

Last 190 memo for

Offered: 1/19/71
Referred: Resources and
Judiciary

1 IN THE SENATE

BY JOSEPHSON

2 SENATE BILL NO. 55

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 the right to sue for environmental
7 degradation."

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

9 * Section 1. INTENT. The right of each citizen to clean air, pure water,
10 freedom from excessive and unnecessary noise and the natural, scenic, and
11 esthetic qualities of his environment is hereby acknowledged.

12 * Sec. 2. AS 09.55 is amended by adding a new section to read:

13 ARTICLE 7. ENVIRONMENTAL DEGRADATION ACTIONS.

14 Sec. 09.55.570. RIGHT TO SUE FOR ENVIRONMENTAL DEGRADATION.

15 (a) An action may be brought in the superior court by the attorney
16 general, a person individually, or a person representing the interest of
17 a group or class of persons similarly situated against a person or
18 governmental unit for the unreasonable pollution of air or water, the
19 creation of unreasonable noise, or the unreasonable degradation of the
20 scenic and esthetic qualities of the natural environment.

21 (b) For a violation of (a) of this section, the court may award
22 damages, injunctive relief, or other appropriate remedy. In addition,
23 the court may award reasonable attorney fees and costs.

24 (c) A showing that a governmental unit, as defendant, has no
25 feasible and prudent alternative to its environmental degradation under
26 (a) of this section, and that its conduct in continuing the environmen-
27 tal degradation is consistent with public health and safety constitutes
28 a defense to an action brought under this section.

29 (d) In an action under (a) of this section, a plaintiff may be

1 required by the court to file a \$500 surety bond as security for the
2 costs and attorney fees which may be awarded against the plaintiff. A
3 new or additional bond may be ordered by the court upon proof that the
4 original bond is insufficient.
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