

Original sponsor: Parker

Offered: 3/4/76  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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. 895 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 sec. 895 of this chapter.

19 \* Sec. 3. AS 46.03 is amended by adding a new section to read:

20 Sec. 46.03.895. STANDING TO ENFORCE CHAPTER. (a) A person has  
21 standing to enforce the provisions of this chapter in abating pollution,  
22 environmental degradation or any other matter declared to be a nuisance  
23 under this chapter if that person has submitted a formal request to the  
24 department or an appropriate municipality vested with local pollution  
25 control powers, that either the department or municipality take action  
26 to abate a form of air or water pollution, environmental degradation or  
27 nuisance and that request has been formally rejected or the department  
28 or municipality has not affirmatively responded to the request within  
29 30 days after it has been submitted. A person bringing the action need

1 not show injury different in kind, or degree, from that sustained by the  
2 general public to prevail.

3 (b) As used in this section, "affirmatively responded" means that  
4 the department or appropriate municipality has determined and formally  
5 replied that action will be taken to abate the pollution, degradation or  
6 nuisance complained of.