

Introduced: 2/23/79  
Referred: Community and  
Regional Affairs

1 IN THE HOUSE

BY MOSS AND ROGERS

2 HOUSE BILL NO. 293

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Right-Of-Way Leasing  
7 Act; and providing for an effective date."

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

9 \* Section 1. AS 38.35.010(a) is amended to read:

10 (a) The natural resources of this state in crude oil and natural  
11 gas and in its land for transportation of these resources and their  
12 products by pipeline toward markets both in and out of the state are  
13 capable of making a significant contribution to the general welfare of  
14 the people of this state. It is the policy of this state that the  
15 development, use, and control of a pipeline transportation system be  
16 directed to make the maximum contribution to the development of the  
17 human resources of this state, the increase in the standard of living  
18 for all of its residents, the advancement of existing and potential  
19 sectors of its economy, the strengthening of free competition in its  
20 private enterprise system, and the careful protection of its incompar-  
21 able natural environment and the unique lifestyle of its people, in-  
22 cluding all measures reasonably required to assure that potential  
23 adverse impacts are minimized by adequate planning.

24 \* Sec. 2. AS 38.35.100(a) is amended to read:

25 (a) The commissioner shall promptly determine, on an application  
26 filed with him under AS 38.35.050, whether the applicant is fit, willing  
27 and able to perform the transportation or other acts proposed in a  
28 manner that will be required by the present or future public interest.  
29 In making a determination the commissioner shall consider whether or not

1 the applicant has demonstrated that

2 (1) the proposed use of the right-of-way will unreasonably  
3 conflict with existing uses of the land involving a superior public  
4 interest;

5 (2) the applicant has the technical and financial capacity to  
6 protect state and private property interests;

7 (3) the applicant has the technical and financial capability  
8 and has developed a plan adequate to take action to the extent reason-  
9 ably practical to

10 (A) prevent any significant adverse environmental im-  
11 pact, including but not limited to, erosion of the surface of the  
12 land and damage to fish and wildlife and their habitat;

13 (B) undertake any necessary restoration or revegetation;  
14 [AND]

15 (C) protect the interests of individuals living in the  
16 general area of the right-of-way, especially those who rely on  
17 fish, wildlife and biotic resources of the area for subsistence  
18 purposes;

19 (D) provide local impact information and planning  
20 assistance for communities affected by the pipeline project; and

21 (E) avoid or minimize adverse impacts and maximize  
22 positive local and regional social impacts caused by the construc-  
23 tion, operation, maintenance and termination of the pipeline.

24 (4) the applicant has the financial capability to pay reason-  
25 ably foreseeable damages for which he may become liable on claims  
26 arising from the construction, operation, maintenance or termination of  
27 the pipeline.

28 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
29 070(c).