

Introduced: 3/24/69
Referred: Resources, Labor
& Management and Judiciary

1 IN THE HOUSE

BY CROFT AND TILLION

2 HOUSE BILL NO. 329

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to petroleum pipeline transmission;
7 and providing for an effective date."

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

9 * Section 1. PURPOSE. It is recognized by the legislature that there
10 are certain inherent risks involved in the pipeline transmission of petroleum
11 products. It is also recognized that petroleum pipeline technology has made
12 tremendous steps in minimizing these innerent risks. It is the purpose of
13 this Act to provide for construction, structural and safety standards for
14 pipelines used in transmitting petroleum products in this state so that the
15 maximum current technology is used to prevent inadvertent and negligent detri-
16 ment to the state's other natural resources. It is the further purpose of
17 this Act to avoid placing other natural resources of this state in jeopardy
18 simply because innovation and technology in safe petroleum products trans-
19 mission is slower than the ability to bring the petroleum to the surface.

20 * Sec. 2. AS 38.05 is amended by adding new sections to read:

21 ARTICLE 13. PETROLEUM PIPELINE TRANSMISSION.

22 Sec. 38.05.375. GENERAL PROVISIONS. All pipelines and incidental
23 storage facilities used in the transmission of petroleum products within
24 the state shall be subject to the provisions of this article.

25 Sec. 38.05.380. STANDARDS REGARDING SAFETY. Pipelines and storage
26 facilities incidental to petroleum products transmission shall be de-
27 signed and constructed so that the risk of inadvertent or negligent
28 spillage with attendant pollution is held to an absolute minimum. The
29 department has the authority to enter the premises containing pipelines

1 or attendant facilities at any and all times for purposes of inspecting
2 the pipelines and facilities to assure that the latest technological and
3 engineering standards relating to safety are being used in the construc-
4 tion of new pipelines and facilities and in the maintenance and up-
5 dating of existing pipelines and facilities.

6 Sec. 38.05.385. PERMITS. (a) A person constructing a pipeline
7 and attendant facilities coming under this article shall apply for a
8 permit from the department. The application shall contain but is not
9 limited to

10 (1) a detailed proposed routing of the pipeline with attached
11 engineering reports on the problems likely to be encountered by use of
12 the route and proposed structural and construction designs to overcome
13 these problems;

14 (2) a detailed analysis of alternate routes comparing the
15 engineering problems of the alternates with the proposed route;

16 (3) a factual statement of the risks of pollution involved
17 under the proposed plan considering (1) and (2) of this section.

18 (b) If the department is satisfied that the proposed plans sub-
19 mitted with the application required under this section meet the
20 requirements of this article then it shall issue a permit for the
21 construction of the pipeline and attendant facilities.

22 (c) If the department is not satisfied with the proposed plans it
23 shall deny the permit and return the application with a detailed written
24 explanation of the grounds for denial within 45 days of receiving the
25 completed application.

26 Sec. 38.05.390. EXISTING PIPELINES AND FACILITIES. Pipelines and
27 attendant facilities for petroleum products transmission under con-
28 struction or in operation on the effective date of this article shall
29 have one year to comply with the provisions of this article.

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Sec. 38.05.395. TEMPORARY AND PERMANENT INJUNCTIONS. (a) The commissioner shall seek a temporary injunction in the following circumstances:

(1) when an existing pipeline or attendant facility is being used for the transmission of petroleum products and fails to comply with secs. 380 or 385 of this article or regulations adopted pursuant to these sections; or

(2) when a pipeline or attendant facility under construction fails to meet minimum standards required by regulations adopted under this article.

(b) A hearing shall be held in the superior court in the judicial district when the alleged violation occurs within 10 days of the issuance of a temporary injunction under (a) of this section. The person held to be in violation of this article shall appear and show cause why, if any, a permanent injunction should not be issued. The department shall not be required to give a bond in seeking an injunction.

Sec. 38.05.400. REGULATIONS. The department shall from time to time issue, amend, or rescind regulations as deemed necessary to carry out the provisions of this article. Regulations issued under this section shall be subject to the Administrative Procedure Act (AS 44.62).

* Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.