



# LAWS OF ALASKA

1990

**Source**

SCS CSHB 578 (Fin)

**Chapter No.**

199

**AN ACT**

Creating a citizens' oversight council on oil and other hazardous substances; and authorizing funding of the council through the oil and hazardous substance release response fund."

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

Approved by the Governor: June 27, 1990  
Actual Effective Date: September 25, 1990

AN ACT

Creating a citizens' oversight council on oil and other hazardous substances; and authorizing funding of the council through the oil and hazardous substance release response fund.

\* Section 1. LEGISLATIVE FINDINGS. The legislature finds that

(1) a pervasive contributing factor to the Exxon Valdez disaster was the complacency of the oil industry and the federal and state agencies responsible for monitoring the operation of the Valdez oil terminal and oil tanker traffic in Valdez Arm and Prince William Sound;

(2) it is essential to involve local citizens to help ensure compliance with environmental laws and regulations relating to the production, transport, and storage of oil and other hazardous substances in order to overcome this complacency;

(3) a state oversight council will provide a valuable mechanism for citizen participation and an opportunity for citizens to express their concerns to the legislature and the governor about environmental safety in production, transport, and storage of oil and other hazardous substances.

\* Sec. 2. AS 24.20 is amended by adding new sections to read:

ARTICLE 4. CITIZENS' OVERSIGHT COUNCIL ON  
OIL AND OTHER HAZARDOUS SUBSTANCES.

Sec. 24.20.600. CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER HAZARDOUS SUBSTANCES. (a) There is created in the legislature the Citizens' Oversight Council on Oil and Other Hazardous Substances.

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1 The oversight council consists of five members appointed by the Alaska  
2 Legislative Council. The Alaska Legislative Council shall notify  
3 members of the public throughout the state that nominations for mem-  
4 bership are being sought. Members of the oversight council serve  
5 without compensation but are entitled to per diem and travel expenses  
6 authorized for boards and commissions under AS 39.20.180.

7 (b) The oversight council shall elect a chair and other officers  
8 that the oversight council finds necessary to carry out its respon-  
9 sibilities.

10 (c) Members of the oversight council serve staggered terms of  
11 four years and, upon expiration of their terms, continue to serve  
12 until their successors qualify and are appointed. A member may serve  
13 no more than two consecutive terms.

14 (d) A member of the oversight council may not work as an inde-  
15 pendent contractor for or be employed by a federal, state, or munici-  
16 pal agency directly or indirectly involved in the oversight or regu-  
17 lation of industries engaged in the production, transport, or storage  
18 of oil or other hazardous substances; be an elected official of the  
19 state or of a political subdivision; or work as an independent con-  
20 tractor for or be employed by a person engaged in the production,  
21 transport, or storage of oil or other hazardous substances. The  
22 Alaska Legislative Council shall appoint as members of the oversight  
23 council persons who have an interest in and commitment to preventing  
24 oil and hazardous substance releases in the state.

25 (e) The oversight council shall make a formal request to the  
26 Alaska Legislative Council for money it considers necessary for staff,  
27 per diem, travel, and contractual expenses. Money distributed to the  
28 oversight council is to be disbursed and accounted for under proce-  
29 dures required by the Legislative Affairs Agency. The chair of the

oversight council shall approve all expenditure documents.

Sec. 24.20.610. POWERS AND DUTIES OF THE OVERSIGHT COUNCIL. (a)

The oversight council shall

(1) determine whether state and federal agencies responsible for the prevention of the release of oil and other hazardous substances, and for responding to releases, are carrying out their duties in these areas;

(2) recommend to the legislature, the governor, agencies of the federal government, and private entities appropriate policies and actions to prevent releases of oil and other hazardous substances;

(3) assist the legislature and the governor in the development of interstate compacts and policy recommendations to the federal government regarding the prevention of releases of oil and other hazardous substances;

(4) file an annual report with the legislature and the governor assessing the status of major areas of risk, the performance of state and federal regulatory agencies, and changes in the long-term options for improving environmental safety;

(5) request the attorney general to bring or request the attorney general to move to intervene in legal actions in order to ensure compliance with state laws and regulations regarding the release of oil and other hazardous substances;

(6) make recommendations to the legislature, the governor, and the federal government on the creation, funding, and composition of regional or local advisory committees and on the relationship between the oversight council, local advisory committees, and other citizens' oversight groups on oil and other hazardous substances; and

(7) schedule regular meetings with local and regional advisory committees as they are created to make sure that they

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1 complement each other and avoid overlap in oversight and advisory  
2 functions.

3 (b) The oversight council may

4 (1) hire an administrator and additional administrative  
5 staff, and enter into contracts for personal services that the over-  
6 sight council finds necessary to carry out its responsibilities under  
7 this section; all employees of the oversight council are in the exempt  
8 service under AS 39.25.110;

9 (2) subpoena witnesses, administer oaths, take testimony,  
10 and require the production for examination and copying of books or  
11 papers relating to matters within the responsibility of the oversight  
12 council; and

13 (3) conduct investigations, studies, and analyses necessary  
14 to enable the oversight council to carry out its duties under (a) of  
15 this section; and

16 (4) appoint advisory panels in specialized areas to include  
17 representatives of appropriate groups such as state and municipal  
18 regulatory agencies, oil spill prevention and response authorities,  
19 fishing and environmental groups, residents of areas of risk, scien-  
20 tists, and shippers and owners of oil and other hazardous substances  
21 produced or transported in the state.

22 Sec. 24.20.620. COOPERATION BY STATE AGENCIES. Each agency of  
23 the executive branch of state government shall, to the extent permit-  
24 ted by state or federal law, cooperate fully with the oversight coun-  
25 cil by providing information and assistance, including disclosure of  
26 records relating to the agency's enforcement of laws and regulations  
27 for the prevention of and response to releases of oil and other haz-  
28 arduous substances.

29 Sec. 24.20.630. DEFINITIONS. In AS 24.20.600 - 24.20.630,

1 (1) "hazardous substance" has the meaning given in AS 46.-  
2 08.900;

3 (2) "oil" has the meaning given in AS 46.08.900; and

4 (3) "oversight council" means the Citizens' Oversight  
5 Council on Oil and Other Hazardous Substances.

6 \* Sec. 3. AS 46.08.040 is amended by adding a new subsection to read:

7 (b) Upon a request from the Alaska Legislative Council, the  
8 commissioner shall use money from the fund to reimburse the Alaska  
9 Legislative Council for expenditures that it makes for the operation  
10 of the Citizens' Oversight Council on Oil and Other Hazardous Sub-  
11 stances, established under AS 24.20.600.

12 \* Sec. 4. INITIAL APPOINTMENTS. Notwithstanding AS 24.20.600(c), as  
13 enacted by sec. 2 of this Act, one initial member of the Citizens' Over-  
14 sight Council on Oil and Other Hazardous Substances shall be appointed to a  
15 term of one year, one initial member shall be appointed to a term of two  
16 years, one initial member shall be appointed to a term of three years, and  
17 two initial members shall be appointed to terms of four years. The members  
18 appointed to terms of one and two years are eligible to serve two full  
19 terms following the completion of their initial shortened terms.  
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