

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

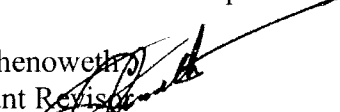
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 26, 2010

SUBJECT: Drafting comments relating to draft CSHB 182(), generally applicable to organization of the Greater Railbelt Energy and Transmission Corporation (Work Order No. 26-GH1041\S)

TO: Representative Charisse Millett
Co-Chair of the House Special Committee on Energy

FROM: Jack Chenoweth
Assistant Revision 

Per instruction from your office, CSHB 182() substantially replicates CSSB 143(), previously prepared and delivered to the Senate Resources Committee. The points set out below speak to the work on the Senate-requested version. There is no material difference between the Senate and House versions noted in this paragraph.

The material added, amended, and deleted in the version delivered to the Senate Resources Committee is drawn from nine pages transmitted from your office that as I understand, had been prepared by the Department of Law. After consultation with Assistant Attorney General Brian Bjorkquist, I tried to address the effective date provisions as I understand the administration would like them to operate, but I advised the Senate Resources Committee, and also want to advise you, that I can't be certain whether I'm correct. Please check these provisions -- bill sections 15 - 17 -- carefully to make sure that they will operate rationally.

To understand this measure, you should have a grasp of the interrelationship of the effective date provisions and the corresponding contingencies.

1. The authorization (bill section 13) and conditional effect (bill section 14) are keystone provisions: under bill section 15, they are to be given immediate effect.

2. Under bill section 14(a) and bill section 14(c), all of the remaining substantive provisions are made conditionally effective; that is, they will take effect only after compliance with the significant bill section 14 condition:

a. If the condition of bill section 14 is met, then the principal operating provisions of the bill -- sections 3, 6, and 11 -- are to take effect: these carry a mid-August 2010 effective date.

b. Various provisions are amended or repealed at a later date: these provisions take effect in mid-August 2015.

Representative Charisse Millett
March 26, 2010
Page 2

Please take the time to verify that the handling of the effective dates conforms to expectations.

In addition, look specifically at the interrelationship between the blanket exemption provided under proposed AS 42.05.711(q), added by bill section 5, and the various regulatory provisions added to AS 42.50.100(a) and (b) by bill sections 7 and 8. As set out, the provisions are arguably inconsistent as to the oversight of the proposed new corporation by the Regulatory Commission of Alaska. To the extent that they may be, you could easily cure any inconsistency by adding, at the beginning of the text of AS 42.05.711(q) (bill section 5), the words: "Except as otherwise provided in AS _____,".

*

With respect to my preparation of the draft from the notes and instructions that were provided, please note --

In AS 42.05.431(i), I substituted "may not" for "shall not" in the replacement language to be consistent with direction given in the Manual of Legislative Drafting (Manual at pp. 64 and 65, Uniform Rule 10, and AS 24.08.010).

I included the addition requested at the end of AS 42.50.050(c) (insert "under (a) of this section") but, in context, the change makes no sense. Should it say, instead, "approval under (a) of this section"?

I included a set of edits proposed for AS 42.50.050(f) but not at the places instructed because the instruction would have yielded an absurd outcome.

The deletion of material at page 10, lines 24 - 26, of the previous "E" draft of the Senate version necessitated a renumbering of all paragraphs that follow paragraph (9).

The deletion of material at page 14, beginning at line 27, of the former "E" draft (all of former AS 42.50.160) and of material beginning at page 15, line 13 (all of former AS 42.50.180) necessitated a renumbering of the codified sections following through to the "definitions" section.

In former AS 42.50.170, now renumbered as AS 42.50.160, the requested deletion of subsection (b) necessitated a relettering of the next following subsections.

The material proposed to be added as bill section 8 of the material supplied appears in the accompanying draft as additions made in bill sections 9 and 10. To maintain the material consistent with its former sequence in the legislation, these sections are intercalated with codified section numbers of "AS 42.50.155" and "AS 42.50.165".

JBC:plm
10-186.plm