

HB

293

# COMMITTEE REPORT

## HOUSE

FURTHER:

February 23, 1979

Date: 7 Mar 79

Mr. Speaker:

The Committee on C&RA has had HB 293

"An Act relating to the Alaska Right-Of-Way Leasing Act; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for 115 213  same title  
 new title
- and recommends pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

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**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

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CHAIRMAN

# AMENDMENT

OFFERED IN THE HOUSE:

By: \_\_\_\_\_

To: \_\_\_\_\_ HOUSE BILL No. HB 293

SENATE BILL No. \_\_\_\_\_

PAGE: \_\_\_\_\_

LINE: \_\_\_\_\_

Please prepare a Committee Substitute for HB 293 with the following changes:

P. 1 Line 21, ~~20~~ should read

able natural environment and its people, including measures reasonable  
required to assure that potential

P. 1 Line 29 Strike "or not"

P. 2 Line 2 Add "not" after "will" and before "unreasonably"

P. 2 Line 4 Add "of the State" after "interest"

Page Lines 19,20 should read:

(D) provide local impact information and planning assistance for  
communities located adjacent to the right-of-way which are affected  
by the pipeline project; and

HB 293 TITLE & SPONSOR SUMMARY

13:51 3/20/79 PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO THE ALASKA RIGHT-OF-WAY LEASING ACT;  
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSORS: MOSS.

CO-SPONSORS: ROGERS.

CURRENT STATUS: 3/09/79 IN (H) RULES

HB 293 HOUSE ACTION

13:52 3/20/79 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/23/79	01	0356	FIRST READING -- COMMITTEE REPORTS
03/09/79	02	0502	CRA -- CS06, NR01 RULES
****	**	**	*** ** *



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 3/7/79

BILL NUMBER AND TITLE: HB 293 re Alaska Right of Way Leasing

ORIGINAL SPONSOR : Moss & Rogers

OTHER SPONSORS:

RECEIVED FROM: --

FURTHER REFERRALS: None

MEMBERS PRESENT:

Parker  
Carney  
Metcalf  
Zharoff

Branson  
Parr  
O'Connell

MEMBERS ABSENT:

None

INDIVIDUALS CONCERNED:

WITNESSES TESTIFYING:

Moss introduced Bob Lohr .

Bob Lohr, Director of Upper Tanana Development Corp. Tok.

Bill attempts to deal with impact of construction in unorganized boroughs. Proposed a strategy for dealing with the impact. Defines planning necessary and sets standards.

Suggests some amendments in bill (see attached)

No fiscal impact to state.

Sees that Legislature has a role in socio/economic impact in communities.

Pat Conheady DNR. Dept. Supports bill. It spells out those things already being done.

Discussion follows on Metcalfe's suggested amendment related to "superior public interest of the state".

Amendment accepted.

-----  
Bill signed DO PASS by  
Parker Zharoff  
Branson O'Connell  
Carney  
Parr

Member having No Recommendation  
Metcalf

COMMITTEE ACTION: Approved a Committee Substitute with attached amendments.

TAPE # 3 SIDE 2

Sections 0-716

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS  
BILL NO. HB 293 re Right of Way Leasing Act  
Original Sponsor Moss and Rodgers

Referred to \_\_\_\_\_  
Received from \_\_\_\_\_

Fiscal Note Requested will assess "0"

Contacts:

Contacted re 3/7 Hearing:

- ✓ Brian Rogers
- ✓ Rep. Moss (contacted via Rogers)
- ✓ Bob Lohr, Director of Upper Tanana Development Corporation in Tok
- ✓ Dept. of Natural Resources (Pat Conheady)

LAA Legal Research contact: Rosenstein

According to Bob Lohr, it is not now clear in the regulations that this kind of socio-economic plan can be required. Federal regulatory people not sure it can be required under our existing statutes. Open endedness of regulations now in effect has been protested by Northwest. No minimum standards have been set by the State.

DNR -- will support bill.

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 <sup>not</sup> unreasonably  
3 conflict with existing uses of the land involving a superior public  
4 interest; *(of the State) ~~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; *adjacent to the right-of-way - interests affected*

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).

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

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*Gas Pipeline Financing Authority*  
*Title 56.03H 5943*  
*CA 0090 SCA 78*

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 293  
 Title An Act relating to right-of-way leasing  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL  
 Agency Affected Department of Natural Resources  
 Program Category Affected NRMEC  
 Budget Request Unit(s) Affected Minerals and Energy Management

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-	--0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact results from this legislation.

IV. DATE 3/7/79 PREPARED BY Patrick W. Conheady  
 AGENCY Dept. of Natural Resources  
 PHONE 465-2400

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)