

CSAM

Original sponsor: Resources Committee

Offered: 4/1/70
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 303

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating an environmental quality control
7 commission."

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

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

10 ARTICLE 3. ENVIRONMENTAL QUALITY CONTROL COMMISSION.

11 Sec. 44.29.100. THE ENVIRONMENTAL QUALITY CONTROL COMMISSION.

12 (a) There is created in the Office of the Governor the Environmental
13 Quality Control Commission composed of the governor's environmental
14 coordinator and four members of the public selected for their knowledge
15 of marine resources, air and water pollution control, wildlife, parks
16 and recreation and similar fields paramount in which shall be the con-
17 cern for environmental quality. However the members shall not have
18 conflicting interest in resource use.

19 (b) Members shall be appointed by the governor subject to confirma-
20 tion by a majority of the members of the legislature in joint session.

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

25 Sec. 44.29.110. TERM OF OFFICE. The term of office for the ap-
26 pointed members is four years. The first members appointed serve as
27 follows: two members shall serve for two years and two for four years.
28 If a vacancy occurs, the governor shall fill the vacancy for the un-
29 expired term.

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

3 Sec. 44.29.130. COMPENSATION. The members of the commission may
4 not receive compensation for their services, but are entitled to per
5 diem and travel expenses authorized by law for other boards and com-
6 missions.

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

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

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

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

24 (1) review and investigate the development and management
25 of natural resources in the state for the purposes of maintaining
26 ecological balance among the resources;

27 (2) formulate and recommend to the governor, the legislature,
28 and appropriate state agencies needed changes in standards for air and
29 water pollution control, scenic protection, and land use;

1 (3) hold public hearings when considered necessary by the
2 commission for the purpose of obtaining evidence and information rela-
3 tive to environmental quality problems; at least one such hearing shall
4 be held annually;

5 (4) issue and make public annual and other timely reports;

6 (5) require notification of intent from

7 (A) private individuals or firms who plan to use, lease
8 or acquire public lands or the natural resources on public lands
9 for commercial gain, or whose activities will have significant or
10 widespread environmental impact;

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

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

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

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

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

29 (1) approve the project if the commission determines, in

1 accordance with its rules and regulations, that the environmental
2 quality will not be diminished or that unavoidable environmental losses
3 will be clearly outweighed by other public benefits, or

4 (2) disapprove the project or request modification of the
5 project if the commission determines the criteria in (1) of this sub-
6 section is not met, or

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

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