

Introduced: 2/9/73  
Referred: Health, Welfare &  
Education, Judiciary and Finance

1 IN THE HOUSE

BY BEIRNE, FRITZ AND MEEKINS

2 CS HOUSE BILL NO. 201

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to noise pollution control."

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

8 \* Section 1. AS 46.03 is amended by adding new sections to read:

9 ARTICLE 6A. NOISE POLLUTION CONTROL.

10 Sec. 46.03.360. POLICY. It is the policy of the state to assure  
11 its citizens of an environment that is free from unreasonable and  
12 excessive noise which degrades the quality of life. The control of  
13 noise interference is necessary since the levels of noise have reached  
14 the degree of endangering the health, safety and welfare of the people  
15 of this state.

16 Sec. 46.03.370. NOISE CONTROL REGULATIONS. (a) The department  
17 shall promulgate noise control regulations which in its determination  
18 are necessary to control noise pollution. The Noise Control Council  
19 created by sec. 440 of this chapter shall assist the department in an  
20 advisory capacity in formulating regulations under this section. These  
21 regulations may be for the state as a whole or may vary from area to  
22 area as may be appropriate to facilitate accomplishment of the purposes  
23 of secs. 360 - 450 of this chapter and in order to take account of  
24 varying local conditions. However, after the classification required  
25 by sec. 380 of this chapter, regulations setting quantitative limits on  
26 noise levels shall be promulgated for the following activities:

- 27 (1) the operation of motor vehicles; and  
28 (2) the operation of construction equipment in urban areas.

29 (b) Regulations promulgated under (a) of this section may include

1 but are not limited to the following:

2 (1) curfew provisions which prohibit particular noisemaking  
3 activities or operations during particular days or particular hours;

4 (2) spill-over provisions which consider noise only to the  
5 extent that it spills over a property line;

6 (3) zonal provisions which restrict particular noisemaking  
7 activities to specified areas;

8 (4) accessory provisions which prohibit the use of machines  
9 or vehicles without noise quieting devices and materials such as  
10 mufflers, insulation or isolators; and

(5) license and permit provisions which limit or require  
11 compliance with performance standards as a condition to the installation  
12 or operation of machinery and equipment in the conduct of noisemaking  
13 activities; these provisions may require that applications for licenses  
14 and permits be accompanied by plans, specifications, or other information  
15 considered necessary by the board.  
16

17 (c) The department shall promulgate regulations establishing the  
18 test procedures and instrumentation to be utilized in quantifying noise  
19 level limits under this section.

20 Sec. 46.03.380. MOTOR VEHICLE AND CONSTRUCTION EQUIPMENT CLASSI-  
21 FICATION. Before the promulgation of regulations establishing quantita-  
22 tive limits on noise levels for motor vehicles and construction equip-  
23 ment, the department shall classify vehicles and equipment causing or  
24 contributing to noise pollution. The Noise Control Council shall advise  
25 the department in making this classification. Regulations shall be  
26 based on the classification made under this section.

27 Sec. 46.03.390. SNOWMOBILE NOISE LIMITS. Notwithstanding any  
28 other provision in secs. 360 - 450 of this chapter, after June 30, 1973,  
29 no person may sell or offer for sale a snowmobile in the state unless it

1 is equipped with a muffler that limits engine noise to not more than  
2 82 dB(A) at fifty feet prior to January 1, 1975, and 73 dB(A) at fifty  
3 feet after January 1, 1975. For the purposes of this section, "dB(A)"  
4 means decibels measured with a calibrated sound level meter weighted to  
5 the "A" scale.

6 Sec. 46.03.400. VARIANCES. (a) A person who owns or is in control  
7 of a plant, building, structure, process or piece of equipment or other  
8 device prohibited or restricted under secs. 360 - 450 of this chapter  
9 may apply to the department for an exemption or partial exemption from a  
10 regulation governing the quality, nature, duration or extent of noise  
11 resulting from its operation. The application shall be accompanied by  
12 any information and data required by the department.

13 (b) No exemption or partial exemption may be granted under this  
14 section unless a public hearing is held, after due notice, and until the  
15 department has considered the relative interests of both the applicant  
16 and the public and determined that the interests of the public will not  
17 be adversely affected by the exemption or partial exemption.

18 (c) No exemption or partial exemption may be granted for a period  
19 exceeding one year, but an exemption or partial exemption may be renewed  
20 on a yearly basis if either (1) no complaint has been made to the depart-  
21 ment in relation to it or if (2) after considering such a complaint at a  
22 public hearing, with all interested parties having an opportunity to be  
23 heard, the board finds that the renewal is justified. An application  
24 for renewal shall be made at least 60 days before the expiration of the  
25 exemption or partial exemption.

26 Sec. 46.03.410. POWERS OF THE DEPARTMENT. In addition to the  
27 regulatory authority established under sec. 370 of this chapter, the  
28 department may

29 (1) conduct and supervise research programs for the purpose

1 of determining the causes, effects and hazards of noise;

2 (2) conduct and supervise statewide programs of noise control  
3 education, including the preparation and distribution of information  
4 relating to noise control;

5 (3) require the registration of persons involved in operations  
6 which may result in noise and the filing of reports by them containing  
7 information relating to the sources of the noise and other information  
8 which the department may require;

9 (4) enter and inspect a building or place, except a private  
10 residence, for the purpose of investigating an actual or suspected source  
11 of noise and determining compliance with applicable regulations; any  
12 information relating to secret processes or methods of manufacture or  
13 production obtained in the course of this inspection, investigation or  
14 determination is considered confidential and is not admissible in evi-  
15 dence in court or in another proceeding; if tests of any type are made  
16 for the purpose of determining whether or not a violation has occurred,  
17 or for any other purpose in connection with the entry and inspection,  
18 a duplicate of the results of the tests shall be furnished promptly to  
19 the person suspected of violating the regulation;

20 (5) cooperate with and receive money from the federal govern-  
21 ment, the state or any local governing body or from private sources for  
22 the study and control of noise; and

23 (6) receive or initiate complaints of noise, hold hearings in  
24 connection with the complaints and institute legal proceedings for the  
25 prevention of noise and for the recovery of penalties under sec. 790 of  
26 this chapter.

27 Sec. 46.03.420. LOCAL NOISE CONTROL REGULATION. (a) A general law  
28 or home rule municipality may establish and administer within its juris-  
29 diction standards for the level or duration of noise which are more

1 stringent than the standards established by regulation under sec. 370 of  
2 this chapter. However, local standards established which, in the deter-  
3 mination of the department, are less stringent than those established  
4 under sec. 370 of this chapter, are superceded by state regulation.

5 Sec. 46.03.430. NONIMPAIRMENT OF PRIVATE REMEDIES. No private  
6 civil or criminal remedy allowed by law is limited or impaired by secs.  
7 360 - 450 of this chapter, or a regulation promulgated under them.

8 Sec. 46.03.440. NOISE CONTROL COUNCIL. (a) There is created  
9 within the department the Noise Control Council.

10 (b) The council is composed of 13 members, the following four of  
11 which shall serve ex officio but are entitled to vote: the commissioner  
12 of health and social services, the commissioner of public safety, the  
13 commissioner of labor, and the commissioner of environmental conserva-  
14 tion. The remaining nine members shall be appointed by the governor  
15 from the general public and shall include a licensed physician, an  
16 ecologist, a civil engineer, a specialist in local government and a  
17 representative of industry.

18 (c) Members shall serve staggered four-year terms. Initial  
19 appointments shall be as follows: one member for one year, two members  
20 for two years, three members for three years, and three members for four  
21 years. All appointed members shall serve after the expiration of their  
22 terms until their successors are appointed. A vacancy occurring in the  
23 appointed membership of the council, by expiration of term or otherwise,  
24 shall be filled in the same manner as the original appointment for the  
25 unexpired term only. The governor may remove an appointed member of the  
26 council for cause after a public hearing.

27 (d) Each member of the council is entitled to travel expenses and  
28 per diem allowed by law for each day going to and from and for each day  
29 in actual attendance at council meetings.

1 (e) The council shall elect, biannually, a chairman and vice-  
2 chairman from its own membership, and seven members of the council con-  
3 stitutes a quorum to transact its business.

4 Sec. 46.03.450. DUTIES OF THE NOISE CONTROL COUNCIL. The Noise  
5 Control Council may

6 (1) request from the department information concerning noise  
7 control;

8 (2) consider any matter relating to the preservation and im-  
9 provement of a noise control program and advise the department of it;

10 (3) submit to the department any recommendations which it  
11 considers necessary for the proper conduct and improvement of noise  
12 control;

13 (4) study regulations promulgated by the department in regard  
14 to noise control and make recommendations for their improvement to the  
15 department;

16 (5) study and investigate the state of the art and the tech-  
17 nical capabilities and limitations of noise control and report its  
18 findings and recommendations to the department;

19 (6) study and investigate the need for programs for the long-  
20 range technical support of noise control programs and report its findings  
21 and recommendations to the department; and

22 (7) hold public hearings in regard to existing noise control  
23 statutes, codes, rules and regulations and upon the state of the art and  
24 technical capabilities and limitations in noise control and report its  
25 recommendations to the department.  
26  
27  
28  
29