

1 IN THE HOUSE

BY PARKER

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2 HOUSE BILL NO. 833

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the abatement of nuisances."

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

8 * Section 1. AS 46.03.760(e) is amended to read:

9 (e) Nothing in this section affects an individual's right to re-
10 cover damages or to obtain injunctive relief under sec. 870(c) of this
11 chapter, other applicable statutes or the common law.

12 * Sec. 2. AS 46.03.870(a) is amended to read:

13 (a) Except as specified in secs. 822 - 828 of this chapter, the
14 bases for proceedings or actions resulting from violations of this
15 chapter or a regulation promulgated under this chapter inure solely to
16 and are for the benefit of the state, and are not intended to in any way
17 create new, or enlarge existing rights of persons or groups of persons
18 in the state except as provided in (c) of this section.

19 * Sec. 3. AS 46.03.870(c) is amended to read:

20 (c) This chapter does not estop the state, persons or political
21 subdivisions of the state in the exercise of their rights to suppress
22 nuisances, to seek damages, or to otherwise abate or recover for the
23 effects of pollution or other environmental degradation. If a person
24 has submitted a formal request to the department that it take action to
25 abate a form of pollution or environmental degradation declared to be a
26 nuisance under this chapter and that request either has been rejected or
27 the department has not responded to the request within 30 days after it
28 has been submitted, nothing in this chapter affects the right to bring
29 an action to abate that pollution or environmental degradation as a

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1 nuisance. A person bringing the action need not show injury different
2 in kind, or in degree, from that sustained by the general public to
3 prevail.
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