

1 IN THE SENATE

BY HAMMOND

2 SENATE BILL NO. 37

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to power of organized boroughs to
7 prohibit water pollution."

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

9 * Section 1. AS 07.15 is amended by adding a new section to read:

10 Sec. 07.15.370. WATER POLLUTION CONTROL. (a) The assembly of
11 the first and second class borough may by ordinance prohibit pollution
12 of waters wholly or partially within, or bordering, the borough or
13 otherwise under its jurisdiction and may impose and collect fines for
14 violations of an ordinance adopted. Each day on which a violation
15 occurs may be declared a separate violation for which a fine may be
16 imposed and collected.

17 (b) An ordinance adopted under this section may not conflict with
18 the provisions of state or federal statutes or regulations controlling
19 water pollution or establish standards for determining water pollution
20 which are more stringent than those of state or federal statutes or
21 regulations.

22 (c) Upon adoption of an ordinance under this section, no general
23 law or home rule city within the borough may exercise within the city
24 the powers conferred in the ordinance, unless the ordinance provides
25 otherwise or the borough by subsequent ordinance ceases to exercise the
26 power. The exercise of the areawide power is at the option of the
27 borough and is not subject to the restrictions on acquiring additional
28 areawide powers specified in sec. 350 of this chapter.

29 (d) In (a) of this section "pollution" has the meaning set out

1 in AS 46.05.230(5) (the Water Pollution Control Act) and "waters"
2 includes those classifications of water bodies set out in AS 46.05.-
3 230(10).

4 * Sec. 2. AS 07.17.020 is amended by adding a new subsection to read:

5 (d) The assembly of the third class borough may by ordinance
6 prohibit water pollution as provided for first and second class
7 boroughs in AS 07.15.370. The exercise of the power is at the option
8 of the borough and is not subject to the restrictions on acquiring
9 additional powers provided for other boroughs.