



LAWS OF ALASKA

1970

Source

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Chapter No.

235

AN ACT

Creating an environmental quality control commission.

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

* Section 1. AS 44.29 is amended by adding new sections to read:

ARTICLE 3. ENVIRONMENTAL QUALITY CONTROL COMMISSION.

Sec. 44.29.100. THE ENVIRONMENTAL QUALITY CONTROL COMMISSION. (a) There is created in the Office of the Governor the Environmental Quality Control Commission composed of the governor's environmental coordinator and four members of the public selected for their knowledge of marine resources, air and water pollution control, wildlife, parks and recreation and similar fields paramount in which shall be the concern for environmental quality. Prior to legislative confirmation prospective members shall disclose publicly any and every financial or commercial conflict of interest in resource use.

(b) Members shall be appointed by the governor subject to confirmation by a majority of the members of the legislature in joint session.

(c) The commissioners of the Department of Natural Resources, Health and Welfare, Economic Development, Public Works, Highways, Fish and Game and the chairmen of the house and senate resources committees or their designees shall be ex-officio advisory members.

Sec. 44.29.110. TERM OF OFFICE. The term of office for the appointed members is four years. The first members appointed serve as follows: two members shall serve for two years and two for four years. If a vacancy occurs,

the governor shall fill the vacancy for the unexpired term.

Sec. 44.29.120. REMOVAL. The members are subject to removal during their terms for cause only.

Sec. 44.29.130. COMPENSATION. The members of the commission may not receive compensation for their services, but are entitled to per diem and travel expenses authorized by law for other boards and commissions.

Sec. 44.29.140. CHAIRMAN. The commission shall organize and select one of its members to serve as chairman of the commission. The chairmanship of the commission shall be rotated on an annual basis. The chairman shall be chief executive of the commission.

Sec. 44.29.150. PERSONNEL. The commission shall employ sufficient personnel to carry out the provisions of secs. 100 - 170 of this chapter.

Sec. 44.29.160. MEETINGS AND QUORUM. The commission shall hold at least two public meetings each calendar year and shall keep a record of its proceedings which shall be open to the public for inspection. Special meetings may be called by the chairman and must be called by him upon receipt of a written request signed by two or more members of the commission. Written notice of each meeting shall be delivered to the office or home of each member of the commission. A majority of the members of the commission constitute a quorum. However, a majority of the full commission membership is required to carry all motions, approvals, disapprovals, or recommendations.

Sec. 44.29.170. POWERS AND DUTIES. (a) The commission shall

- (1) review and investigate the development and management of natural resources in the state for the purposes of maintaining ecological balance among the resources;
- (2) formulate and recommend to the governor, the legislature, and appropriate state agencies needed changes in standards for air and water pollution control, scenic protection, and land use;
- (3) hold public hearings when considered necessary by the commission for the purpose of obtaining evidence and information relative to environmental quality problems; at least one such hearing shall be held annually;
- (4) issue and make public annual and other timely reports;
- (5) require notification of intent from
 - (A) private individuals or firms who plan to use, lease or acquire public lands or the natural resources on public lands for commercial gain, or whose activities will have significant or widespread environmental impact;

(B) public agencies planning resource development projects, engineering works or other major projects and programs which will significantly modify the natural environment;

(6) adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) to implement and effectuate the purposes of secs. 100 - 170 of this chapter;

(7) have all other powers necessary for and consistent with carrying out the purposes and duties of secs. 100 - 170 of this chapter; for the purposes of administering secs. 100 - 170 of this chapter the commission may delegate authority to its permanent staff to act in its behalf to carry out the intent of the commission in accordance with its rules and regulations.

(b) The notification of intent required by (a)(5) of this section shall be on forms provided by the commission and contain sufficient information on the project to enable the commission to fully evaluate the probable effect of the project on the environment.

(c) The commission shall promptly acknowledge receipt of a project notification and shall within 60 days either

(1) approve the project if the commission determines, in accordance with its rules and regulations, that unavoidable environmental losses will be clearly outweighed by other public benefits, or

(2) disapprove the project or request modification of the project if the commission determines the criterion in (1) of this subsection is not met, or

(3) advise the applicant that a decision is held in abeyance pending further study.

(d) Nothing in this section is intended to supersede the statutory and regulatory powers and duties of other state agencies, provided that decisions of the commission which are more restrictive or which disapprove projects approved by other agencies will take precedence.