

Original sponsor: Resources Committee

Offered: 4/1/70
Referred: Rules

HCS

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. Prior to legislative confirmation pros-
18 pective members shall disclose publicly any and every financial or com-
19 mercial conflict of interest in resource use.

20 (b) Members shall be appointed by the governor subject to confir-
21 mation by a majority of the members of the legislature in joint session.

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

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

1 expired term.

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

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

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

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

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

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

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

28 (2) formulate and recommend to the governor, the legislature,
29 and appropriate state agencies needed changes in standards for air and

1 water pollution control, scenic protection, and land use;

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

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

7 (5) require notification of intent from

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

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

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

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

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

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

1 (1) approve the project if the commission determines, in
2 accordance with its rules and regulations that unavoidable environ-
3 mental losses 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 criterion 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.