



LAWS OF ALASKA

2001

Source

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Chapter No.

26

AN ACT

Adding, for purposes of the Alaska Right-of-Way Leasing Act, a definition of "substantial change" as applied to an amended right-of-way lease application; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 9, 2001

Actual Effective Date: May 10, 2001

AN ACT

1 Adding, for purposes of the Alaska Right-of-Way Leasing Act, a definition of "substantial
2 change" as applied to an amended right-of-way lease application; and providing for an
3 effective date.

4
5 * Section 1. AS 38.35.050(c) is amended to read:

6 (c) Any amendment to an application filed under this section that [WHICH]
7 constitutes a substantial change in the application is subject to all provisions of this
8 chapter applying to an original application. **For purposes of this subsection,**

9 **(1) an amendment constitutes a substantial change in the**
10 **application only if the amendment proposes**

11 **(A) a net increase in the amount of state acreage to be**
12 **leased for the right-of-way that exceeds by at least 10 percent the amount**
13 **of the acreage in the applicant's original application;**

14 **(B) a change in the design of the pipeline that would use less**

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1 effective environmental or safety mitigation measures or less advanced
2 technology than proposed in the original application; or

3 (C) a fundamental change in the general route, which
4 would include the origin or terminus, as set out in the original application;

5 (2) in calculating the percentage increase in acreage under (1)(A)
6 of this subsection, each of the following must be excluded:

7 (A) the acreage attributable to an amendment of a right-of-
8 way originally issued by the federal government, whether administered by
9 the state or the federal government; and

10 (B) land subject to an existing federal right-of-way grant
11 held by the applicant that is transferred to the state for its administration.

12 * Sec. 2. AS 38.35.080(b) is amended to read:

13 (b) Upon completion of the analysis but not less than 30 days before the date
14 set for hearing an application or an amendment to an application that, under
15 AS 38.35.050(c), constitutes a substantial change in the [AMENDMENT TO AN]
16 application, the commissioner shall publish notice, and make copies available as
17 provided in AS 38.35.070.

18 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).