

Original sponsor: Rules Committee by
request of the Governor

Offered: 4/2/71
Referred: Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 75

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Department of Environmental
7 Affairs; and providing for an effective date."

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

9 * Section 1. AS 41.15.010 is amended by adding a new paragraph to read:

10 (16) Department of Environmental Affairs

11 * Sec. 2. AS 41 is amended by adding a new chapter to read:

12 CHAPTER 04. DEPARTMENT OF ENVIRONMENTAL AFFAIRS.

13 ARTICLE 1. GENERAL DUTIES AND ORGANIZATION

14 Sec. 41.04.005. POLICY. The legislature recognizes that the
15 state, in order to achieve economic and social independence, must
16 develop its natural resources, both renewable and nonrenewable, in
17 such a way as to guarantee a balance between man and nature; that,
18 thus far, man's use of natural resources has almost invariably created
19 an imbalance in the ecological systems of nature; that in large part
20 imbalance could have been prevented with little detriment to man's
21 use of natural resources if overall planning and coordination had been
22 implemented in the beginning stages of the use of a given natural
23 resource and that to achieve this needed overall planning and coordina-
24 tion changes in past approaches must be implemented. The legislature
25 therefore declares it to be a policy of the state that those instru-
26 ments of government and private individuals most vitally concerned
27 with man's use of natural resources must coordinate their efforts so
28 that overall planning from instigation to completion becomes a reality.
29 The legislature further declares that this can best be accomplished

1 by establishing an environmental "clearinghouse" through which projects
2 having major environmental impact must be channeled.

3 Sec. 41.04.010. COMMISSIONER OF ENVIRONMENT. The principal
4 executive officer of the Department of Environmental Affairs is the
5 commissioner of environment. The commissioner shall be a capable
6 administrator and a recognized generalist in the field of ecology
7 and environmental control. The commissioner shall be appointed by
8 the governor with the consent of the legislature for a term of four
9 years.

10 Sec. 41.04.020. POWERS AND DUTIES OF COMMISSIONER. The commis-
11 sioner shall

12 (1) supervise and control the department, and he may appoint
13 and employ division heads, section heads, and the technical, clerical
14 and other assistants necessary for the general administration of the
15 department;

16 (2) establish those divisions and sections considered neces-
17 sary to carry out the provisions of this chapter and otherwise consis-
18 tent with law.

19 Sec. 41.04.030. DUTIES OF DEPARTMENT. The Department of
20 Environmental Affairs shall

21 (1) conduct investigations, studies, surveys, research, and
22 analyses relating to ecological systems and environmental quality;

23 (2) document and define changes in the natural environment,
24 including the plant and animal systems, and accumulate necessary data
25 and other information for a continuing analysis of these changes or
26 trends and for an interpretation of their underlying causes;

27 (3) evaluate and disseminate information of an ecological
28 nature to public and private agencies or organizations, or individuals
29 in the form of reports, publications, atlases, and maps;

1 (4) make available to state agencies, local governments, and
2 individuals, advice and information useful in restoring, maintaining,
3 and enhancing the quality of the environment;

4 (5) initiate and utilize ecological information in the plan-
5 ning and development of resource-oriented projects;

6 (6) accept and use donations of funds, property, personal
7 services, or facilities to carry out the purposes of this chapter;

8 (7) require reports from state agencies, local governments,
9 and private individuals who issue permits or licenses for, or actually
10 undertake resource development projects, engineering works, and other
11 major projects and programs which could make significant modifications
12 in the natural environment, evaluate these reports and approve the
13 projects if it is found that

14 (A) an adverse environmental effect cannot be avoided
15 by following reasonable alternatives and is justified by other
16 stated considerations of department policy; and

17 (B) local short-term uses of man's environment are
18 consistent with maintaining and enhancing long-term productivity; and

19 (C) an irreversible and irretrievable commitment of
20 resources is warranted;

21 (8) disapprove the projects if the criteria in (7) of this
22 section are not met; projects which are disapproved may be studied
23 for acceptable alternative courses of action and when acceptable
24 alternatives are available the department shall submit these alterna-
25 tives to the interested party and the project shall be considered
26 approved conditioned on the interested parties compliance with the
27 department's recommendations, if however, acceptable alternatives are
28 not available the project shall be disapproved until acceptable
29 alternatives are found and approved by the department;

1 (9) submit to state agencies required to make reports under
2 (7) of this section an analysis of the proposed project stating whether
3 and under what conditions the state agency shall issue permits, grant
4 licenses or give permission to proceed with the proposed project;

5 (10) study, develop, and describe appropriate alternatives
6 to recommended courses of action in any proposal which involves unre-
7 solved conflicts concerning alternative uses of land, water, or air;

8 (11) review statutory authority, administrative regulations,
9 and current policies and procedures for conformity to the purposes and
10 provisions of this chapter and propose to the governor and to the
11 legislature those measures considered desirable to effectuate the pro-
12 visions and purposes of this chapter;

13 (12) promulgate regulations and establish procedures neces-
14 sary to implement the provisions of this chapter.

15 * Sec. 3. This Act takes effect July 1, 1971.
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