST:

Revision Date: 4/2/90
Title: An Act concerning Response Fund expenditures/DES's role in spill disaster/SERC
Sponsor: Rules Committee
Requestor: House Finance

Agency Affected: Environ Conservation
BRU: Environmental Quality
Components: Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	115.4	115.4	115.4	115.4	115.4	115.4
TRAVEL	80.4	80.4	80.4	80.4	80.4	80.4
CONTRACTUAL	23.0	23.0	23.0	23.0	23.0	23.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	10.0	10.0	10.0	10.0	10.0	10.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	230.8	230.8	230.8	230.8	230.8	230.8

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER *	230.8	230.8	230.8	230.8	230.8	230.8
TOTAL	230.8	230.8	230.8	230.8	230.8	230.8

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

* Funding source is the Oil & Hazardous Substance Release Response Fund.

Prepared by: Camille Stephens
Division: Environmental Quality

Phone: 465-2630
Date: 4/2/90

Approved by Commissioner: A. D. [Signature]
Agency: Department of Environmental Conservation

Date: 4/2/90

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Sections 1-7

Sections 1-7 will not require additional resources for the Department of Environmental Conservation.

Section 8

This legislation establishes the State Emergency Response Commission (SERC) in statute. The scope of the SERC, currently established under administrative order, is broadened to include contingency planning for oil spill response, as well as providing additional representation by resource agencies (DNR, F&G) and health and safety agencies (Labor, Public Safety).

The Department presently funds .5 FTE as technical staff to the SERC. This legislation will require two additional FTE (153.4) to serve as technical support to the SERC, coordinate SERC meetings, coordinate establishment of LEPCs, provide technical information to LEPCs, and other duties as required by the statute. The Department considers it essential that SERC/LEPC plans are coordinated with the State and Regional Oil and Hazardous Substance Discharge Prevention and Contingency Plans.

Travel expenses and per diem for commission members attending quarterly SERC meetings (6-8 persons) and quarterly subcommittee meetings (6-8 persons) are paid by the Department. There are four subcommittees. Based on an air fare of \$360 and one day per diem at \$80/day, travel and per diem amount to \$70.4.

Based on the past year's expenditures, annual costs to advertise quarterly SERC meetings in newspapers will require approximately \$5.0. Annual cost to transcribe audio tapes of quarterly SERC meetings is \$2.0.

SUMMARY

	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
ECO III	57.7	5.0	8.0	1.0	5.0	\$ 76.7
ECO III	57.7	5.0	8.0	1.0	5.0	\$ 76.7
Travel/per diem		70.4				\$ 70.4
Contractual			7.0			\$ 7.0
TOTALS	115.4	80.4	23.0	2.0	10.0	\$230.8

STATE OF ALASKA
1990 LEGISLATIVE SESSION

No. 3
BILL VERSION: CSHB 566(Fin)
PUBLISH DATE: HOUSE 4/3/90

FISCAL NOTE

REQUEST:

Revision Date: 4/2/90 Agency Affected: Environ Conservation
 Title: An Act concerning Response Fund BRU: Environmental Quality
expenditures/DES's role in spill disaster/SERC
 Sponsor: Rules Committee Components: _____
 Requestor: House Finance Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	115.4	115.4	115.4	115.4	115.4	115.4
TRAVEL	80.4	80.4	80.4	80.4	80.4	80.4
CONTRACTUAL	23.0	23.0	23.0	23.0	23.0	23.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	10.0	10.0	10.0	10.0	10.0	10.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	230.8	230.8	230.8	230.8	230.8	230.8
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER *	230.8	230.8	230.8	230.8	230.8	230.8
TOTAL	230.8	230.8	230.8	230.8	230.8	230.8

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

* Funding source is the Oil & Hazardous Substance Release Response Fund.

Prepared by: Camille Stephens
 Division: Environmental Quality

Phone: 465-2630
 Date: 4/2/90

Approved by Commissioner: A. D. Kelly
 Agency: Department of Environmental Conservation

Date: 4/2/90

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Sections 1-7

Sections 1-7 will not require additional resources for the Department of Environmental Conservation.

Section 8

This legislation establishes the State Emergency Response Commission (SERC) in statute. The scope of the SERC, currently established under administrative order, is broadened to include contingency planning for oil spill response, as well as providing additional representation by resource agencies (DNR, F&G) and health and safety agencies (Labor, Public Safety).

The Department presently funds .5 FTE as technical staff to the SERC. This legislation will require two additional FTE (153.4) to serve as technical support to the SERC, coordinate SERC meetings, coordinate establishment of LEPCs, provide technical information to LEPCs, and other duties as required by the statute. The Department considers it essential that SERC/LEPC plans are coordinated with the State and Regional Oil and Hazardous Substance Discharge Prevention and Contingency Plans.

Travel expenses and per diem for commission members attending quarterly SERC meetings (6-8 persons) and quarterly subcommittee meetings (6-8 persons) are paid by the Department. There are four subcommittees. Based on an air fare of \$360 and one day per diem at \$80/day, travel and per diem amount to \$70.4.

Based on the past year's expenditures, annual costs to advertise quarterly SERC meetings in newspapers will require approximately \$5.0. Annual cost to transcribe audio tapes of quarterly SERC meetings is \$2.0.

SUMMARY

	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
ECO III	57.7	5.0	8.0	1.0	5.0	\$ 76.7
ECO III	57.7	5.0	8.0	1.0	5.0	\$ 76.7
Travel/per diem		70.4				\$ 70.4
Contractual			7.0			\$ 7.0
TOTALS	115.4	80.4	23.0	2.0	10.0	\$230.8

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act authorizing the Governor to spend money...
 Sponsor: Rules Committee
 Requestor: Governor

Agency Affected: Fish and Game
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0					
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REVENUE	0					
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

No FY 90 Impact.

Prepared by: _____ Phone: _____

Division: _____ Date: _____

Approved by Commissioner: *Donald H. Atley* Date: 2 27 90

Agency: Fish and Game

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

RE

BR

HOUSE COMMITTEE REPORT

FILE

(11)

Date Referred: March 23, 1990

FURTHER REFERRALS:

Date of Committee Action: 4-2-90

The FINANCE Committee considered:

HB 566

HOUSE BILL NO. 566 OIL/HAZ. SUBST. RELEASE RESPONSES

"An Act authorizing the governor to spend money from the oil and hazardous substance release response fund for declared disasters; expanding the role of the division of emergency services during oil-spill-related declared disasters; establishing the Alaska State Emergency Response Commission; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 566 (FIN) the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): _____ APPROVES PREVIOUS: _____ (Date/Dept)
(Dept)

- fiscal impact DEC 4/2/90 fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) 2/22/90 / FEG
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

Signature	Name	Do Not Pass	No Rec	Amend
<i>Tom Brown</i>	BROWN			
<i>John Wallis</i>	WALLIS		✓	
<i>Arnold Larson</i>	LARSON		✓	
<i>Roll E. Phillips</i>	Phillips		✓	
<i>Stephen A. Rieger</i>	Rieger		✓	
<i>Genevieve Barnes</i>	BARNES		✓	

Tom Brown Hoffman
 Chairman's Signature
Arnold Larson Larson

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION : CSHB 566 (Finance)

PUBLISH DATE : 4/2/90

FISCAL NOTE

REQUEST:

Revision Date 4/2/90
Title: An Act concerning Response Fund
expenditures/DES's role in spill disaster/SERC
Sponsor: Rules Committee
Requestor: House Finance

Agency Affected: Environ Conservation
BRU: Environmental Quality
Components: Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	115.4	115.4	115.4	115.4	115.4	115.4
TRAVEL	80.4	80.4	80.4	80.4	80.4	80.4
CONTRACTUAL	23.0	23.0	23.0	23.0	23.0	23.0
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EQUIPMENT	10.0	10.0	10.0	10.0	10.0	10.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	230.8	230.8	230.8	230.8	230.8	230.8

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER *	230.8	230.8	230.8	230.8	230.8	230.8
TOTAL	230.8	230.8	230.8	230.8	230.8	230.8

POSITIONS:

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PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

* Funding source is the Oil & Hazardous Substance Release Response Fund.

Prepared by: Camille Stephens
Division: Environmental Quality

Phone: 465-2630
Date: 4/2/90

Approved by Commissioner: A. D. Kelly
Agency: Department of Environmental Conservation

Date: 4/2/90

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Adopted

Sections 1-7

Sections 1-7 will not require additional resources for the Department of Environmental Conservation.

Section 8

This legislation establishes the State Emergency Response Commission (SERC) in statute. The scope of the SERC, currently established under administrative order, is broadened to include contingency planning for oil spill response, as well as providing additional representation by resource agencies (DNR, F&G) and health and safety agencies (Labor, Public Safety).

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SUMMARY

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Travel/per diem		70.4				\$ 70.4
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TOTALS	115.4	80.4	23.0	2.0	10.0	\$230.8

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act authorizing the Governor to spend money...
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Fish and Game
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0					
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REVENUE	0					
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

No FY 90 Impact.

Prepared by: _____ Phone: _____
Division: _____ Date: _____

Approved by Commissioner: *Donald H. Patey* Date: 2 27 90
Agency: Fish and Game

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Adopted

Original sponsor(s): Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 566 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing that the Department of Environ-
7 mental Conservation has final state decision-making
8 authority during situations involving a response to
9 the release of oil or a hazardous substance; return-
10 ing to the division of emergency services the cata-
11 strophic oil discharge response functions formerly
12 assigned to the Department of Environmental Conserva-
13 tion under AS 46.04.080(a); establishing the Alaska
14 State Emergency Response Commission; requiring cer-
15 tain emergency plans to be substantially equivalent;
16 and providing for an effective date."

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

18 * Section 1. AS 26.23 is amended by adding a new section to read:

19 Sec. 26.23.215. RELATIONSHIP TO OTHER PLANNING STATUTES. To the
20 extent that the state emergency plan, interjurisdictional plans, and
21 local plans prepared under this chapter relate to action required to
22 avert damage from a release of oil or a hazardous substance, the plans
23 must be substantially equivalent in relevant respects to the emergency
24 plans prepared or approved by the Alaska State Emergency Response
25 Commission under AS 46.13 and use the same incident command system
26 used in those plans.

27 * Sec. 2. AS 46.03.365(c) is amended to read:

28 (c) When the department issues an order [DURING A PERIOD OF
29 EMERGENCY DECLARED] under (a) of this section, each state agency [,

1 INCLUDING, WHEN APPROPRIATE, THE DEPARTMENT OF MILITARY AND VETERANS'
2 AFFAIRS UNDER THE AUTHORITY CONFERRED BY AS 26.20,] shall take whatev-
3 er action the department finds necessary to meet the emergency, and to
4 protect the public health, welfare, or environment.

5 * Sec. 3. AS 46.04.080(a) is amended to read:

6 (a) The actual or imminent occurrence of a catastrophic oil
7 discharge constitutes a disaster emergency under AS 26.23. In the
8 event of a catastrophic oil discharge, the [HOWEVER, THE DEPARTMENT
9 SHALL PERFORM THE DUTIES OF THE ALASKA DIVISION OF EMERGENCY SERVICES
10 UNDER AS 26.23.040 AS THEY APPLY TO CATASTROPHIC OIL DISCHARGES. THE]
11 department shall, to the extent consistent with the plans developed
12 under AS 46.04.200 - 46.04.210 and AS 46.13, consult and coordinate
13 its duties under this chapter and AS 46.03 [SECTION] with the Alaska
14 division of emergency services.

15 * Sec. 4. AS 46.04 is amended by adding a new section to article 2 to
16 read:

17 Sec. 46.04.220. CONSISTENCY WITH OTHER PLANS. The plans pre-
18 pared under AS 46.04.200 - 46.04.210 must be substantially equivalent
19 in relevant respects to the emergency plans prepared or approved by
20 the Alaska State Emergency Response Commission under AS 46.13 and use
21 the same incident command system used in those plans.

22 * Sec. 5. AS 46 is amended by adding a new chapter to read:

23 CHAPTER 13. ALASKA STATE EMERGENCY RESPONSE COMMISSION.

24 Sec. 46.13.010. ALASKA STATE EMERGENCY RESPONSE COMMISSION
25 ESTABLISHED. There is established in the Department of Environmental
26 Conservation the Alaska State Emergency Response Commission.

27 Sec. 46.13.020. COMPOSITION OF THE COMMISSION. The commission
28 consists of the commissioners of community and regional affairs,
29 environmental conservation, fish and game, health and social services,

1 labor, natural resources, public safety, and transportation and public
2 facilities, or the designees of the commissioners, the adjutant gen-
3 eral of the Department of Military and Veterans' Affairs or a desig-
4 nee, and seven public members to be appointed by the governor. To the
5 extent practicable, the commission must include members with expertise
6 in the emergency response field.

7 Sec. 46.13.030. POWERS AND DUTIES OF COMMISSION. The commission
8 shall

9 (1) serve as the state emergency response commission re-
10 quired under 42 U.S.C. 11001 - 11005;

11 (2) designate, and revise as necessary, the boundaries of
12 emergency planning districts, using the boundaries of political sub-
13 divisions if appropriate;

14 (3) review, oversee, and facilitate the preparation and
15 implementation of emergency plans for hazardous substance response,
16 including statewide, regional, and local contingency plans prepared
17 under AS 26.23 and AS 46.04.200 - 46.04.210;

18 (4) supervise and coordinate the activities of local emer-
19 gency planning committees;

20 (5) establish procedures for receiving and processing
21 requests from the public for information under 42 U.S.C. 11044, in-
22 cluding tier II information under 42 U.S.C. 11022;

23 (6) perform other coordinating, advisory, or planning tasks
24 related to hazardous substance emergency planning and preparedness,
25 community right-to-know reporting, toxic chemical release reporting,
26 or management of hazardous substances;

27 (7) provide procedures and oversight to integrate, as
28 appropriate, hazardous substance response planning under 42 U.S.C.
29 11001 - 11005, federal contingency planning under 33 U.S.C. 1321 and

1 other federal laws applicable to hazardous substance discharges, and
2 state, regional, and local hazardous substance contingency planning
3 under AS 26.23 and AS 46.04.200 - 46.04.210;

4 (8) to the extent consistent with the constitution and law
5 of the state, perform all other functions prescribed for state emer-
6 gency response commissions under 42 U.S.C. 11001 - 11005; and

7 (9) adopt regulations necessary to carry out the purposes
8 of this chapter and 42 U.S.C. 11001 - 11005.

9 Sec. 46.13.040. OFFICERS, TERMS, AND COMPENSATION. The commis-
10 sioner of environmental conservation, or the commissioner's designee,
11 shall chair the commission. The adjutant general of the Department of
12 Military and Veterans' Affairs, or the adjutant general's designee,
13 shall serve as vice-chair. Members of the commission other than those
14 from the designated state departments serve at the pleasure of the
15 governor for staggered terms of three years. Members of the commis-
16 sion serve without compensation but are entitled to per diem and
17 travel expenses authorized for members of boards and commissions under
18 AS 39.20.180.

19 Sec. 46.13.050. AGENCY COOPERATION. The commission may request
20 data, reports, or other information from a state agency. To the
21 extent feasible, the state agency shall cooperate with the commission
22 and furnish the commission with the information and assistance neces-
23 sary to accomplish the purposes of 42 U.S.C. 11001 - 11005 and this
24 chapter.

25 Sec. 46.13.060. EMERGENCY PLANNING DISTRICT BOUNDARIES. Bound-
26 aries for emergency planning districts are the regions designated by
27 the division of emergency services, Department of Military and Veter-
28 ans' Affairs unless otherwise designated by the commission.

29 Sec. 46.13.070. LOCAL EMERGENCY PLANNING COMMITTEES. The

1 commission may establish and appoint the members of a local emergency
2 planning committee for each emergency planning district. Each commit-
3 tee must include, at a minimum, representatives from each of the
4 following groups or organizations: elected state and local officials;
5 law enforcement; civil defense; fire fighting; first aid; health;
6 local environmental, hospital, and transportation personnel; broadcast
7 and print media; community groups; and owners and operators of facili-
8 ties subject to the requirements of 42 U.S.C. 11001 - 11005.

9 Sec. 46.13.080. DUTIES OF LOCAL EMERGENCY PLANNING COMMITTEES.
10 Each local emergency planning committee shall

11 (1) establish procedures for receiving and processing
12 requests from the public for information under 42 U.S.C. 11044, in-
13 cluding tier II information under 42 U.S.C. 11022;

14 (2) appoint a chair and establish rules by which the com-
15 mittee shall function, including provisions for public notification of
16 committee activities, public meetings to discuss the emergency plan,
17 public comments, response to the comments by the committee, distribu-
18 tion of the emergency plan, and designation of an official to serve as
19 coordinator for information;

20 (3) prepare and periodically review an emergency plan in
21 accordance with 42 U.S.C. 11003(a);

22 (4) evaluate the need for resources necessary to develop,
23 implement, and exercise the emergency plan, and make recommendations
24 with respect to additional resources that may be required and the
25 means for providing the additional resources;

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

29 (6) participate as a local advisory committee in the

1 preparation of statewide regional contingency plans.

2 Sec. 46.13.090. EMERGENCY PLANS. (a) Each emergency plan must
3 include

4 (1) identification of facilities subject to the require-
5 ments of 42 U.S.C. 11001 - 11005 that are within the emergency plan-
6 ning district, identification of routes likely to be used for the
7 transportation of substances on the list of extremely hazardous sub-
8 stances referred to in 42 U.S.C. 302(a), and identification of addi-
9 tional facilities contributing or subjected to additional risk due to
10 their proximity to facilities subject to the requirements of 42 U.S.C.
11 11001 - 11005 such as hospitals or natural gas facilities;

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

17 (3) designation of a community emergency coordinator and
18 facility emergency coordinators, who shall make determinations neces-
19 sary to implement the emergency plan;

20 (4) procedures providing reliable, effective, and timely
21 notification by the facility emergency coordinators to persons des-
22 ignated in the emergency plan, and to the public, that a release has
23 occurred, consistent with the emergency notification requirements of
24 42 U.S.C. 11004;

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

27 (6) a description of emergency equipment and facilities in
28 the community and at each facility in the community subject to the
29 requirements of 42 U.S.C. 11001 - 11005, and an identification of the

1 persons responsible for the equipment and facilities;

2 (7) evacuation plans, including provisions for a precau-
3 tionary evacuation and alternative traffic routes;

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

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

8 (b) Each emergency plan must incorporate within it an incident
9 command system. The incident command system must provide that final
10 state decision-making authority in situations involving a response to
11 the release of a hazardous substance lies with the department of
12 Environmental Conservation. The plans must include criteria the
13 department will use when considering whether to delegate all or part
14 of its authority in specific response situations.

15 Sec. 46.13.100. CONSULTATION WITH CITIZEN ADVISORY GROUPS. The
16 commission and the local planning committees established under AS 46.-
17 13.070 shall actively solicit the advice of appropriate citizen advi-
18 sory groups and oversight councils when performing their duties under
19 this chapter. When feasible, the commission and planning committees
20 shall meet with the advisory groups and oversight councils or with
21 representatives of the groups or councils.

22 Sec. 46.13.900. DEFINITIONS. In this chapter,

23 (1) "commission" means the Alaska State Emergency Response
24 Commission;

25 (2) "hazardous substance" has the meaning given in AS 46.-
26 03.826.

27 * Sec. 6. TRANSITIONAL PROVISION. The Alaska State Emergency Response
28 Commission established under AS 46.13, enacted by sec. 5 of this Act, is a
29 continuation of the Alaska State Emergency Response Commission established

1 by Administrative Order No. 103. The terms of the public members of the
2 commission who are serving terms on the effective date of this Act continue
3 until the date that was scheduled for their expiration before the effective
4 date of this Act.

5 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).
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by Brown

Amendment CSHB 566 (Res) ^{#1}
adopt
uc

Delete sections 1, 2 and 7.

p. 1, lines 6-8 (TIE)

Delete "authorizing the governor to spend money from the oil and hazardous substance release response fund for declared disasters;"

Amendment #2

4-5
failed
By Rieger

To CS HB 566 (Resources)

Page 8, Lines 12 and 13

after "with the," :

Delete: "Department of Environmental Conservation"

Add: "governor"

4/2/90
Rep. Curt Menard

CS HB 566 (RESOURCES)

SECTION 1,2 & 7 - Authorizes the Governor to use money from the Oil and Hazardous Substances Release Response Fund to respond to a declared disaster.

SECTION 3 - Requires all state and local plans to be consistent with the plans prepared and approved by the State Emergency Response Council.

SECTION 4 - Clarifies the Department of Environmental Conservation's emergency order authority and distinguishes it from Division of Emergency Service's (DES) authority to respond to declared disaster emergencies under AS 26.23.

SECTION 5 - AS 46.04.080 now provides that DEC performs the duties of DES during catastrophic oil discharges, and returns those duties to DES.

SECTION 6 - Requires that state and regional master contingency plans must be consistent with the plans prepared and approved by the State Emergency Response Council.

SECTION 8 - Establishes the State Emergency Response Commission (SERC) in statute and broadens its scope to include oil spills. Presently the Commission is established by administrative order and plans only for response to hazardous substance incidents.

The SERC would be in charge of planning for oil and hazardous substance releases. It is chaired by DEC and vice-chaired by DES. The other members include: F&G, C&RA, H&SS, DOL, DNR, DOT, Public Safety and seven public members.

The SERC must establish local emergency planning committees in regions of the state to develop regional plans for response to oil or hazardous substance incidents. The SERC must ensure that Federal, State, Regional, and Local Contingency plans are all consistent. The plans must incorporate the Incident Command System, a system used for fire suppression which allows state and federal agency forces while using the same command structure.

SECTION 9 - Allows persons who are already members of the SERC can remain on the SERC and the entire commission will not have to be reappointed.

**THE BYLAWS
OF THE
ALASKA STATE EMERGENCY RESPONSE COMMISSION**

Approved: January 12, 1990

ARTICLE I

NAME

This organization shall be known as the Alaska State Emergency Response Commission, hereinafter referred to as the "Commission."

ARTICLE II

MISSION

The mission of the Alaska State Emergency Response Commission is to protect public health, safety and the environment by ensuring effective and efficient use of resources to plan for and respond to incidents involving hazardous and other toxic substances. In carrying out this commitment, the Commission shall foster coordination at the local, state and federal levels, and shall provide information to citizens and other interested persons.

ARTICLE III

PURPOSES

The duties and activities of the Commission are those set forth by Administrative Order Number 103 issued by the Governor October 21, 1987, which established the Commission to implement the requirements of the "Emergency Planning and Community Right-to-Know Act of 1986," enacted by the U.S. Congress, and hereinafter referred to as the "Act." The Commission is designated as the state emergency response commission, as defined in the Act, and shall perform all of the duties required of it under the Act to the extent consistent with the Alaska Constitution and Alaska Statutes, including the following:

- (1) Recommend any necessary changes to the initial boundaries of emergency planning districts described in Administrative Order Number 103 and use existing boundaries of political subdivision if appropriate, in order to facilitate preparation and implementation of emergency plans as required under Section 301(b) of the Act.
- (2) Appoint local emergency planning committees described under section 301(c) of the Act and supervise and coordinate the activities of such committees.
- (3) Establish procedures for receiving and processing requests from the public under Section 324 of the Act.
- (4) After public notice and opportunity for comment, designate additional facilities that may be subject to the Act under Section 302.

to receive travel and per diem as authorized by Alaska Statute 32.20.180 for members of boards and commissions.

ARTICLE V

OFFICERS AND DUTIES

Section 1. *Named.* The officers of the Commission shall consist of a chair and vice-chair.

Section 2. *Term.* The Commissioner of the Department of Environmental Conservation or the commissioner's designee shall serve as chair of the Commission. The Commissioner of the Department of Military and Veterans Affairs or the commissioner's designee shall serve as vice-chair of the Commission.

Section 3. *Duties of the Chair.* The chair shall recommend an agenda for each meeting, preside at all meetings of the Commission, preserve order during its meetings, appoint all committees, serve as an ex-officio member of such committees, sign all minutes and other such records, vouchers or other documents connected with the work of the Commission requiring such signature, and be responsible for implementing the policies and actions adopted by the Commission.

Section 4. *Duties of the Vice-Chair.* In the absence of the chair or in the event of the chair's inability or refusal to act, the vice-chair, unless otherwise determined by the Commission, shall perform the duties of the chair, and when so acting shall have all the powers of the chair. The vice-chair shall exercise such other duties as from time to time may be assigned by the chair or the Commission.

ARTICLE VI

AGENCY DUTIES

Section 1. *Department of Environmental Conservation.* The community right-to-know, emergency planning notification and emergency release notification portions of the Act shall be the responsibility of the Department of Environmental Conservation.

Section 2. *Division of Emergency Services.* The emergency planning and training portions of the Act shall be the responsibility of the Division of Emergency Services of the Department of Military and Veterans Affairs.

Section 3. *Agency Cooperation and Coordination.* The Department of Environmental Conservation and the Division of Emergency Services shall cooperate and coordinate to assist the Commission accomplish the purpose of the Act and the other duties specified in Administrative Order Number 103. The Commission may request data, reports or other information from any state agency. To the extent feasible, every agency shall cooperate and coordinate with the Commission to furnish it with the information and assistance necessary to accomplish the purpose of the Act and the other duties specified in Administrative Order Number 103.

Section 4. *Staff Support.* Staff for the Commission shall be provided by the Alaska Department of Environmental Conservation and the Division of Emergency Services of the Alaska Department of Military and Veterans Affairs.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

**THE BYLAWS
OF THE
ALASKA STATE EMERGENCY RESPONSE COMMISSION**

Approved: January 12, 1990

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- (2) Appoint local emergency planning committees described under section 301(c) of the Act and supervise and coordinate the activities of such committees.
- (3) Establish procedures for receiving and processing requests from the public under Section 324 of the Act.
- (4) After public notice and opportunity for comment, designate additional facilities that may be subject to the Act under Section 302.

- (5) Notify the Administrator of the Environmental Protection Agency of facilities subject to the requirements of Section 302 of the Act.
- (6) Review the emergency plans submitted by local emergency planning committees and make recommendations to the committees on revisions of the plans that may be necessary to ensure coordination of such plans with emergency response plans of other emergency planning districts.
- (7) Perform other coordinating, advisory or planning tasks at the Governor's request, relating to chemical emergency planning and preparedness, community right-to-know reporting, toxic chemical release reporting or management of hazardous substances.

ARTICLE IV

MEMBERSHIP

Section 1. *Members.* To the extent practicable, the Alaska State Emergency Response Commission shall be comprised of individuals with expertise in the emergency response field. The Commission shall consist of the following members:

- (1) Seven members appointed by the Governor representing local governments, fire chiefs, rural areas, generators of hazardous waste and public interest organizations.
- (2) The Commissioner of the Department of Environmental Conservation or the commissioner's designee;
- (3) The Commissioner of the Department of Military and Veterans Affairs or the commissioner's designee;
- (4) The Commissioner of the Department of Health and Social Services or the commissioner's designee;
- (5) The Commissioner of the Department of Public Safety or the commissioner's designee;
- (6) The Commissioner of the Department of Transportation and Public Facilities or the commissioner's designee; and
- (7) The Commissioner of the Department of Community and Regional Affairs, or the commissioner's designee.

Section 2. *Inactive Members.* Appointed members shall be considered inactive when they have missed more than two consecutive Commission meetings without notification to the Commission chair or staff of significant reasons why they were unable to attend the meetings.

Section 3. *Removal of Members.* Members of the Commission serve at the pleasure of the Governor and may be removed by the Governor without cause.

Section 4. *Vacancies.* Vacancies in membership of the Commission shall be filled by the Governor for the remainder of the unexpired term.

Section 5. *Term.* Members of the Commission other than those from designated state departments shall serve at the Governor's request for staggered terms for three years.

Section 6. *Travel and Per Diem.* Members of the Commission shall serve without compensation but are eligible

to receive travel and per diem as authorized by Alaska Statute 32.20.180 for members of boards and commissions.

ARTICLE V

OFFICERS AND DUTIES

Section 1. *Named.* The officers of the Commission shall consist of a chair and vice-chair.

Section 2. *Term.* The Commissioner of the Department of Environmental Conservation or the commissioner's designee shall serve as chair of the Commission. The Commissioner of the Department of Military and Veterans Affairs or the commissioner's designee shall serve as vice-chair of the Commission.

Section 3. *Duties of the Chair.* The chair shall recommend an agenda for each meeting, preside at all meetings of the Commission, preserve order during its meetings, appoint all committees, serve as an ex-officio member of such committees, sign all minutes and other such records, vouchers or other documents connected with the work of the Commission requiring such signature, and be responsible for implementing the policies and actions adopted by the Commission.

Section 4. *Duties of the Vice-Chair.* In the absence of the chair or in the event of the chair's inability or refusal to act, the vice-chair, unless otherwise determined by the Commission, shall perform the duties of the chair, and when so acting shall have all the powers of the chair. The vice-chair shall exercise such other duties as from time to time may be assigned by the chair or the Commission.

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AGENCY DUTIES

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Section 3. *Agency Cooperation and Coordination.* The Department of Environmental Conservation and the Division of Emergency Services shall cooperate and coordinate to assist the Commission accomplish the purpose of the Act and the other duties specified in Administrative Order Number 103. The Commission may request data, reports or other information from any state agency. To the extent feasible, every agency shall cooperate and coordinate with the Commission to furnish it with the information and assistance necessary to accomplish the purpose of the Act and the other duties specified in Administrative Order Number 103.

Section 4. *Staff Support.* Staff for the Commission shall be provided by the Alaska Department of Environmental Conservation and the Division of Emergency Services of the Alaska Department of Military and Veterans Affairs.

ARTICLE VII

MEETINGS

Section 1. *Regular Meetings.* The Commission shall meet quarterly for regular meetings. Meeting dates shall be established as follows:

- (1) Fourth week of September.
- (2) Second week of December.
- (3) Fourth week of March.
- (4) Second week of June.

Meetings shall be held on the Friday of the scheduled week in a location determined by the Committee unless otherwise noticed.

Section 2. *Special Meetings.* The chair may call such special meetings as may be deemed necessary to carry out the duties of the Commission. Upon the written request of at least four members, the chair shall call a meeting within ten days.

Section 3. *Public Comment Meetings.* The Commission shall hold such public comment meetings as it may deem necessary and desirable at such times and places as may be determined by a majority vote of the Commission in regular meeting.

Section 4. *Quorum.* A quorum shall consist of a majority of Commission members. A quorum shall be required to transact business.

Section 5. *Agenda.* Any member may request the chair to place an item on the agenda. If the chair should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the chair with supporting signatures of three members.

Section 6. *Notice of Meetings.* Notice of the time, place and agenda items to be considered at each meeting shall be given in writing to all members at least two weeks prior to each meeting by the staff. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so. Notice of special meetings and intended agenda items shall be given to all Commission members in writing or by phone at least seven days in advance of any special meeting. Notice to the public of all Commission meetings shall be made in accordance with Alaska Statute 44.62.

Section 7. *Rules of Order.* The deliberation of all meetings of the Commission and its various committees shall be governed by *Robert's Rules of Order, Newly Revised*, when not inconsistent with these bylaws, or with special rules of order adopted by the Commission.

Section 8. *Minutes of Meetings.* Accurate minutes of all Commission meetings shall be maintained by the Alaska Department of Environmental Conservation. Accurate minutes shall include, but not be limited to, a record of all Commission actions, a record of attendance at meetings and a summary of Commission discussion. The minutes of each meeting shall be mailed to each Commission member subsequent to each meeting.

Section 9. *Participation of Members of the Public.* Members of the public shall be encouraged to attend all regular, special and public comment meetings. An opportunity shall be provided at each meeting for members of the public to address the Commission. Members of the public include, but are not limited to: Citizens, industry representatives, experts, expert witnesses and governmental entity representatives.

ARTICLE VIII

VOTING

Section 1. *One Vote Each.* Each Commission member, including the chair, shall be entitled to one vote.

Section 2. *Proxy Votes.* No member shall vote by proxy.

Section 3. *Abstentions.* Members may register their abstention on any vote which shall be reflected in the minutes, and members are encouraged to abstain on matters which would pose for them a conflict of interest as described in Alaska Statute 39.52.

Section 4. *Determination of Actions.* Consensus action shall be the favored procedure for approving actions, Commission positions or policy recommendations. When consensus cannot be reached, actions shall require the favorable vote of a majority of those Commission members present at a duly called meeting.

Section 5. *Roll Call Votes.* At the discretion of the chair, any Commission action may be taken by a roll call vote, and the vote of each member shall be reflected in the minutes, or upon call of any member.

ARTICLE IX

COMMITTEES

Section 1. *Establishment.* The Commission may establish committees as it deems necessary to accomplish its duties. The chair shall appoint committees with powers, membership and purposes as specified by the chair or the Commission.

Section 2. *Membership.* The chair may appoint persons other than Commission members to serve on committees. The majority of committee members shall be Commission members.

Section 3. *Travel and Per Diem.* Members of committees shall serve without compensation but are eligible to receive per diem and travel expenses authorized by Alaska Statute 32.20.180 for boards and commissions.

Section 4. *Staff Support.* Commission staff shall provide technical support and serve committees in an advisory capacity.

Section 5. *Motions, Resolutions and Reports.* Committee motions, resolutions and reports shall be presented in writing to the Commission. Reports shall document the participation of committee members.

Section 6. *Working Groups.* The chair may appoint working groups to study special topics. At least one Commission member shall be on each working group.

ARTICLE X

REPORTS AND RECOMMENDATIONS

Section 1. *Resolutions.* All resolutions submitted for consideration by the Commission shall first be referred to an appropriate committee for review, consideration and its recommendation.

Section 2. *Work Plan.* The Commission shall develop an annual plan describing its intended activities. The final work plan shall include a review and comment process by all local emergency planning committees to