

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/9/97

Referred: Rules

Sponsor(s): REPRESENTATIVE HUDSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to water quality; directing the Department of Environmental
2 Conservation to conduct water quality research; establishing the Water Science
3 Oversight Board; and providing for an effective date."

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

5 * Section 1. FINDINGS AND INTENT. It is the legislature's intent that the policy of
6 the state be to protect the quality and uses of the state's water. The legislature finds that the
7 state's water resources have unique characteristics but that, in attempting to develop water
8 quality regulations, the Department of Environmental Conservation has often had to act
9 without specific data about the state's water. It is the legislature's view that one of the results
10 of this lack of data has been the growth of increasingly complex and conservative regulations.
11 In order to reconcile the sometimes conflicting demands of protecting water quality and
12 encouraging the economic use of the state's water, the legislature finds that it is important that
13 there be adequate research that will enable the department to establish valid standards and a
14 workable system of water quality regulations appropriate for this state. It is the intent of this

1 Act to direct the department to conduct the necessary research and adopt new regulations, as
2 appropriate, based on that research.

3 * **Sec. 2.** AS 46.03 is amended by adding new sections to read:

4 **Sec. 46.03.082. Research plan relating to water quality.** (a) The
5 department shall work cooperatively with interested parties affected by its water quality
6 regulations to seek funds to perform research in order to determine appropriate water
7 quality standards for the state. Based on the availability of funding, the department
8 shall prepare research plans which may include research on

9 (1) appropriate aquatic life criteria for acute and chronic toxicity under
10 conditions in this state and on species found in this state;

11 (2) toxicity testing procedures, including procedures for testing toxicity
12 of whole effluent, that are ecologically relevant to conditions and species found in this
13 state; and

14 (3) the relative costs and benefits of toxicity testing methods required
15 or proposed to be required under the state's water quality standards or proposed
16 standards.

17 (b) The department shall submit the plans developed under (a) of this section
18 to the Water Science Oversight Board for its consideration and recommendations.

19 (c) After receiving the board's recommendations under (b) of this section, the
20 department shall consider modifying the plans and then, subject to the availability of
21 funds for the purposes of this section, carry out the activities described in the plans.
22 The department may contract with the University of Alaska and other appropriate
23 entities and individuals to perform activities under the plans.

24 **Sec. 46.03.083. Water quality standards.** The department shall submit the
25 results of the research carried out under AS 46.03.082 to the Water Science Oversight
26 Board. After receiving the board's recommendations under AS 46.03.085(c) and
27 considering them, the department may propose water quality regulations and, after
28 appropriate public process and revisions, as necessary, adopt the regulations.

29 **Sec. 46.03.085. Water Science Oversight Board.** (a) There is established
30 in the department the Water Science Oversight Board. It is composed of the
31 commissioner or the commissioner's designee and four additional members, each of

1 whom has academic credentials and Alaska-based expertise in the field of water quality
2 that are sufficient to enable oversight of the research performed under the plans
3 prepared under AS 46.03.082. One member shall be appointed by the president of the
4 University of Alaska. Three members shall be appointed by the governor; one of these
5 three members shall be chosen from a list of three candidates proposed by the
6 president of the senate and one from a list of three candidates proposed by the speaker
7 of the house. No member of the board may be an employee of the Department of
8 Environmental Conservation except for the commissioner or the commissioner's
9 designee.

10 (b) A member of the board who, while serving on the board, is not being
11 compensated as a public employee is entitled to compensation at a rate of \$300 for
12 each day the member is engaged in the actual performance of duties as a member of
13 the board. The board may provide by rule for compensation for partial days during
14 which a member who is not a public employee is engaged in actual performance of
15 duties as a member of the board. A member of the board who is not a public
16 employee is also entitled to per diem and travel expenses authorized for state boards
17 and commissions under AS 39.20.180.

18 (c) The board shall

19 (1) review and comment on the plans prepared by the department under
20 AS 46.03.082;

21 (2) meet at the request of the commissioner and at least once every
22 three months to review the work of the department and its contractors that is carried
23 out under the plans and to provide advice to the department and its contractors
24 concerning that work;

25 (3) report annually to the governor and to the house and senate
26 resources committees concerning the department's progress under the plans and making
27 recommendations for actions considered by the board to be necessary to improve or
28 facilitate the department's progress under the plans or to modify the plans;

29 (4) after reviewing the research results submitted to it under
30 AS 46.03.083, submit to the department the board's recommendations for changes to
31 the department's water quality standards or regulations;

1 (5) review the regulations proposed by the department under
2 AS 46.03.083;

3 (6) make a final report to the governor and to the house and senate
4 resources committees when the board has completed its review of the department's
5 research results and proposed regulations; and

6 (7) from time to time, as considered necessary by the board, advise the
7 department and the legislature concerning appropriate water quality standards and
8 regulations for the state.

9 (d) In this section,

10 (1) "board" means the Water Science Oversight Board established under
11 this section;

12 (2) "plans" means the plans prepared by the department under
13 AS 46.03.082.

14 * **Sec. 3. TIMELINES FOR ACTIONS.** (a) The department shall submit to the Water
15 Science Oversight Board at least one of the plans required by AS 46.03.082(a), enacted by
16 sec. 2 of this Act, by October 1, 1997.

17 (b) The department shall submit its research results to the Water Science Oversight
18 Board, as required by AS 46.03.083, enacted by sec. 2 of this Act, by June 30, 2002.

19 * **Sec. 4.** AS 46.03.082, 46.03.083, and 46.03.085, enacted by sec. 2 of this Act, are
20 repealed on the effective date of the last regulations adopted to implement AS 46.03.083. The
21 commissioner of environmental conservation shall notify the revisor of statutes of the effective
22 date of the last regulations adopted to implement AS 46.03.083.

23 * **Sec. 5.** This Act takes effect July 1, 1997.