

Chapter 042

CHAPTER: CH042

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AN ACT

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An Act establishing a commission to investigate the Exxon Valdez oil spill disaster and to recommend changes needed to minimize the possibility and effects of similar oil spills; and providing for an effective date.

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

\* Section 1. EXXON VALDEZ OIL SPILL COMMISSION. (a) There is established in the Department of Administration the Exxon Valdez Oil Spill Commission consisting of seven distinguished members appointed by the governor.

(b) The members must include

(1) five state residents with broad experience or expertise in one or more of the following areas: physical or biological science, oil transportation, fisheries, economics, sociology, or law; these members may not be federal or state employees or employees of a political subdivision of the state or be employees or independent contractors of any corporation directly involved in the Exxon Valdez oil spill disaster;

(2) two persons who are recognized nationally for their expertise in science, technology, or management and are not employees of a governmental entity.

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

(d) The commission may hire staff it considers necessary to perform its duties, including legal counsel.

(e) Members of the commission serve without compensation, but are entitled to \$150 a day while on commission business plus per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(f) The commission shall meet regularly to direct its investigation, hold hearings, review progress, and draft final recommendations.

\* Sec. 2. DUTIES OF THE COMMISSION. (a) The commission shall gather information relating to

(1) the series of events that allowed the Exxon Valdez oil discharge on March 24, 1989, to occur; and

(2) the ensuing efforts to contain and clean up the oil discharged.

(b) By January 8, 1990, the commission shall submit a report to the governor and to the legislature containing its findings and recommendations on

(1) the containment and cleanup actions that were taken or not taken after the discharge, the extent to which current technology was available and used, and ways to improve oil spill response technology and procedures;

(2) steps that should be taken by all levels of government and by the oil industry to ensure proper management, handling, and transportation of crude and refined oil and to improve the statewide ability of industry and governmental agencies to respond to oil discharges;

(3) the extent to which oil industry practices and governmental practices or laws should be changed to minimize the potential for future events similar to the grounding of the Exxon Valdez; and

(4) legislative proposals to encourage and fund prevention, response, cleanup, and mitigation of all future discharges of oil. \* Sec. 3. INVESTIGATIONS; HEARINGS. (a) The commission may issue subpoenas, administer oaths, hold hearings, and conduct investigations related to its duties.

(b) The commission 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 commission.

(c) On a majority vote of the commission, 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 commission'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 commission and provide it with information it requests for carrying out its duties.

(e) The commission is subject to AS 44.62.

\* Sec. 4. This Act is repealed February 15, 1990.

\* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

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