

Introduced: 3/8/71  
Referred: Resources; State  
Affairs; Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 150

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing and otherwise providing for a  
7 Department of Environmental Affairs as a principal  
8 department in the executive branch of the state gov-  
9 ernment; and providing for an effective date."

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

11 \* Section 1. POLICY. The legislature recognizes that the state, in  
12 order to achieve economic and social independence, must develop its natural  
13 resources, both renewable and nonrenewable, in such a way as to guarantee  
14 a balance between man and nature; that, thus far, man's use of natural  
15 resources has almost invariably created an imbalance in the ecological  
16 systems of nature; that, in large part imbalance could have been prevented  
17 with little detriment to man's use of natural resources if overall planning  
18 and coordination had been implemented in the beginning stages of the use of  
19 a given natural resource and that to achieve this needed overall planning  
20 and coordination drastic changes in past approaches must be implemented.  
21 The legislature therefore declares it to be a policy of the state that those  
22 instruments of government most vitally concerned with man's use of natural  
23 resources must be combined into one coordinated unit so that overall  
24 planning from instigation to completion becomes a reality.

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

26 CHAPTER 4. DEPARTMENT OF ENVIRONMENTAL AFFAIRS.

27 ARTICLE 1. GENERAL DUTIES AND ORGANIZATION.

28 Sec. 41.04.010. COMMISSIONER OF ENVIRONMENT. The principal  
29 executive officer of the Department of Environmental Affairs is the

1 commissioner of environmental affairs. The commissioner shall be a  
2 capable administrator and a recognized authority in the fields of  
3 ecological systems and natural resource planning. The commissioner  
4 shall be appointed by the governor with the consent of the legislature  
5 for a term of five years.

6 Sec. 41.04.020. POWERS AND DUTIES OF THE COMMISSIONER. The  
7 commissioner shall

8 (1) supervise and control the department, and he may appoint  
9 and employ division heads, section heads, and the technical, clerical  
10 and other assistants necessary for the general administration of the  
11 department;

12 (2) establish those divisions and sections considered  
13 necessary to carry out the provisions of this chapter and otherwise  
14 consistent with law.

15 Sec. 41.04.030. POWERS, RESPONSIBILITIES AND DUTIES OF DEPART-  
16 MENT. The Department of Environmental Affairs shall

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

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

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

26 (4) make available to state agencies, local governments,  
27 and individuals, advice and information useful in restoring, maintain-  
28 ing, and enhancing the quality of the environment;

29 (5) initiate and utilize ecological information in the

1 planning and development of resource-oriented projects;

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

4 (7) require reports from state agencies, local governments,  
5 and private individuals who undertake resource development projects,  
6 engineering works, and other major projects and programs which make  
7 significant modifications in the natural environment, evaluate these  
8 reports and approve the projects if it is found that

9 (A) an adverse environmental effect cannot be avoided  
10 by following reasonable alternatives and is justified by other  
11 stated considerations of state policy;

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

14 (C) an irreversible and irretrievable commitment of  
15 resources is warranted;

16 (8) disapprove the projects if the criteria in (7) of this  
17 section are not met; projects may not be undertaken without approval;

18 (9) study, develop, and describe appropriate alternatives  
19 to recommended courses of actions in any proposal which involves  
20 unresolved conflicts concerning alternative uses of renewable and  
21 nonrenewable resources of the state;

22 (10) assume fully the powers, duties, and responsibilities  
23 of the Department of Natural Resources as they exist immediately before  
24 the effective date of this chapter;

25 (11) assume fully the powers, duties, and responsibilities  
26 of the Department of Fish and Game as they exist immediately before  
27 the effective date of this chapter;

28 (12) review statutory authority, administrative regulations,  
29 and current policies and procedures for conformity to the purposes

1 and provisions of this chapter and propose to the governor and to the  
2 legislature those measures considered desirable to effectuate the  
3 provisions and purposes of this chapter;

4 (13) assume fully the powers, duties, and responsibilities  
5 of the Department of Health and Welfare and the Air Pollution Control  
6 Commission under AS 18.30 as they exist immediately before the effec-  
7 tive date of this chapter;

8 (14) assume fully the powers, duties, and responsibilities  
9 of the Department of Health and Welfare under AS 46.05 (Water Pollution  
10 Control Act) as they exist immediately before the effective date of  
11 this chapter;

12 (15) assume fully the powers, duties, and responsibilities  
13 of the Department of Health and Welfare and the Pesticides Control  
14 Board under AS 18.33 as they exist immediately before the effective  
15 date of this chapter;

16 (16) assume fully the powers, duties, and responsibilities  
17 of the Department of Health and Welfare under AS 18.60.470 - 18.60.570  
18 (Radiation Protection Act) as they exist immediately before the  
19 effective date of this chapter;

20 (17) establish environmental districts and offices covering  
21 the state and staff these district offices with department personnel  
22 appropriate for the activities of the various districts and define  
23 the duties and responsibilities of the district offices.

24 Sec. 41.04.040. DIVISIONS OF DEPARTMENT. (a) The department  
25 shall have the following divisions:

- 26 (1) the division of ecology and pollution control;
- 27 (2) the division of fish and game;
- 28 (3) the division of natural resources;
- 29 (4) the division of parks and recreation;

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(5) the division of land planning and classification.

(b) The commissioner may create other divisions and sections which he considers necessary to carry out the provisions of this chapter.

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