

469

SCOMM13: JOINT COMM. ON GAS PIPELINE IMPACT 1974-76

86/2

industrial health or safety.

*Section 29. The original AS 46.03.270 is renumbered AS 46.03.330. AS 46.03.270, originally AS 46.03.210, is amended to read:

AS 46.03.270 LOCAL AIR POLLUTION CONTROL PROGRAMS

- a. municipality with a population in excess of 1,000 may, within five years from August 5, 1969, establish and administer within its jurisdiction an air pollution control program. Organized boroughs may establish an air pollution control program on an areawide basis, and the exercise of powers with respect to the program is not subject to the restrictions on acquiring additional areawide powers specified in AS 07.15.350. However, the weighted vote shall apply to the exercise of powers as provided in AS 07.20.070
- d. Local programs shall:

1. provide by ordinance for requirements compatible with those imposed by the provisions of secs. 200 and 230 [140 and 170] of this chapter and applicable regulations;
2. provide for the enforcement of the requirements imposed through appropriate administrative and judicial processes;
3. provide for a local administrative organization, staff, and other resources necessary to effectively carry out the purposes of the program; and
4. be approved by the commission[department] as being satisfactory to meet the requirements of secs. 200-230 [140-170] of this chapter and the applicable regulations.

d. If the commission [department] finds that the location, character, or extent of particular concentrations of population, air contaminant sources, the geographic, topographic or meteorological considerations or a combination of these factors make impracticable the maintenance of appropriate levels of air quality without an areawide air pollution control program, the commission [department] may determine the boundaries within which a program is necessary and direct that a program spanning those boundaries is the only acceptable alternative to direct state administration.

*Section 30. The original AS 46.03.230 is renumbered AS 46.03.340. AS 46.03.220, originally 46.03.220, is amended to read:

AGO 531952

a. If a municipality authorized to establish or participate in an air pollution control program under sec. 270 [210] a. or d. of this chapter fails to establish a program within the time specified, or if the commission [department] has reason to believe that an air pollution program in force under that section is inadequate to prevent and control air pollution in the jurisdiction to which the program applies, or that the program is being administered in a manner inconsistent with the requirements of this chapter the commission [department] shall, following 45 days notice, conduct a hearing on the matter.

b. If after the hearing, the commission [department] determines that any of the deficiencies enumerated in a. of this section exist, it shall require that necessary corrective action be taken within a reasonable period of time, not to exceed 90 days.

c. If the municipality or the district set up under sec. 270 [210] a. or d. of this chapter fails to take the necessary corrective action within the time specified the department shall administer in the municipality or district all of the regulatory provisions of this chapter. The department's air pollution control program shall then supersede municipal air pollution ordinances, regulations, and requirements in the affected jurisdiction.

d. If the commission [department] finds that the control of a particular class of air contaminant source, because of its complexity or magnitude is beyond the reasonable capability of the local air pollution control authorities or may be more efficiently and economically performed at the state level, it may assume and retain jurisdiction over that class of air contaminant source. Classifications under this subsection may be either on the basis of the nature of sources involved or on the basis of their relationship to the size of the communities in which they are located.

e. A municipality in which the department administers the air pollution control program under this section may with the approval of the commission [department] establish or resume a municipal program which meets the requirements of sec. 270 [210] a. or d.

f. The provisions of secs 270-280 [210-220] do not nullify a local air pollution program in operation on August 5, 1969, if the program meets the requirements of sec. 270 [210] a. or d. of this chapter within two years from that date.

a. A local government unit with an air pollution program meeting the requirements of this chapter and the regulations issued under it may apply to the state for state aid equal to a maximum of 75% of the locally funded annual operating cost of the program. For a joint or areawide program established under sec 270 [210] d. of this chapter application may be made for state aid equal to a maximum of 75% of the locally funded operating cost. In the case of a joint or areawide program the state aid may be based on the cost of the entire program or, if the department finds that one or more elements of separately administered programs are being carried on jointly in a way that materially increases the efficiency of the program, it may aid the element carried on under the inter-local agreement at the rate applied to joint and areawide programs generally.

b. Municipalities of the state and interlocal air pollution control agencies established under secs. 200-300 [140-240] of this chapter may apply for, receive, administer and expend federal aid for the control of air pollution or the development and administration of programs related to that control, if the application is first submitted to and approved by the department. The department shall approve an application if it is consistent with secs. 200-300 [140-240] of this chapter and other applicable requirements of law.

*Section 32. The original AS 46.03.300 is renumbered AS 46.03.360. AS 46.03.300, originally AS 46.03.240, is amended to read:

AS 46.03.300 CONSTRUCTION AND IMPLEMENTATION OF SEC. 290 [230]

a. Sec. 290 [230] of this chapter may not be construed so as to create a debt of the state.

b. The air pollution control support account is established. Funds to carry out the provisions for state aid under sec. 290 [230] of this chapter, such funds as are available shall be distributed pro rata among eligible local governments or air pollution control districts.

c. Money in the air pollution control support account which, at the end of the fiscal year for which the money is appropriated, exceeds the amount required for the allocations authorized in secs 200-300 [140-240] of this chapter reverts to the general fund.

*Section 34. The original AS 46.03.320 is renumbered AS 46.03.380. AS 46.03.320, originally AS 46.03.260 is amended to read:

AS 46.03.320 USE OF ATOMIC RADIATION

Sources of radiation shall be shielded, transported, handled, used and kept to prevent users and persons within effective range from being exposed to unnecessary radiation in conformity with the commission's [department's] regulations.

*Section 35. The original AS 46.03.330 is renumbered AS 46.03.390. AS 46.03.330, originally AS 46.03.270 is amended to read:

AS 46.03.330 ELECTRONIC PRODUCT RADIATION

All electronic products capable or likely to be capable of emitting radiation shall be shielded, handled, used, and kept to prevent users and persons within the range of radiation from dangerous concentration of radiation in conformity with the Commission's [department's] regulations.

*Section 36. AS 46.03.340, originally AS 46.03.280, is amended to read:

AS 46.03.340 NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT

a. When the department finds, after inspection and examination of a source of radiation as constructed, operated or maintained that there has been a violation of a provision of this chapter, it shall notify the person causing, allowing or permitting the violation, of the nature of the violation and order the person to cease and abate the violation.

b. A person subject to an order or notification as prescribed in a. of this section, upon written request in accordance with the rules of the commission, is entitled to hearing before the commission on the order. Following the hearing the order may be affirmed, modified or withdrawn.

*Section 37. AS 46.03.350, originally AS 46.03.290, is amended to read:

AS 46.03.350 AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY

When the department finds that an emergency exists requiring immediate action to protect the public health or welfare from radiation it may issue an order reciting the

order is effective immediately. A person to whom an order is directed shall comply with it immediately but on application to the commission [department] shall be given a hearing under the Administrative Procedure Act (AS44.62). Thereafter, the commission [department] may affirm, revoke or modify the order.

*Section 38. AS 46.03.360, originally AS 46.03.300, is amended to read:

AS 46.03.360 EXCEPTIONS

Secs. 320-330 [260-270] of this chapter do not limit the intentional exposure of patients to radiation for the purpose of diagnosis or therapy, or medical research, as authorized by law.

*Section 39. AS 46.03.370, originally AS 46.03.310, is amended to read:

AS 46.03.370 CONFLICTING LAWS

Secs. 310-360 [250-300] of this chapter shall not be construed as repealing any laws of the state relating to radiation sources, exposures, radiation protection, and professional licensure, but shall be held and construed as auxiliary and supplementary to those laws except to the extent that the same are in conflict with secs. 310-360 [250-300] of this chapter. Ordinances or regulations of any governing body of a municipality which are consistent with secs. 310-360 [250-300] of this chapter shall not be superseded by secs. 310-360 [250-300] of this chapter.

*Section 40. AS 46.03.380, originally AS 46.03.320, is amended to read:

AS 46.03.380 AUTHORITY

a. The commission [department] is authorized to

1. regulate the transportation, testing, inspection, packaging, labeling, handling and advertising of pesticides and broadcast chemicals offered for sale, or placed in commerce for use in the state;

2. regulate and supervise the distribution, application or use of pesticides and broadcast chemicals offered for sale, or placed in commerce for use in the state;

3. regulate or prohibit the use of pesticides and broadcast chemicals.

b. The commission [department] may provide by regulation for the licensing of persons engaged in the custom, commercial or contract spraying or application of pesticides and

and broadcast chemicals including the requirement of a surety bond and liability insurance for the licensee.

*Section 41. AS 46.03.390, originally AS 46.03.330, is amended to read:

AS 46.03.390 PUBLIC PESTICIDE PROGRAMS

a. No officer, agent or employee of the state, or of a borough or city of any class, may direct, carry out, or participate in the spraying or application of a pesticide or broadcast chemical in any program or project involving funds, materials or equipment of the state, borough or city, except in accordance with regulations promulgated by the commission [department] under sec. 380 [320] of this chapter.

b. Before a public project that would affect lands owned separately by two or more persons is initiated, the person directing the program shall give public notice of the program in the manner required by regulations of the commission [department]. The commission [department] shall conduct a public hearing on the proposed program if a hearing is requested by the governing body of the affected borough or city, or by a petition signed by at least 50 residents. The requirement for public notice or public hearing may be waived if the commissioner determines that a public emergency exists.

*Section 42. AS 46.03.740 is amended to read:

AS 46.03.740 OIL POLLUTION

No person may discharge, cause to be discharged, or permit the discharge of petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or a residuary product of petroleum, into, or upon the waters or land of the state except in quantities, and at times and locations or under circumstances and conditions as the commission [department] may by regulation permit or where permitted under art. IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended.

*Section 43. AS 46.03.820 is amended to read:

AS 46.03.820 EMERGENCY POWERS

b. Upon receipt of an order of the commission [department] made under a. of this section, the person affected shall have the right to be heard and to present proof to the commission [department] that the condition or activity does not constitute an actual or potential source of irreversible or irreparable damage to the natural resources or

environment of the state, or that the order may constitute a substantial private hardship.

c. In the commissioner's discretion or upon application made by the recipient of an order within 15 days of receipt of the order, the department shall schedule a hearing before the commission at the earliest possible time. The hearing shall be scheduled within five days of the receipt of the earliest possible time. The hearing shall be scheduled within five days of the receipt of the application. The submission of an application or the scheduling of a hearing shall not stay the operation of the department's order made under a. of this section.

d. After a hearing the commission [department] may affirm, modify or set aside the order. An order affirmed, modified or set aside after hearing is subject to judicial review as provided in AS 44.62.560. The order is not stayed pending judicial review unless the commission [commissioner] so directs. If an order is not immediately complied with, the attorney general, upon request of the commissioner, shall seek enforcement of the order.

e. The commission [department] may adopt additional regulations prescribing the procedure to be followed in the issuance of emergency orders.

*Section 44. AS 46.03.900 is amended to read:

AS 46.03.900 DEFINITIONS

1. "air contaminant"
2. "air pollutant"
3. "atomic radiation"
4. "broadcast chemicals"
5. "Commission" means the Environmental Conservation Commission of the Department of Environmental Conservation.
6. [5.] "commission"
7. [6.] "department"
8. [7.] "electronic department"
9. [8.] "electronic product radiation"
10. [9.] "industrial waste"

- 11. [10.] "motor vehicle"
- 12. [11.] "municipality"
- 13. [12.] "other wastes"
- 14. [13.] "person"
- 15. [14.] "pesticide"
- 16. [15.] "pollution"
- 17. [16.] "radiation"
- 18. [17.] "radiation source"
- 19. [18.] "sewage"
- 20. [19.] "sewer system"
- 21. [20.] "standard"
- 22. [21.] "treatment works"
- 23. [22.] "waters"

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IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEECS FOR HOUSE BILL NO. 505

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to assisting municipalities; and
providing for an effective date."

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

* Section 1. DECLARATION OF PURPOSE. It is the intention of the legislature to financially assist municipalities in meeting certain extraordinary operating expenditures ^{caused by accelerated population growth} ~~directly attributable to the impact of construction of the trans-Alaska pipeline~~ and which are beyond the capability of the impacted municipalities to reasonably meet. It is the further intention of the legislature that the state respond promptly to the impact needs of municipalities.

* Sec. 2. ELIGIBILITY STANDARDS. (a) Grants to carry out the purposes of this Act may be made to a municipality demonstrating

(1) an annual population growth rate in excess of ~~2.9 Percent~~ ^{2.9 Percent of the base population}
~~growth rate for the period April 1, 1970, through July 1, 1973;~~

(2) extraordinary municipal operating expenditures beyond its capability to reasonably meet from growth in receipts from present municipal revenue sources; and

~~(3) that both (1) and (2) of this subsection can be directly attributed to the impact of construction of the trans-Alaska pipeline.~~

(3) The base population for measuring the annual population growth rate for purposes of this section is the population of the municipality on the first day of the quarter in which the effective

1 date of this Act falls.

2 # Sec. 3. ESSENTIAL MUNICIPAL SERVICES. Grants made under this
3 Act may be expended only for operating expenditures for

- 4 (1) police protection;
5 (2) fire protection;
6 (3) solid waste collection and disposal;
7 (4) water supply and sewage disposal systems;
8 (5) health care services;
9 (6) land use and environmental planning and regulation; and
10 (7) other essential municipal services specified in the

11 application.

12 # Sec. 4. GRANT COMPUTATION AND PAYMENT. (a) A municipality is
13 eligible for a grant amount under this Act equal to its ^{annual} population
14 growth by June 30, 1975 in excess of the 2.9 PERCENT ~~average annual~~
15 growth rate standard established under sec. 2 of this Act multiplied
16 by its per capita general fund expenditures, excluding expenditures
17 for education, capital outlay and debt service, for the last
18 complete fiscal year preceding the effective date of this Act.

19 (b) A municipality incorporated after the effective date of this
20 Act is eligible for a grant amount under this Act equal to its ^{annual}
21 population growth by June 30, 1975 in excess of the 2.9 percent ~~average annual~~
22 population growth rate standard established under sec. 2 of this
23 Act multiplied by its per capita general fund expenditures, excluding
24 expenditures for education, capital outlay and debt service, for its
25 fiscal year budget.

26 (c) Total grants under this Act to a municipality with a
27 population of 10,000 persons or more on the first day of the quarter
28 in which the effective date of this Act falls may not exceed \$250
29 per capita of the population growth in excess of the average annual

1 population growth rate standard established under sec. 2 of this Act.

2 Total grants under this Act to a municipality with a population
3 under 10,000 persons on the first day of the quarter in which the
4 effective date of this Act falls may not exceed \$400 per capita of
5 the population growth in excess of the average annual population
6 growth rate standard established under sec. 2 of this Act.

7 (d) The base population for measuring the per capita general
8 fund expenditures for purposes of this section is the population
9 of the municipality on the first day of the quarter in which the
10 effective date of this Act falls.

11 (e) Grants may be made quarterly based upon quarterly population
12 estimates with final adjustment to be made on June 30, 1975. Final
13 grant payments shall be withheld until after final adjustments of
14 amounts are made on June 30, 1975.

15 Sec. 5. PREPAYMENTS. (a) A municipality may receive, as a pre-
16 payment, up to 50 per cent of the amount it will be entitled to
17 under this Act upon certification by the Department of Community and
18 Regional Affairs that the municipality will more likely than not meet
19 the eligibility standards set forth in sec. 2 of this Act.

20 (b) Total prepayments to municipalities made under this section
21 may not exceed \$5,000,000.

22 Sec. 6. APPLICATION. (a) Grants under this Act may be made only
23 upon application by a municipality to the Department of Community
24 and Regional Affairs. Each grant application shall state the
25 essential municipal services for which the grant will be expended.
26 A prepayment grant application may be submitted at any time after
27 the effective date of this Act.

28 (b) No grant may be expended for purposes other than those
29 specified in the application.

1 * Sec. 7. ACCOUNTABILITY FOR GRANTS. (a) A municipality shall submit
2 a financial report covering the expenditure of any grant already
3 received under this Act to the Department of Community and Regional
4 Affairs before another grant may be received under this Act.

5 (b) A municipality receiving grants under this Act shall

6 (1) maintain a separate account for the grants received
7 under this Act;

8 (2) provide for an annual independent audit of the separate
9 account for the grants received under this Act; and

10 (3) submit a copy of the independent audit report to the
11 Department of Community and Regional Affairs.

12 * Sec. 8. APPROVAL. Grants under this Act shall be made by the De-
13 partment of Community and Regional Affairs at the direction of the
14 governor subject to approval of the Legislative Budget and Audit
15 Committee.

16 * Sec. 9. POPULATION. A municipality shall submit estimated population
17 and population growth figures to the Department of Community and
18 Regional Affairs. These population and population growth figures are
19 subject to review and approval by the Department of Community and
20 Regional Affairs. The decisions of the Department of Community and
21 Regional Affairs are final as to

22 (1) population growth figures for the purpose of estab-
23 lishing eligibility under sec. 2 of this Act;

24 (2) population figures for computing grant amounts under
25 sec. 4 of this Act; and

26 (3) population figures for computing prepayment amounts
27 under sec. 5 of this Act.

28 * Sec. 10. DEFINITIONS. For purposes of this Act

29 (1) "population" means non-military population;

1 (2) "municipality" means a home rule municipality or a
2 general law municipal corporation and political subdivision, which
3 is a first or second class borough or city incorporated under the
4 laws of the state;

5 (3) "operating expenditures" means personal services, con-
6 tractual services, travel, commodities and up to \$20,000 per item of
7 equipment except that it does not include any of these items if part
8 of a capital improvement expenditure;

9 (4) "quarter" means a period beginning January 1, April 1,
10 July 1 and October 1 of a calendar year.

11 * Sec. 11. REGULATIONS. The Department of Community and Regional
12 Affairs may adopt regulations necessary to carry out the purpose of
13 this Act.

14 * Sec. 12. EFFECTIVE DATE. This Act takes effect on the day after
15 its passage and approval or on the day it becomes law without approval.
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BY THE RULES COMMITTEE
BY REQUEST OF THE
SPECIAL PETROLEUM
IMPACT COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 382

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Pipeline Impact Agency; and
7 providing for an effective date."

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

9 * Section 1. AS 44.19 is amended by adding new sections to read:

10 ARTICLE 8. PIPELINE IMPACT AGENCY.

11 Sec. 44.19.581. PURPOSE. The legislature finds that construction
12 of the trans-Alaska pipeline, from its commencement to completion over
13 a period of approximately three years, will impose severe to mild
14 strains on local and state governmental services and facilities. While
15 the pipeline construction indubitably will, in the long run, mean
16 immense growth and development to the communities and areas along the
17 pipeline route, and to those areas coming under direct pipeline con-
18 struction influence, the legislature further finds that localities most
19 affected will be unable to cope with the probable impact on facilities
20 and services brought about by the anticipated overwhelming and sudden
21 increases in numbers of citizens to be served. The legislature finds,
22 also, that communities while likely to be impacted are willing and
23 ready via local taxation to do all possible themselves to meet impact
24 requirements, even to the full limits of local taxation tolerance,
25 nevertheless, recognizing the state will be the prime beneficiary of
26 pipeline construction via realization of enormous oil development
27 revenues for the total state, the legislature finds that local impact
28 financial burdens logically should be borne by the state as its invest-
29 ment in those future revenues. It is, therefore, the intent of the

1 legislature, in this measure, to provide a means of quickly and deci-
2 sively determining specific impact problems and, additionally, for
3 moving quickly and decisively to provide funds, facilities, personnel
4 or other means for quick solutions. Finally, the legislature intends
5 via this legislation to meet local and state pipeline construction impact
6 problems as quickly and efficiently as possible in manners similar to
7 the handling of disaster impact problems. The legislature finds, too,
8 that revenue-sharing formulas on per capita or percentage per capita
9 increase basis are less desirable, less effective, and more costly than
10 the case-by-case approach intended in the legislation. Under the
11 formula approach, provision would have to be made for all probable as
12 well as all possible impact contingencies, some of which may never
13 develop.

14 Sec. 44.19.583. PIPELINE IMPACT AGENCY. There is created in the
15 office of the governor the Pipeline Impact Agency.

16 Sec. 44.19.585. DIRECTOR. The Pipeline Impact Agency is adminis-
17 tered by a director of pipeline impact. The director is appointed by
18 the governor and serves at the pleasure of the governor. The appoint-
19 ment of the director is subject to confirmation by a majority of the
20 members of the legislature in joint session.

21 Sec. 44.19.587. PROGRAM TO ASSIST MUNICIPALITIES DURING PIPELINE
22 CONSTRUCTION. The Pipeline Impact Agency shall administer a state
23 program to provide assistance to municipalities which are adversely
24 affected, economically and socially, by pipeline construction.

25 Sec. 44.19.589. POWERS AND DUTIES. (a) The director shall

26 (1) advise and assist the governor in developing planning
27 assumptions and a broad preparedness plan with respect to the economic
28 and social impact that will accompany pipeline construction;

29 (2) advise and assist the governor in developing policies,

1 programs and control systems designed to alleviate the economic and
2 social impact resulting from pipeline construction; and

3 (3) advise and assist the governor with respect to resolving
4 issues related to pipeline construction impact preparedness responsi-
5 bilities of state agencies which arise concerning two or more of those
6 agencies.

7 (b) The director, with the approval of the Special Legislative
8 Pipeline Impact Review Committee (as provided for in secs. 595 - 605
9 of this chapter), may

10 (1) make loans and grants and purchase evidences of indebted-
11 ness with funds from the pipeline impact fund to municipalities economi-
12 cally or socially adversely affected by pipeline construction;

13 (2) guarantee municipal bonds when a municipality needs to
14 undertake a capital improvement program on an accelerated basis; and

15 (3) pay (for not more than three years) from the pipeline
16 impact fund a portion of the debt service or interest or both incurred
17 by a municipality for undertaking capital improvements made necessary
18 by pipeline construction.

19 { (c) Grants under (b)(1) of this section shall be made on ^{an} ~~the~~
20 ~~case-by-case basis as demonstrated by need~~
21 ~~basis of percentage increase in population and not on the basis of~~
22 ~~per capita increase in population.~~ Applications for grants shall be
23 made in a form prescribed by the director. A grant shall be allotted
24 according to an agreement made between the director on behalf of the
25 state and the municipality receiving the grant. The agreement may
26 include any provision agreed upon by the parties and shall include in
27 substance the following provisions:

28 (1) a schedule of grant disbursements, if, as determined
29 by the director, a grant is to be disbursed other than in one sum;

(2) agreement by the municipality to

1 (A) proceed with and complete the proposed project
2 or program expeditiously;

3 (B) not discontinue operation or dispose of all or
4 part of the project or program for which it receives a grant with-
5 out the approval of the director;

6 (C) apply for, and make reasonable efforts to secure,
7 federal assistance which may be available for the project or
8 program, subject to any conditions the agency may require in
9 order to maximize the amounts of that assistance received or to
10 be received for all projects or programs in the state;

11 (3) agreement by the municipality that, if federal assistance
12 for a project or program becomes available to the municipality which
13 was not included in the calculation of the amount of a grant authorized
14 and disbursed under this section, the value of the federal assistance
15 shall be ascertained and subtracted from the total value of the project
16 or program and the balance shall be proportionately divided between
17 the state and municipality;

18 (4) provision for alteration or modification of an approved
19 project or program and for remedies in case of failure to perform the
20 agreement between the parties or noncompliance with regulations promul-
21 gated by the director under this section.

22 (d) If funds appropriated by the legislature to provide loans and
23 grants and purchase evidences of indebtedness under this section are
24 not adequate to satisfy amounts required by approved grant applications,
25 funds shall be allocated on the basis of priority established by the
26 director by regulations promulgated to carry out the provisions of this
27 section.

28 (e) The director shall provide a quarterly report to the legisla-
29 ture with respect to grants made under this section.

1 (f) The director shall determine the terms and conditions for
2 making a loan and purchasing an evidence of indebtedness under this
3 section.

4 → Sec. 44.19.591. AUTHORITY TO ACCEPT SERVICE, GIFTS, GRANTS, AND
5 LOANS. When the federal government or an agency or officer of the
6 federal government offers to the state, or through the state to a
7 municipality, services, equipment, supplies, materials, or funds by
8 way of gift, grant, or loan, for the purpose of alleviating the social
9 or economic impact resulting from pipeline construction, the state
10 acting through the director, or the municipality acting through its
11 executive officer or governing body, may accept the offer subject to
12 the terms of the offer and the rules and regulations of the agency
13 making the offer.

14 Sec. 44.19.593. PIPELINE IMPACT FUND. There is the pipeline
15 impact fund created for the purpose of carrying out the provisions of
16 sec. 587(b) of this chapter. The fund consists of all money made
17 available by appropriations of the state legislature, and from other
18 appropriated funds, all contributions from whatever source, and income
19 and interest derived from the investment of money.

20 Sec. 44.19.595. SPECIAL LEGISLATIVE PIPELINE IMPACT REVIEW COM-
21 MITTEE. There is established the Special Legislative Pipeline Impact
22 Review Committee composed of three members of the senate appointed by
23 the president of the senate and three members of the house of represen-
24 tatives appointed by the speaker of the house. The committee shall
25 select its own chairman.

26 Sec. 44.19.597. TERM OF MEMBERSHIP. The committee shall be
27 organized within 15 days after the organization of each legislature.
28 Members serve for the duration of the legislature during which they
29 are appointed. If they are reelected or their term of office extends

1 into the next succeeding legislature, they continue to serve until
2 reappointed or the appointment of their successor.

3 Sec. 44.19.599. VACANCIES. When a vacancy occurs in the member-
4 ship of the committee, the presiding officer of the house incurring
5 the vacancy shall choose a successor. If the office of the president
6 of the senate or speaker of the house of representatives becomes
7 vacant and a vacancy from the affected house occurs among the member-
8 ship of the committee, the remaining committee members from the house
9 incurring the vacancy shall appoint a new member.

10 Sec. 44.19.601. MEETINGS. (a) The committee may meet during
11 sessions of the legislature and during the interim between sessions at
12 such times and places in the state as the chairman may determine.
13 Members may receive, for the minimum time required to get to and from
14 meetings and for the period while attending meetings, the same travel
15 and per diem allowances provided by law for members of the legislature
16 when attending sessions, except that members of the committee receive
17 no per diem during legislative sessions other than the per diem allow-
18 ance paid to other members of the legislature.

19 (b) The members of the committee can validly conduct a meeting
20 and vote by communicating simultaneously with each other by means of
21 conference telephones or similar communications equipment.

22 (c) A majority of the members of the committee constitute a
23 quorum for the purpose of carrying out its duties under sec. 603 of
24 this chapter.

25 Sec. 44.19.603. DUTIES OF COMMITTEE. The committee shall review
26 and approve or disapprove, in whole or in part, the decisions made
27 by the Pipeline Impact Agency, ~~under sec. 589(b) of this chapter.~~
28

29 Sec. 44.19.605. DIVISION OF LEGISLATIVE FINANCE ASSISTANCE. The
division of legislative finance shall cooperate with the committee and

1 shall furnish technical assistance and personnel, if available, upon
2 request.

3 * Sec. 2. This Act takes effect on the day after its passage and approval
4 or on the day it becomes law without approval.
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1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 505

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to assisting municipalities; and
7 providing for an effective date."

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

9 * Section 1. DECLARATION OF PURPOSE. It is the intention of the legis-
10 lature to financially assist municipalities in meeting certain extra-
11 ordinary operating expenditures directly attributable to the impact of
12 construction of the trans-Alaska pipeline and which are beyond the capa-
13 bility of the impacted municipalities to reasonably meet.

14 * Sec. 2. ELGIBILITY STANDARDS. (a) Grants to carry out the purposes
15 of this Act may be made to a municipality demonstrating

16 (1) an annual population growth rate in excess of four per cent;

17 (2) extraordinary municipal operating expenditures beyond its
18 capability to reasonably meet; and

19 (3) that both (1) and (2) of this subsection can be directly
20 attributed to the impact of construction of the trans-Alaska pipeline.

21 (b) The base population for measuring the annual population growth
22 rate for purposes of this section is the population of the municipality on
23 the first day of the quarter of the calendar year during which the con-
24 struction commencement date of the trans-Alaska pipeline occurs.

25 * Sec. 3. ESSENTIAL MUNICIPAL SERVICES. Grants made under this Act may
26 be expended only for operating expenditures for the following essential
27 municipal services:

28 (1) police protection;

29 (2) fire protection;

- (3) solid waste collection and disposal;
- (4) water supply and sewage disposal systems;
- (5) health care services; and
- (6) land use and environmental planning and regulation.

* Sec. 4. GRANT COMPUTATION AND PAYMENT. (a) A municipality is eligible for a grant amount under this Act equal to its population growth by June 30, 1975 in excess of the four per cent annual population growth rate standard established under sec. 2 of this Act multiplied by its per capita general fund expenditures, excluding expenditures for education, capital outlay and debt service, for the last complete fiscal year preceding the effective date of this Act.

(b) Total grants under this Act to a municipality with, as of the construction commencement date of the trans-Alaska pipeline, a population of 10,000 persons or more may not exceed \$250 per capita of the population growth in excess of the four per cent annual population growth rate standard established under sec. 2 of this Act. Total grants under this Act to a municipality with, as of the construction commencement date of the trans-Alaska pipeline, a population under 10,000 persons may not exceed \$400 per capita of the population growth in excess of the four per cent annual population growth rate standard established under sec. 2 of this Act.

(c) The base population for measuring per capita general fund expenditures for purposes of this section is the population of the municipality on the first day of the quarter of the calendar year during which the construction commencement date of the trans-Alaska pipeline occurs.

(d) Grants may be made quarterly based upon quarterly population estimates with final adjustment to be made on June 30, 1975. Final grant payments shall be withheld until after final adjustments of amounts are made on June 30, 1975.

* Sec. 5. PREPAYMENTS. (a) A municipality may receive, as a prepayment,

1 up to 50 per cent of the amount it will be entitled to under this Act upon
2 certification by the Department of Community and Regional Affairs that the
3 municipality will more likely than not meet the eligibility standards set
4 forth in sec. 2 of this Act.

5 (b) Total prepayments to municipalities made under this section may
6 not exceed \$5,000,000.

7 * Sec. 6. APPLICATION. (a) Grants under this Act may be made only upon
8 application by a municipality to the Department of Community and Regional
9 Affairs. Each grant application shall state the essential municipal services
10 for which the grant will be expended. A prepayment grant application may be
11 submitted at any time after the effective date of this Act.

12 (b) No grant may be expended for purposes other than those specified
13 in the application.

14 * Sec. 7. ACCOUNTABILITY FOR GRANTS. (a) A municipality shall submit a
15 financial report covering the expenditure of any grant already received under
16 this Act to the Department of Community and Regional Affairs before another
17 grant may be received under this Act.

18 (b) A municipality receiving grants under this Act shall

19 (1) maintain a separate account for the grants received under
20 this Act;

21 (2) provide for an annual independent audit of the separate
22 account for the grants received under this Act; and

23 (3) submit a copy of the independent audit report to the Depart-
24 ment of Community and Regional Affairs.

25 * Sec. 8. APPROVAL. Grants under this Act shall be made by the Depart-
26 ment of Community and Regional Affairs at the direction of the governor
27 subject to approval of the Legislative Budget and Audit Committee.

28 * Sec. 9. POPULATION. A municipality shall submit estimated population
29 and population growth figures to the Department of Community and Regional

1 Affairs. These population and population growth figures are subject to
2 review and approval by the Department of Community and Regional Affairs.
3 The decisions of the Department of Community and Regional Affairs are final
4 as to

5 (1) population growth figures for the purpose of establishing
6 eligibility under sec. 2 of this Act;

7 (2) population figures for computing grant amounts under sec. 4
8 of this Act; or

9 (3) population figures for computing prepayment amounts under
10 sec. 5 of this Act.

11 * Sec. 10. DEFINITIONS. For purposes of this Act

12 (1) "construction commencement date" means the date the
13 following occur:

14 (A) there has been issued to the owner or his agent
15 right-of-way permits, leases, and title and other rights in lands,
16 and other approvals, permits, licenses and certificates, by federal,
17 state and local agencies that a reasonable and prudent person would
18 consider adequate to commence construction of the facilities in
19 the expectation that all other approvals, permits, licenses and
20 certificates necessary for the completion of facilities will be
21 obtained;

22 (B) all approvals, permits, licenses and certificates
23 are in full force and effect, unrevoked and without any modification,
24 which might jeopardize the completion or continued construction of
25 the facilities; and

26 (C) no order, judgment, decree, determination or
27 award of a federal, state or local court or administrative or regu-
28 latory agency enjoining, either temporarily or permanently, the con-
29 struction or the continuation of construction of the facilities is

1 in effect;

2 (2) "municipality" means a general law municipal corporation
3 and political subdivsion, which is a first or second class borough or city
4 incorporated under the laws of the state;

5 (3) "operating expenditures" means personal services, con-
6 tractual services, travel, commodities and up to \$20,000 per item of equip-
7 ment except that it does not include any of these items if part of a capital
8 improvement expenditure;

9 (4) "quarter of a calendar year" means a period beginning
10 January 1, April 1, July 1, and October 1 of a calendar year.

11 * Sec. 11. REGULATIONS. The Department of Community and Regional Affairs
12 may adopt regulations necessary to carry out the purpose of this Act.

13 * Sec. 12. EFFECTIVE DATE. This Act takes effect on the day after its
14 passage and approval or on the day it becomes law without approval.

BILL AND RESOLUTION REQUEST

Hold 2/4/74

Request for Information
 By Sen. Croft
 Subject: Campaign Disclosure -- responsibility of Newspapers
 Drafter Russ
 Assigned by Russ
 Date in 1/30/74 Due on ASAP

Recorded ☒
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to _____
 Date delivered _____
 Instructions to typist _____

Special Instructions

Either a U.S. Supreme Court decision on a Fed. statute or just a Fed. Supreme Ct. decision -- re newspapers granting space (or something?) -- Done & sent to sponsor on 2/4/74

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

liance upon *T.I.M.E., Inc. v. U.S.*, 359 U.S. 464 (1959) in which the United States Supreme Court held that the Motor Carrier Act did not provide shippers with a statutory right to collect reparations from carriers for recovery of allegedly unreasonable past rates. In particular, defendants rely upon the following statements:

The very provisions of Part I, and their counterparts in Part III, which give a right to action to shippers against carriers for damages incurred by carrier violations of the Act and provide the mechanics for the enforcement of that right are conspicuously absent in the Motor Carrier Act. Thus, whereas § 8 of Part I provides that "any common carrier subject to the provisions of this chapter [who] shall do . . . any act . . . in this chapter . . . declared to be unlawful . . . shall be liable to the person or persons injured thereby for the full amount of the damages sustained. . . ." Part II has no comparable provision. Again, whereas § 9 of Part I gives an injured shipper the right to sue in the ICC or in the federal district court, Part II contains no comparable provision. In addition, §§ 13(1) and 16 of Part I give a shipper claiming reparation the right to proceed in the commission and to enforce his reparation award in the courts, and Part II contains no comparable provisions. 359 U.S. at 470-471.

Defendants' reliance is misplaced. The *T.I.M.E.* decision is clearly distinguishable since it involved the shippers' right to reparations not their right to enforce a valid refund order. As stated by Judge Will in the court below, "in no sense did the *T.I.M.E.* decision consider the issue of whether, when the commission does a valid refund order under Part II, the shippers for whose benefit the order was issued can proceed under Section 16(2) of Part I." Admittedly, there is a dearth of legislative history and/or cases to which the court might look for assistance in interpreting § 305(g). Nevertheless, the plain language of the statute provides ample basis for the district court's conclusion that the statute incorporates § 16(2) of Part I: "Any final order made under [Part II] shall be subject to the same right of relief in court by any party in interest as is now provided in respect to orders of the commission made under [Part I]." 49 U.S.C. § 305(g). [End Text]—Grant, J.

—CA 7; *Aluminum Co. of America v. Admiral Merchants Motor Freight, Inc.*, 7/12/73.

Newspapers and Magazines

FREEDOM OF PRESS—

Florida "right to reply" statute, which requires newspapers to publish, without charge, replies of political candidates whom they criticize during election campaigns, does not violate First Amendment freedom of press.

The election of government leaders by qualified electors is a fundamental precept upon which our nation's government is based. While there is a recognized right to publish without prior governmental restraint, there is also a correlative responsibility that the public be fully informed. The public's need to be fully informed is most critical during election campaigns. The statute now being challenged was enacted not to punish, coerce, or censor the press, but rather to maintain conditions conducive to free and fair elections. Unless a candidate who has been criticized by a newspaper is given an equivalent opportunity to respond, not only the candidate, but the people, would suffer.

The press must not lose sight of the fact that the First Amendment guarantee is "not for the benefit of the press so much as for the benefit of us all." *Time, Inc. v. Hill*, 385 U.S. 374.

[Text] The statute here under consideration is designed to add to the flow of information and ideas and does not constitute an incursion upon First Amendment rights or a prior restraint, since no specified newspaper content is excluded. There is nothing prohibited but rather it requires, in the interest of full and fair discussion, additional information.

The right of the public to know all sides of a controversy and from such information to be able to make an enlightened choice is being jeopardized by the growing concentration of the ownership of the mass media into fewer and fewer hands, resulting ultimately in a form of private censorship. Through consolidation, syndication, acquisition of radio and television stations and the demise of vast numbers of newspapers, competition is rapidly vanishing and news corporations are acquiring monopolistic influence over huge areas of the country. * * *

Freedom of expression was retained by the people through the First Amendment for all the people and not merely for a select few. The First Amendment did not create a privileged class which through a monopoly of instruments of the newspaper industry would be able to deny to the people the freedom of expression which the First Amendment guarantees. * * *

In conclusion, we do not find that the operation of the statute would interfere with freedom of the press as guaranteed by the Florida Constitution and the Constitution of the United States. Indeed it strengthens the concept in that it presents both views leaving the reader the freedom to reach his own conclusion. This decision will encourage rather than impede the wide open and robust dissemination of ideas and counterthought which the concept of free press both fosters and protects and which is essential to intelligent self government. * * *

A half free press would be deceptive to the public. [This] statute, in the interest of all the people, provides that candidates for public office under certain prescribed circumstances shall have a right of reply, a right of expression. It does not deny to the owner of the instruments of the newspaper industry any right of expression. The statute assures, and does not abridge, the right of expression which the First Amendment guarantees. The statute supports the freedom of the press in its true meaning—that is, the right of the reader to the whole story, rather than half of it—and without which the reader would be "blackened out" as to the other side of the controversy. [End Text]—Per Curiam.

Concurrence: The court is fully cognizant of the U.S. Supreme Court's decision in *Columbia Broadcasting System, Inc. v. Democratic National Committee*, 41 LW 4688 (1973), which holds that neither the Federal Communications Act nor the First Amendment requires broadcasters to accept paid editorial advertisements. That decision, however, is directed solely to the peculiar and limited nature of the broadcasting industry, and is not applicable to the situation presented in the case before this court—*Roberts, J.*

Dissent: Since the First Amendment prohibits the government from limiting the right to publish news and comment editorial, it also prevents the government from compelling a publisher to print another person's statement against the publisher's will.

[Text] Free people can make proper decisions for their own self-government only when they are adequately informed by a free press. To the extent that government limits or adds to that which a publisher must distribute, freedom of speech and freedom of the press are thereby diminished.

Almost everyone whose name has been carried frequently in the news media has been offended, at one time or another, by stories or comments with which he disagrees. This is part

of the price one pays for success and notoriety. If there exists a problem in this state of affairs, the muzzling of a free press is not the solution to such problems. [End Text]—Boyd, J.

—Fla SupCt; *Tornillo v. Miami Herald Publishing Co.*, 7/18/73.

Proposed Massachusetts bill that requires newspapers publishing paid political advertisements concerning one candidate for public office to publish paid political advertisements concerning any other candidate for same public office would violate First Amendment freedom of press.

The issue is whether, if a newspaper or other publication has published a paid political advertisement, it is a violation of freedom of the press to compel that newspaper or other publication to publish paid political advertisements espousing a contrary view.

The First Amendment does not shield the press from reasonable regulation; the press clearly has no special immunity from civil or criminal laws that relate to its business aspects. However, the Supreme Court has traditionally been unwilling to uphold state regulation of the expression of political views.

The constitutionality of a governmental mandate to publish specific items has been considered and upheld in connection with the "fairness doctrine" as applied to radio and television stations by the Federal Communications Commission. Moreover, where public health considerations were strong and the subject involved only marginal free speech concepts, the governmental requirement that broadcasters carrying commercial cigarette advertising devote broadcast time to presenting the case against cigarette smoking has withstood constitutional challenge. However, in a more analogous situation, the Supreme Court has recently held that persons wishing to broadcast paid editorial comments had no constitutional right to insist that the broadcasters permit them to buy time to express their views. *Columbia Broadcasting System, Inc. v. Democratic National Committee*, 41 LW 4688 (1973).

Communication by printed word presents different considerations from those applicable to the broadcast media. The distinction between newspapers and broadcasters led at least four of the justices in *Columbia Broadcasting System, Inc.* to recognize that obligations that may be constitutionally permissible as to broadcasters could not be imposed on newspapers. The court is aware of no

circumstances in which it has been held that the First Amendment right of free speech gives a private individual the right to require the publication of editorial advertising.

Of course, the fundamental purpose of the First Amendment—the dissemination of information—must be considered. Although the apparent purpose of the proposed bill is to insure that when paid advertisements on one side of a political issue have been published the contrary view may be published, the bill's enactment may actually produce the chilling effect of discouraging newspapers from accepting any political advertisements. Thus, the bill may in effect discourage distribution of information for the benefit of the public.

First Amendment freedoms may be constitutionally abridged to further important or substantial governmental interests "if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest." *U.S. v. O'Brien*, 391 U.S. 367. However, there is a substantial burden on the government to show justification for its attempted regulation. The state legislature has furnished no legislative findings or other indication of any substantial and overriding governmental interest in requiring newspapers to publish all responsive, paid political advertisements.

The proposed bill may be directed at the "monopolistic" status of certain news publications. However, requiring the publication of all responsive political advertisement goes beyond what is essential to the furtherance of any state interest in assuring a right of access to newspapers. In fact, no set of circumstances may exist that would support a legislative mandate that a newspaper must publish a political advertisement. The views expressed by the Supreme Court in *Pittsburg Press v. Pittsburg Human Relations Commission*, 41 LW 5055 (1973), which upheld a city ordinance forbidding newspapers from carrying "help-wanted" advertisements in sex-designated columns, create substantial doubt that a law such as the one presented here would pass constitutional muster.—Per Curiam.

—Mass SupJudCt; *Opinion of the Justices*, 7/13/73.

Registration and Regulation of Brokers and Dealers

By Ezra Weiss

\$17.50

BNA BOOKS

1231 25th St., N.W., Washington, D.C. 20037

Oil and Gas

FILLING STATIONS—

Provision of lease and dealer agreement giving oil company right to terminate New Jersey gas station dealership on ten days notice is void as against public policy.

On April 14, 1972, the Shell Oil Company notified one of its dealers that it was terminating the lease and dealer agreements between them under the agreements' termination clause. The dealer filed suit for an injunction to prevent termination and asked for a reformation of the contract between the parties. In turn, Shell filed a summary dispossession complaint for possession of the service station premises.

It is clear that Shell had no legal right to terminate its relationship with the dealer except for good cause, i.e., the failure of the dealer to substantially comply with his obligations under the agreements. Shell's argument that its lease agreement should be viewed separately from the dealer agreement in that its legal rights as a landlord under the lease are absolute is pure sophistry. In fact, the lease and dealer agreement constitute an integrated business relationship that cannot be viewed apart from the other.

After examining the relationship between the parties, it is apparent that a service station dealer, who has built up a substantial business on the strength of his service, can ill afford to risk confrontation with the oil company and, in fact, just signs on the dotted line at renewal time. It is clear that, under such circumstances, the principle of freedom to contract is non-existent and the result is the imposition of unilateral terms. When the public has a valid interest in such contractual arrangements, as they certainly do in such a sensitive area as retail outlets for petroleum products, courts are not reluctant to declare void as against public policy grossly unfair contractual provisions.

The dealer is essentially a franchisee of the other oil company and it is the dealer-franchisee who has everything to lose should his relationship with the oil company go sour. Even if the dealer had another location to go to, the going business and trade he built up would remain with the old station. Therefore, in view of the unequal bargaining positions of the parties, and the fact that the dealer substantially complied with the provisions of the dealer agreement, it is ordered that Shell may not terminate the dealer's lease and dealership.—Sullivan, J.

—NJ SupCt; *Marinello v. Shell Oil Co.*, 7/11/73.

ation of no-strike clause or was
ed activity falling outside of
provisions of collective bar-
contract? (3) Was it error for
strict court to exclude testi-
union's business representative
ds that it was irrelevant to
fore court?

for certiorari filed 11/16/73,
thur Combs, of Houston, Tex.,
en L. Swanson.

89. Engineers Local 450 v. Pence
on Corp.

ghts—Dues Increase—Question-
voting procedures—Summary

below (CA 7, 84 LRRM 2476):
of record of union convention
s, at which members' dues
eased, to show that majority-
ement of Section 101(a)(3)(B)
m-Griffin Act was satisfied,
ersal of federal district court
2 granted union's motion for
judgment in union members'
Section 102 of Act challeng-
s allegedly autocratic and un-
cedures in obtaining that

s presented: (1) Is vote taken
ed dues increase at national
vention by show of hands fol-
standing count and declared
ng officer to constitute two-
larity in favor of increase,
challenged by delegate, whose
r recorded vote is put to vote
tion and defeated in accord-
convention rules, valid under
a)(3)(B)(i) of Landrum-Grif-
ainst claims of few dissenting
ot specifically pleaded in com-
supported by only three af-
pressing belief that increase
adopted by majority vote of
(2) Under circumstances, are
vits sufficient to create issue
e count under statute and
on union burden of proving to
urt that statutory require-
majority vote has been met?
for certiorari filed 11/16/73,
Gore, Chicago, Ill., James L.
r., Washington, D.C., and Wil-
lon, Rosemont, Ill.

2. Railway, Airline and Steam-
v. Rola.

—Union's right to discipline
union members who cross
strike picket line.

below (CA DC 42 LW 2045, 83
7):

that disciplined supervisor-
or crossing picket lines and
rank-and-file struck work
ful economic strikes did not
fair labor practice under Sec-
(B) of Taft Act, 29 U.S.C.
(B).

presented: Does union violate
(1)(B) of Taft Act by dis-
supervisor-members for cross-
line and performing rank-and-
during economic strike against

for certiorari filed 11/16/73,
H. Bork, Solicitor General,
ash, General Counsel, John S.
uty General Counsel, Patrick
ocate General Counsel, Nor-
ne, Deputy Associate General
nd William H. DuRoss, III,
ney.

5. NLRB v. Electrical Workers.

sermination—Lockout.

Ruling below (CA 6, 84 LRRM 2300):

Employer did not violate Taft Act
when, following expiration of its col-
lective bargaining agreement with union,
it locked out unit employees and
used its non-unit employees and super-
visors as temporary replacements to per-
form work of unit employees for dura-
tion of lockout.

Question presented: Did employer vio-
late Section 8(a)(1) or (3) of Taft Act
by locking out its employees and by
then continuing production operations,
which those locked out employees nor-
mally performed, by using worker re-
placements from outside bargaining unit.

Petition for certiorari filed 11/21/73,
by David Previant, Alan M. Levy, John
S. Williamson, Jr., Goldberg, Previant &
Uelmen, all of Milwaukee, Wis., and Hof-
fa, Chodak and Robiner, all Detroit,
Mich.

No. 73-807. Teamsters Local 283 v. Ol-
tawa Silica Co.

Motor Vehicles

73-773

Negligence — Contributory negligence —
New trial—Seventh Amendment.

Ruling below (DC CtApp, 8/15/73):

Appeal from District of Columbia trial
court order setting aside jury verdict for
automobile negligence suit plaintiff and
granting new trial on ground that plain-
tiff was contributorily negligent as mat-
ter of law and that verdict was against
weight of evidence, is dismissed without
opinion.

Questions presented: (1) Was trial
court's ruling that plaintiff was guilty
of contributory negligence as matter of
law plainly erroneous and usurpation of
function of jury, in violation of Seventh
Amendment? (2) Did trial court, in set-
ting aside jury verdict for plaintiff and
granting new trial, consider evidence in
light most favorable to defendant rather
than to plaintiff, as required?

Petition for certiorari filed 11/14/73,
by Rotraud M. Perry, Washington, D.C.

No. 73-773. McNeill v. Fisher.

Municipal Corporations

73-706

Annexations — Due process.

Ruling below (Miss SupCt, 280 So2d
837):

Consolidation of proceeding to incor-
porate area into new municipality with
annexation proceedings by city to expand
its limits by annexing identical area to
city was not prejudicial error, even
though petition to incorporate shou'd
have been heard uncluttered by annex-
ation proceeding; court was not manifest-
ly wrong in finding that evidence in
support of petition to incorporate was in-
sufficient to satisfy statutory require-
ments.

Question presented: (1) Was consolida-
tion of incorporation proceedings with
annexation proceedings consistent with
Due Process Clause? (2) Does Section
3374-10 of Mississippi Code, 1942, which
does not require vote or consent of any
qualified elector or inhabitant of annexed
territory, violate Equal Protection Clause?

Petition for certiorari filed 10/30/73, by
John Arthur Eaves and Eaves & Eaves,
all of Jackson, Miss.

No. 73-706. Peusch v. City of Jackson,
Miss.

73-725

Annexations — Due process — Annexa-
tion of territory included in established
community school districts.

Ruling below (Ind SupCt, 299 NE 2d
829):

Territory annexed by City of Elkhart,
Indiana, became an integral part of, and
within boundaries of, Elkhart Community
Schools for all school purposes, tax pur-
poses and otherwise, even though some of
territory previously had been included in
community school corporation already in
existence.

Questions presented: (1) May Indiana
Supreme Court decide declaratory judg-
ment action on its merits, on theory not
offered or argued by parties and on
which hearing has not been held and no
evidence presented, and thereby foreclose
right of established community school
corporation, and its residents, voters and
taxpayers, to hearing on merits guar-
anteed by Due Process Clause? (2) Did
action of Indiana Supreme Court in de-
priving community school corporation and
its taxpayers of revenues from areas
annexed by city, without notice and hear-
ing and without proration of previously
incurred liabilities as required by Indiana
law, deprive school corporation and its
taxpayers of their property without due
process of law?

Petition for certiorari filed 11/2/73, by
Marshall F. Kizer of Plymouth, Ind.,
John J. Dillon and Virginia Dill Mc
Carthy of Indianapolis, Ind.

No. 73-725. Concord Community Schools
v. School City of Elkhart.

Newspapers and Magazines

73-797

Freedom of press — Newspaper criticism
of political candidate — State require-
ment that newspaper published that
candidate's reply free of charge — Validi-
ty under First Amendment.

Ruling below (Fla SupCt, 42 LW 2073):

Florida "right to reply" statute, which
requires newspapers to publish, without
charge, replies of political candidates
whom they criticize during election cam-
paigns, does not violate First Amendment
freedom of press.

Question presented: Does Section 104,
38, Florida Statutes, abridge freedom of
press and due process, in violation of First
and Fourteenth Amendments, by com-
pelling newspaper to provide free space,
under criminal sanctions, to candidate in
any state election to reply to any publica-
tion in newspaper which "assails [his]
personal character," or charges him
with "malfeasance" or misfeasance" in
office, or "otherwise attacks his official
record"?

Appeal filed 11/19/73, by Daniel P.S.
Paul, James W. Beasley, Jr., and Paul
& Thomson, all of Miami, Fla., Richard
M. Schmidt, Martin J. Gaynes, Jan D.
Volner, and Cohn & Marks, all of Wash-
ington, D.C.

No. 73-797. The Miami Herald Publish-
ing Co. v. Tornillo.

Oil and Gas

73-729

State regulation — Conservation — Inter-
state commerce—Federal preemption.

Ruling below (USDC WOkla., 6/26/73):

Chief purpose of Oklahoma Corpora-
tion Commission "conservation" orders
was to establish statewide minimum
prices of natural gas at wellhead; orders
do in fact establish minimum price at
which gas may be sold in interstate com-
merce, constitute undue burden on in-
terstate commerce within purview of
Commerce Clause, and conflict with juris-
diction of Federal Power Commission un-
der Natural Gas Act, 15 U.S.C. §§ 717-
717a; state has no authority, either di-
rectly or indirectly, to fix price at which

January 29, 1974

The Honorable Robert L. Smith
Commissioner
Department of Labor
Box 1149
Juneau, Alaska 99801

Dear Commissioner Smith:

I am really sold on the merits of the legislation your department and I have under consideration. It matters not to me whether we go the route set forth in the proposed legislation I have already sent you, or whether we take the approach you apparently advocate--that is, by scheduling additional injuries which are not now compensable.

I would be tickled to death if you, John and/or Earl could come over to talk with Russ Mulder of the Legislative Affairs Agency and me at 1:30 on Wednesday, February 6th, in Committee Room #4.

If that's a good time for a meeting, would you please bring along a half a dozen copies of your work product?

Regards,

Robert H. Ziegler, Sr.

RHZ/pks

cc - John Cook
Earl Turner
Russ Mulder

AGO 531982 +

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

SENATE PETROLEUM IMPACT

COMMITTEE

AGO 531983 + F

Draft
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1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Pipeline Impact Agency; and
7 providing for an effective date."

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

9 * Section 1. AS 44.19 is amended by adding new sections to read:

10 ARTICLE 8. PIPELINE IMPACT AGENCY.

11 Sec. 44.19.581. PURPOSE. The legislature finds that construction
12 of the trans-Alaska pipeline, from its commencement to completion over
13 a period of approximately three years, will impose severe to mild
14 strains on local and state governmental services and facilities. While
15 the pipeline construction doubtless will, in the long run, mean immense
16 growth and development to the communities and areas along the pipeline
17 route, and to those areas coming under direct pipeline construction
18 influence, the legislature further finds that localities most affected
19 will be unable to cope with the probable impact on facilities and
20 services brought about by expected overwhelming and sudden increases
21 in numbers of citizens to be served. The legislature finds, also,
22 that while likely impacted communities are willing and ready via local
23 taxation to do all possible themselves to meet impact requirements,
24 even to the full limits of local taxation tolerance, nevertheless,
25 recognizing the state will be the prime beneficiary of pipeline con-
26 struction via realization of enormous oil development revenues for the
27 total state, the legislature finds that local impact financial burdens
28 logically should be borne by the state as its investment in those
29 future revenues. It is, therefore, the intent of the legislature, in

1 this measure, to provide a means of quickly and decisively determining
2 specific impact problems and, likewise, for moving quickly and decisively
3 to provide funds, facilities, personnel or other means for quick solu-
4 tion. Finally, the legislature intends via this legislation to meet
5 local and state pipeline construction impact problems as quickly and
6 efficiently as possible in manners similar to the handling of disaster
7 impact problems. The legislature finds, too, that revenue-sharing
8 formulas on per capita or percentage per capita increase basis are less
9 desirable, less effective, and more costly than the case-by-case
10 approach intended in the legislation. Under the formula approach,
11 provision would have to be made for all probable as well as all possible
12 impact contingencies, some of which may never develop.

13 Sec. 44.19.583. PIPELINE IMPACT AGENCY. There is in the office
14 of the governor the Pipeline Impact Agency.

15 Sec. 44.19.585. DIRECTOR. The Pipeline Impact Agency is adminis-
16 tered by a director of pipeline impact. The director is appointed by
17 the governor and serves at the pleasure of the governor.

18 Sec. 44.19.587. PROGRAM TO ASSIST MUNICIPALITIES DURING PIPELINE
19 CONSTRUCTION. The Pipeline Impact Agency shall administer a state
20 program to provide assistance to municipalities which are adversely
21 affected, economically and socially, by pipeline construction.

22 Sec. 44.19.589. POWERS AND DUTIES. (a) The director shall

23 (1) advise and assist the governor in developing planning
24 assumptions and a broad preparedness plan with respect to the economic
25 and social impact that will accompany pipeline construction;

26 (2) advise and assist the governor in developing policies,
27 programs and control systems designed to alleviate the economic and
28 social impact resulting from pipeline construction; and

29 (3) advise and assist the governor with respect to resolving

1 issues related to pipeline construction impact preparedness responsi-
2 bilities of state agencies which arise concerning two or more of those
3 agencies.

4 (b) The director, with the consent of the Special Legislative
5 Pipeline Impact Review Committee (as provided for in secs. 595 - 605
6 of this chapter); may

7 (1) make loans and grants and purchase evidences of indebted-
8 ness with funds from the pipeline impact fund to municipalities economi-
9 cally or socially adversely affected by pipeline construction;

10 (2) guarantee municipal bonds when a municipality needs to
11 undertake a capital improvement program on an accelerated basis; and

12 (3) pay (for not more than three years) from the pipeline
13 impact fund a portion of the debt service or interest or both incurred
14 by a municipality for undertaking capital improvements made necessary
15 by pipeline construction.

16 (c) Grants under (b)(1) of this section shall be made on the
17 basis of percentage increase in population and not on the basis of
18 per capita increase in population. Applications for grants shall be
19 made in a form prescribed by the director. A grant shall be allotted
20 according to an agreement made between the director on behalf of the
21 state and the municipality receiving the grant. The agreement may
22 include any provision agreed upon by the parties and shall include in
23 substance the following provisions:

24 (1) a schedule of grant disbursements, if, as determined
25 by the director, a grant is to be disbursed other than in one sum;

26 (2) agreement by the municipality to

27 (A) proceed with and complete the proposed project
28 or program expeditiously;

29 (B) not discontinue operation or dispose of all

1 or part of the project or program for which it receives a grant
2 without the approval of the director;

3 (C) apply for, and make reasonable efforts to secure,
4 federal assistance which may be available for the project or
5 program, subject to any conditions the agency may require in
6 order to maximize the amounts of that assistance received or to
7 be received for all projects or programs in the state;

8 (3) agreement by the municipality that, if federal assistance
9 for a project or program becomes available to the municipality which
10 was not included in the calculation of the amount of a grant authorized
11 and disbursed under this section, the value of the federal assistance
12 shall be ascertained and subtracted from the total value of the project
13 or program and the balance shall be proportionately divided between
14 the state and municipality;

15 (4) provision for alteration or modification of an approved
16 project or program and for remedies in case of failure to perform the
17 agreement between the parties or noncompliance with regulations promul-
18 gated by the director under this section.

19 (d) If funds appropriated by the legislature to provide loans and
20 grants and purchase evidences of indebtedness under this section are
21 not adequate to satisfy amounts required by approved grant applications,
22 funds shall be allocated on the basis of priority established by the
23 director by regulations promulgated to carry out the provisions of this
24 section.

25 (e) The director shall provide an annual report to the legislature
26 with respect to grants made under this section.

27 (f) The director shall determine the terms and conditions for
28 making a loan and purchasing an evidence of indebtedness under this
29 section.

1 Sec. 44.19.591. AUTHORITY TO ACCEPT SERVICE, GIFTS, GRANTS, AND
2 LOANS. When the federal government or an agency or officer of the
3 federal government offers to the state, or through the state to a
4 municipality, services, equipment, supplies, materials, or funds by
5 way of gift, grant, or loan, for the purpose of alleviating the social
6 or economic impact resulting from pipeline construction, the state
7 acting through the director, or the municipality acting through its
8 executive officer or governing body, may accept the offer subject to
9 the terms of the offer and the rules and regulations of the agency
10 making the offer.

11 Sec. 44.19.593. PIPELINE IMPACT FUND. There is the pipeline
12 impact fund created for the purpose of carrying out the provisions of
13 sec. 587(b) of this chapter. The fund consists of all money made
14 available by appropriations of the state legislature, and from other
15 appropriated funds, all contributions from whatever source, and income
16 and interest derived from the investment of money.

17 Sec. 44.19.595. SPECIAL LEGISLATIVE PIPELINE IMPACT REVIEW COM-
18 MITTEE. There is established the Special Legislative Pipeline Impact
19 Review Committee composed of three members of the senate appointed by
20 the president of the senate and three members of the house of represen-
21 tatives appointed by the speaker of the house.

22 Sec. 44.19.597. TERM OF MEMBERSHIP. The committee shall be
23 organized within 15 days after the organization of each legislature.
24 Members serve for the duration of the legislature during which they
25 are appointed. If they are reelected or their term of office extends
26 into the next succeeding legislature, they continue to serve until
27 reappointed or the appointment of their successor.

28 Sec. 44.19.599. VACANCIES. When a vacancy occurs in the member-
29 ship of the committee, the presiding officer of the house incurring

1 the vacancy shall choose a successor. If the office of the president
2 of the senate or speaker of the house of representatives becomes
3 vacant and a vacancy from the affected house occurs among the member-
4 ship of the committee, the remaining committee members from the house
5 incurring the vacancy shall appoint a new member.

6 Sec. 44.19.601. MEETINGS. (a) The committee may meet during
7 sessions of the legislature and during the interim between sessions at
8 such times and places in the state as the chairman may determine.
9 Members may receive, for the minimum time required to get to and from
10 meetings and for the period while attending meetings, the same travel
11 and per diem allowances provided by law for members of the legislature
12 when attending sessions, except that members of the committee receive
13 no per diem during legislative sessions other than the per diem allow-
14 ance paid to other members of the legislature.

15 (b) The members of the committee can validly conduct a meeting
16 and vote by communicating simultaneously with each other by means of
17 conference telephones or similar communications equipment.

18 (c) A majority of the members of the committee constitute a
19 quorum for the purpose of carrying out its duties under sec. 603 of
20 this chapter.

21 Sec. 44.19.603. DUTIES OF COMMITTEE. The committee shall review
22 and approve or disapprove, in whole or in part, the decisions made
23 by the Pipeline Impact Agency under sec. 589(b) of this chapter.

24 Sec. 44.19.605. DIVISION OF LEGISLATIVE FINANCE ASSISTANCE. The
25 division of legislative finance shall cooperate with the committee
26 and shall furnish technical assistance and personnel, if available,
27 upon request.

28 * Sec. 2. This Act takes effect on the day after its passage and approval
29

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Ratiguis Muller

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Pipeline Impact Agency; and
7 providing for an effective date."

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

9 * Section 1. AS 44.19 is amended by adding new sections to read:

10 ARTICLE 8. PIPELINE IMPACT AGENCY.

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12 of the trans-Alaska pipeline, from its commencement to completion over
13 a period of approximately three years, will impose severe to mild
14 strains on local and state governmental services and facilities. While
15 the pipeline construction doubtless will, in the long run, mean immense
16 growth and development to the communities and areas along the pipeline
17 route, and to those areas coming under direct pipeline construction
18 influence, the legislature further finds that localities most affected
19 will be unable to cope with the probable impact on facilities and
20 services brought about by expected overwhelming and sudden increases
21 in numbers of citizens to be served. The legislature finds, also,
22 that while likely impacted communities are willing and ready via local
23 taxation to do all possible themselves to meet impact requirements,
24 even to the full limits of local taxation tolerance, nevertheless,
25 recognizing the state will be the prime beneficiary of pipeline con-
26 struction via realization of enormous oil development revenues for the
27 total state, the legislature finds that local impact financial burdens
28 logically should be borne by the state as its investment in those
29 future revenues. It is, therefore, the intent of the legislature, in

1 this measure, to provide a means of quickly and decisively determining
2 specific impact problems and, likewise, for moving quickly and decisively
3 to provide funds, facilities, personnel or other means for quick solu-
4 tion. Finally, the legislature intends via this legislation to meet
5 local and state pipeline construction impact problems as quickly and
6 efficiently as possible in manners similar to the handling of disaster
7 impact problems. The legislature finds, too, that revenue-sharing
8 formulas on per capita or percentage per capita increase basis are less
9 desirable, less effective, and more costly than the case-by-case
10 approach intended in the legislation. Under the formula approach,
11 provision would have to be made for all probable as well as all possible
12 impact contingencies, some of which may never develop.

13 Sec. 44.19.583. PIPELINE IMPACT AGENCY. There is in the office
14 of the governor the Pipeline Impact Agency.

15 Sec. 44.19.585. DIRECTOR. The Pipeline Impact Agency is adminis-
16 tered by a director of pipeline impact. The director is appointed by
17 the governor and serves at the pleasure of the governor.

18 Sec. 44.19.587. PROGRAM TO ASSIST MUNICIPALITIES DURING PIPELINE
19 CONSTRUCTION. The Pipeline Impact Agency shall administer a state
20 program to provide assistance to municipalities which are adversely
21 affected, economically and socially, by pipeline construction.

22 Sec. 44.19.589. POWERS AND DUTIES. (a) The director shall

23 (1) advise and assist the governor in developing planning
24 assumptions and a broad preparedness plan with respect to the economic
25 and social impact that will accompany pipeline construction;

26 (2) advise and assist the governor in developing policies,
27 programs and control systems designed to alleviate the economic and
28 social impact resulting from pipeline construction; and

29 (3) advise and assist the governor with respect to resolving

1 issues related to pipeline construction impact preparedness responsi-
2 bilities of state agencies which arise concerning two or more of those
3 agencies.

4 (b) The director, with the consent of the Special Legislative
5 Pipeline Impact Review Committee (as provided for in secs. 595 - 605
6 of this chapter), may

7 (1) make loans and grants and purchase evidences of indebted-
8 ness with funds from the pipeline impact fund to municipalities economi-
9 cally or socially adversely affected by pipeline construction;

10 (2) guarantee municipal bonds when a municipality needs to
11 undertake a capital improvement program on an accelerated basis; and

12 (3) pay (for not more than three years) from the pipeline
13 impact fund a portion of the debt service or interest or both incurred
14 by a municipality for undertaking capital improvements made necessary
15 by pipeline constructionn.

16 (c) Grants under (b)(1) of this section shall be made on the
17 basis of percentage increase in population and not on the basis of
18 per capita increase in population. Applications for grants shall be
19 made in a form prescribed by the director. A grant shall be allotted
20 according to an agreement made between the director on behalf of the
21 state and the municipality receiving the grant. The agreement may
22 include any provision agreed upon by the parties and shall include in
23 substance the following provisions:

24 (1) a schedule of grant disbursements, if, as determined
25 by the director, a grant is to be disbursed other than in one sum;

26 (2) agreement by the municipality to

27 (A) proceed with and complete the proposed project
28 or program expeditiously;

29 (B) not discontinue operation or dispose of all

1 or part of the project or program for which it receives a grant
2 without the approval of the director;

3 (C) apply for, and make reasonable efforts to secure,
4 federal assistance which may be available for the project or
5 program, subject to any conditions the agency may require in
6 order to maximize the amounts of that assistance received or to
7 be received for all projects or programs in the state;

8 (3) agreement by the municipality that, if federal assistance
9 for a project or program becomes available to the municipality which
10 was not included in the calculation of the amount of a grant authorized
11 and disbursed under this section, the value of the federal assistance
12 shall be ascertained and subtracted from the total value of the project
13 or program and the balance shall be proportionately divided between
14 the state and municipality;

15 (4) provision for alteration or modification of an approved
16 project or program and for remedies in case of failure to perform the
17 agreement between the parties or noncompliance with regulations promul-
18 gated by the director under this section.

19 (d) If funds appropriated by the legislature to provide loans and
20 grants and purchase evidences of indebtedness under this section are
21 not adequate to satisfy amounts required by approved grant applications,
22 funds shall be allocated on the basis of priority established by the
23 director by regulations promulgated to carry out the provisions of this
24 section.

25 (e) The director shall provide an annual report to the legislature
26 with respect to grants made under this section.

27 (f) The director shall determine the terms and conditions for
28 making a loan and purchasing an evidence of indebtedness under this
29 section.

1 Sec. 44.19.591. AUTHORITY TO ACCEPT SERVICE, GIFTS, GRANTS, AND
2 LOANS. When the federal government or an agency or officer of the
3 federal government offers to the state, or through the state to a
4 municipality, services, equipment, supplies, materials, or funds by
5 way of gift, grant, or loan, for the purpose of alleviating the social
6 or economic impact resulting from pipeline construction, the state
7 acting through the director, or the municipality acting through its
8 executive officer or governing body, may accept the offer subject to
9 the terms of the offer and the rules and regulations of the agency
10 making the offer.

11 Sec. 44.19.593. PIPELINE IMPACT FUND. There is the pipeline
12 impact fund created for the purpose of carrying out the provisions of
13 sec. 587(b) of this chapter. The fund consists of all money made
14 available by appropriations of the state legislature, and from other
15 appropriated funds, all contributions from whatever source, and income
16 and interest derived from the investment of money.

17 Sec. 44.19.595. SPECIAL LEGISLATIVE PIPELINE IMPACT REVIEW COM-
18 MITTEE. There is established the Special Legislative Pipeline Impact
19 Review Committee composed of three members of the senate appointed by
20 the president of the senate and three members of the house of represen-
21 tatives appointed by the speaker of the house.

22 Sec. 44.19.597. TERM OF MEMBERSHIP. The committee shall be
23 organized within 15 days after the organization of each legislature.
24 Members serve for the duration of the legislature during which they
25 are appointed. If they are reelected or their term of office extends
26 into the next succeeding legislature, they continue to serve until
27 reappointed or the appointment of their successor.

28 Sec. 44.19.599. VACANCIES. When a vacancy occurs in the member-
29 ship of the committee, the presiding officer of the house incurring

1 the vacancy shall choose a successor. If the office of the president
2 of the senate or speaker of the house of representatives becomes
3 vacant and a vacancy from the affected house occurs among the member-
4 ship of the committee, the remaining committee members from the house
5 incurring the vacancy shall appoint a new member.

6 Sec. 44.19.601. MEETINGS. (a) The committee may meet during
7 sessions of the legislature and during the interim between sessions at
8 such times and places in the state as the chairman may determine.
9 Members may receive, for the minimum time required to get to and from
10 meetings and for the period while attending meetings, the same travel
11 and per diem allowances provided by law for members of the legislature
12 when attending sessions, except that members of the committee receive
13 no per diem during legislative sessions other than the per diem allow-
14 ance paid to other members of the legislature.

15 (b) The members of the committee can validly conduct a meeting
16 and vote by communicating simultaneously with each other by means of
17 conference telephones or similar communications equipment.

18 (c) A majority of the members of the committee constitute a
19 quorum for the purpose of carrying out its duties under sec. 603 of
20 this chapter.

21 Sec. 44.19.603. DUTIES OF COMMITTEE. The committee shall review
22 and approve or disapprove, in whole or in part, the decisions made
23 by the Pipeline Impact Agency under sec. 589(b) of this chapter.

24 Sec. 44.19.605. DIVISION OF LEGISLATIVE FINANCE ASSISTANCE. The
25 division of legislative finance shall cooperate with the committee
26 and shall furnish technical assistance and personnel, if available,
27 upon request.

28 * Sec. 2. This Act takes effect on the day after its passage and approval
29

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the pipeline
7 impact fund; and providing for an effective date."

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

9 * Section 1. The sum of \$25,000,000 is appropriated from the general
10 fund to the pipeline impact fund for the purpose of carrying out the provi-
11 sions of AS 44.19.581 - 44.19.605.

12 * Sec. 2. The unexpended and unobligated portion of this appropriation
13 lapses into the general fund June 30, 1975.

14 * Sec. 3. This Act takes effect on the effective date of an Act entitled
15 "An Act creating the Pipeline Impact Agency; and providing for an effective
16 date."

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IN THE SENATE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act creating the Pipeline Impact Agency; and
providing for an effective date."

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

* Section 1. AS 44.19 is amended by adding new sections to read:

ARTICLE 8. PIPELINE IMPACT AGENCY.

Sec. 44.19.581. PIPELINE IMPACT AGENCY. There is in the office
of the governor the Pipeline Impact Agency.

Sec. 44.19.583. DIRECTOR. The Pipeline Impact Agency is admini-
stered by a director of pipeline impact. The director is appointed by
the governor and serves at the pleasure of the governor.

Sec. 44.19.585. PROGRAM TO ASSIST MUNICIPALITIES DURING PIPELINE
CONSTRUCTION. The Pipeline Impact Agency shall administer a state
program to provide assistance to municipalities which are adversely
affected, economically and socially, by pipeline construction.

Sec. 44.19.587. POWERS AND DUTIES. (a) The director shall:

(1) advise and assist the governor in developing planning
assumptions and a broad preparedness plan with respect to the economic
and social impact that will accompany pipeline construction;

(2) advise and assist the governor in developing policies,
programs and control systems designed to alleviate the economic and
social impact resulting from pipeline construction; and

(3) advise and assist the governor with respect to resolving
issues, related to pipeline construction impact preparedness responsi-
bilities of state agencies, which arise concerning two or more of those

1 agencies.

2 (b) The director, with the consent of a joint finance committee
3 while the legislature is in session and with the consent of the Legis-
4 lative Budget and Audit Committee while the legislature is not in
5 session, may:

6 (1) make loans and grants and purchase evidences of
7 indebtedness with funds from the Pipeline Impact Fund to municipalities
8 economically or socially adversely affected by pipeline construction;

9 (2) guarantee municipal bonds when a municipality needs to
10 undertake a capital improvement program on an accelerated basis; and

11 (3) pay (for not more than three years) from the Pipeline
12 Impact Fund a portion of the debt service or interest or both incurred
13 by a municipality for undertaking capital improvements made necessary
14 by pipeline construction.

15 (c) Grants under (b)(1) of this section shall be made on the
16 basis of percentage increase in population and not on the basis of
17 per capita increase in population. Applications for grants shall be
18 made in a form prescribed by the director. A grant shall be allotted
19 according to an agreement made between the director on behalf of the
20 state and the municipality receiving the grant. The agreement may
21 include any provision agreed upon by the parties and shall include in
22 substance the following provisions:

23 (1) a schedule of grant disbursements, if, as determined
24 by the director, a grant is to be disbursed other than in one sum;

25 (2) agreement by the municipality to

26 (A) proceed with and complete the proposed project
27 or program expeditiously;

28 part of the project or program for which it receives a grant

1 without the approval of the director;

2 (C) apply for, and make reasonable efforts to secure,
3 federal assistance which may be available for the project or
4 program, subject to any conditions the director may require in
5 order to maximize the amounts of that assistance received or to
6 be received for all projects or programs in the state;

7 (3) agreement by the municipality that, if federal assistance
8 for a project or program becomes available to the municipality which was
9 not included in the calculation of the amount of a grant authorized
10 and disbursed under this section, the value of the federal assistance
11 shall be ascertained and subtracted from the total value of the pro-
12 ject or program and the balance shall be proportionately divided
13 between the state and municipality;

14 (4) provision for alteration or modification of an approved
15 project or program and for remedies in case of failure to perform the
16 agreement between the parties or noncompliance with regulations
17 promulgated by the director under this section.

18 (d) If funds appropriated by the legislature to provide loans
19 and grants and purchase evidences of indebtedness under this section
20 are not adequate to satisfy amounts required by approved grant applica-
21 tions, funds shall be allocated on the basis of priority established
22 by the director by regulations promulgated to carry out the provisions
23 of this section.

24 (e) The director shall provide an annual report to the legisla-
25 ture with respect to grants made under this section.

26 (f) The director shall determine the terms and conditions for
27 making a loan and purchasing an evidence of indebtedness under this
28 section.

29 Sec. 44.19.589. AUTHORITY TO ACCEPT SERVICE, GIFTS, GRANTS, AND

1 LOANS. When the federal government or an agency or officer of the
2 federal government offers to the state, or through the state to a
3 municipality, services, equipment, supplies, materials, or funds by
4 way of gift, grant, or loan, for the purpose of alleviating the social
5 or economic impact resulting from pipeline construction, the state
6 acting through the director, or the municipality acting through its
7 executive officer or governing body, may accept the offer subject to
8 the terms of the offer and the rules and regulations of the agency
9 making the offer.

10 Sec. 44.19.591. PIPELINE IMPACT FUND. There is the pipeline
11 impact fund created for the purpose of carrying out the provisions of
12 sec. 587(b) of this chapter. The fund consists of all money made
13 available by appropriations of the state legislature, and from other
14 appropriated funds, all contributions from whatever source, and income
15 and interest derived from the investment of money.

16 * Sec. 2. This Act takes effect _____, 1974.
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1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the State Administrative Pipeline
7 Impact Commission; and providing for an effective date."

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

9 * Section 1. AS 44.19 is amended by adding new sections to read:

10 ARTICLE 8. STATE ADMINISTRATIVE PIPELINE IMPACT COMMISSION

11 Sec. 44.19.581. STATE ADMINISTRATIVE PIPELINE IMPACT COMMISSION.

12 There is in the office of the governor the State Administrative Pipe-
13 line Impact Commission.

14 Sec. 44.19.583. COMPOSITION. The commission is composed of the
15 commissioners of administration, revenue, community and regional
16 affairs and commerce. The commissioner of administration is the chair-
17 man of the commission.

18 Sec. 44.19.585. PROGRAM TO ASSIST MUNICIPALITIES DURING PIPELINE
19 CONSTRUCTION. The State Administration Pipeline Impact Commission
20 shall administer a state program to provide assistance to municipalities
21 which are adversely affected, economically and socially, by pipeline
22 construction.

23 Sec. 44.19.587. POWERS AND DUTIES. (a) The commission shall:

24 (1) advise and assist the governor in developing planning
25 assumptions and a broad preparedness plan with respect to the economic
26 and social impact that will accompany pipeline construction;

27 (2) advise and assist the governor in developing policies,
28 programs and control systems designed to alleviate the economic and
29 social impact resulting from pipeline construction; and

1 (3) advise and assist the governor with respect to resolving
2 issues, related to pipeline construction impact preparedness responsi-
3 bilities of state agencies, which arise concerning two or more of those
4 agencies.

5 (b) The commission, with the consent of the Special Legislative
6 Pipeline Impact Review Committee (as provided for in secs. 593 and 595
7 of this chapter), may:

8 (1) make loans and grants and purchase evidences of indebt-
9 edness with funds from the Pipeline Impact Fund to municipalities
10 economically or socially adversely affected by pipeline construction;

11 (2) guarantee municipal bonds when a municipality needs to
12 undertake a capital improvement program on an accelerated basis; and

13 (3) pay (for not more than three years) from the Pipeline
14 Impact Fund a portion of the debt service or interest or both incurred
15 by a municipality for undertaking capital improvements made necessary
16 by pipeline construction.

17 (c) Grants under (b)(1) of this section shall be made on the
18 basis of percentage increase in population and not on the basis of
19 per capita increase in population. Applications for grants shall be
20 made in a form prescribed by the commission. A grant shall be allotted
21 according to an agreement made between the commission on behalf of the
22 state and the municipality receiving the grant. The agreement may
23 include any provision agreed upon by the parties and shall include in
24 substance the following provisions:

25 (1) a schedule of grant disbursements, if, as determined
26 by the commission, a grant is to be disbursed other than in one sum;

27 (2) agreement by the municipality to

28 (A) proceed with and complete the proposed project or
29 program expeditiously;

1 (B) not discontinue operation or dispose of all or
2 part of the project or program for which it receives a grant
3 without the approval of the director;

4 (C) apply for, and make reasonable efforts to secure,
5 federal assistance which may be available for the project or
6 program, subject to any conditions the commission may require in
7 order to maximize the amounts of that assistance received or to
8 be received for all projects or programs in the state;

9 (3) agreement by the municipality that, if federal assis-
10 tance for a project or program becomes available to the municipality
11 which was not included in the calculation of the amount of a grant
12 authorized and disbursed under this section, the value of the federal
13 assistance shall be ascertained and subtracted from the total value
14 of the project or program and the balance shall be proportionately
15 divided between the state and municipality;

16 (4) provision for alteration or modification of an approved
17 project or program and for remedies in case of failure to perform
18 the agreement between the parties or noncompliance with regulations
19 promulgated by the commission under this section.

20 (d) If funds appropriated by the legislature to provide loans
21 and grants and purchase evidences of indebtedness under this section
22 are not adequate to satisfy amounts required by approved grant appli-
23 cations, funds shall be allocated on the basis of priority established
24 by the commission by regulations promulgated to carry out the pro-
25 visions of this section.

26 (e) The commission shall provide an annual report to the legis-
27 lature with respect to grants made under this section.

28 (f) The commission shall determine the terms and conditions for
29 making a loan and purchasing an evidence of indebtedness under this

section.

Sec. 44.19.589. AUTHORITY TO ACCEPT SERVICE, GIFTS, GRANTS, AND LOANS. When the federal government or an agency or officer of the federal government offers to the state, or through the state to a municipality, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for the purpose of alleviating the social or economic impact resulting from pipeline construction, the state acting through the commission, or the municipality acting through its executive officer or governing body, may accept the offer subject to the terms of the offer and the rules and regulations of the agency making the offer.

Sec. 44.19.591. PIPELINE IMPACT FUND. There is the pipeline impact fund created for the purpose of carrying out the provisions of sec. 587 (b) of this chapter. The fund consists of all money made available by appropriations of the state legislature, and from other appropriated funds, all contributions from whatever source, and income and interest derived from the investment of money.

Sec. 44.19.593. SPECIAL LEGISLATIVE PIPELINE IMPACT REVIEW COMMITTEE. There is established the Special Legislative Pipeline Impact Review Committee composed of two members of the senate appointed by the president of the senate and two members of the house of representatives appointed by the speaker of the house.

Sec. 44.19.595. DUTIES OF COMMITTEE. (a) The committee shall review and approve or disapprove the decisions made by the State Administrative Pipeline Impact Commission under sec. 587(b) of this chapter.

* Sec. 2. This Act takes effect July 1, 1974.

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January 29, 1974

The legislature finds that construction of the Trans-Alaska Pipeline, from its commencement to completion over a period of approximately three years, will impose severe to mild strains on local and state governmental services and facilities. While the pipeline construction doubtless will, in the long run, mean immense growth and development to the communities and areas along the pipeline route, and to those areas coming under direct pipeline construction influence, the legislature further finds that localities most affected will be unable to cope with the probable impact on facilities and services brought about by expected overwhelming and sudden increases in numbers of citizens to be served. The legislature finds, also, that while likely impacted communities are willing and ready via local taxation to do all possible themselves to meet impact requirements, even to the full limits of local taxation tolerance, nevertheless, recognizing the state will be the prime beneficiary of pipeline construction via realization of enormous oil development revenues for the total state, the legislature finds that local impact financial burdens logically should be borne by the state as its investment in those future revenues.

It is, therefore, the intent of the legislature, in this measure, to provide a means of quickly and decisively determining specific impact problems and, likewise, for moving quickly and decisively to provide funds, facilities, personnel or other means for quick solution. Finally, the legislature intends via this legislation to meet local and state pipeline construction impact problems as quickly and efficiently as possible in manners similar to the handling of

disaster impact problems. The legislature finds, too, that revenue sharing formula on per capita or percentage per capita increase basis are less desirable, less effective, and more costly than the case by case approach intended in the legislation. Under the formula approach, provision would have to be made for all probable as well as all possible impact contingencies - some of which may never develop.

REM:hg

Original Sponsor:
Rules Committee
By Request of the Governor

Offered: 3/15/63
Referred: Rules

1 IN THE SENATE

BY STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 164

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Centennial;
7 creating a Centennial Commission and pre-
8 scribing its duties; granting powers and
9 duties to the Department of Economic Devel-
10 opment and Planning; and providing for an
11 effective date."

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

13 * Section 1. CREATION OF CENTENNIAL COMMISSION. There is
14 created in the Department of Economic Development and Planning the
15 Alaska State Centennial Commission.

16 * Sec. 2. COMPOSITION AND TERM OF OFFICE. The commission shall
17 consist of 16 members to be appointed by the governor within 30
18 days after the effective date of this Act. Members of the commis-
19 sion serve during its existence unless removed by the governor for
20 good cause. A vacancy shall be filled by appointment by the gover-
21 nor.

22 * Sec. 3. COMPENSATION AND PER DIEM. Members of the commis-
23 sion shall serve without compensation but they shall receive the
24 same travel pay and per diem as state officials and employees.

25 * Sec. 4. EXECUTIVE COMMITTEE. The commission shall meet
26 within 60 days after the effective date of this Act and, upon the
27 call of the governor, shall select an executive committee of five
28 of the members of the commission. The executive committtee shall
29 be composed of one member from each judicial district and one

1 member at large and shall serve at the pleasure of the commission.
2 Members of the executive committee are entitled to reimbursement
3 for actual and reasonable expenses incurred in the discharge of
4 their duties.

5 * Sec. 5. CHAIRMAN. The executive committee shall select a
6 chairman from the membership of the committee and he shall also
7 be the chairman of the commission.

8 * Sec. 6. QUORUM. A majority of the commission constitutes
9 a quorum for the transaction of business of the commission and a
10 majority of the executive committee constitutes a quorum for the
11 transaction of business of the executive committee.

12 * Sec. 7. EXECUTIVE DIRECTOR. The commissioner of economic
13 development and planning may appoint an executive director of the
14 commission, prescribe his duties, and fix his compensation. If an
15 executive director is employed, he shall be in the partially ex-
16 empt service, under AS 39.25.120.

17 * Sec. 8. DUTIES OF COMMISSION. The commission shall

18 (1) advise the governor and the Department of Economic
19 Development and Planning on all activities leading up to and
20 relating to the 1967 Alaska Centennial;

21 (2) cooperate with the Department of Economic Development
22 and Planning in seeking the assistance and cooperation of the
23 United States government, political subdivisions, communities,
24 foreign governments, and all historical, pioneer, and patriotic
25 bodies and societies participating in celebrations and exhibits
26 leading up to and relating to the 1967 Alaska Centennial.

27 * Sec. 9. DUTIES OF EXECUTIVE COMMITTEE. The executive com-
28 mittee shall carry out any duty assigned to it by the commission
29 and see that the purposes of this Act are carried out.

1 * Sec. 10. DUTIES AND POWERS OF THE DEPARTMENT OF ECONOMIC
2 DEVELOPMENT AND PLANNING. (a) The Department of Economic Devel-
3 opment and Planning shall, after consultation with the commission
4 and the concurrence of the governor,

5 (1) plan and administer all official state activities
6 leading up to and relating to the 1967 Alaska Centennial;

7 (2) make an annual report of its activities, including
8 an accounting of the funds received and expended or committed to
9 the governor, on December 31 of each year.

10 (b) The Department of Economic Development and Planning
11 shall, after consultation with the commission and the concurrence
12 of the governor, have the power to

13 (1) receive and dispose of gifts and donations and do
14 all things consistent with law to insure the success of the cen-
15 tennial celebration;

16 (2) engage in joint projects with or make grants to any
17 city or any organization to accomplish the purpose of this Act.

18 * Sec. 11. TERMINATION OF CENTENNIAL COMMISSION. All powers
19 granted by this Act shall terminate on June 30, 1968, or when the
20 duties established by this Act are accomplished, whichever occurs
21 first. A final report and accounting shall be made to the governor
22 by the commission before its termination.

23 * Sec. 12. This Act takes effect on the day after its passage
24 and approval or on the day it becomes law without such approval.
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Introduced: 3/8/63
Referred: State Affairs

1 IN THE SENATE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 164

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Centennial;
7 creating a Centennial Commission and pres-
8 cribing its duties; granting powers and
9 duties to the Department of Economic
10 Development and Planning; and providing
11 for an effective date."

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

13 * Section 1. CREATION OF CENTENNIAL COMMISSION. (a) There
14 is created a commission to be known as the Alaska State Centennial
15 Commission. The commission shall consist of 16 members to be
16 appointed by the governor. The appointments are to be made within
17 30 days after the effective date of this Act.

18 (b) A vacancy in the commission shall not affect its powers
19 and shall be filled by the governor.

20 (c) Members of the commission shall serve as long as the
21 commission is in existence unless sooner removed by the governor
22 for good cause.

23 (d) Members of the commission shall serve without compensation
24 except that their travel and per diem shall be paid according to the
25 schedule prescribed by state law for state officials and employees.

26 * Sec. 2. DUTIES OF COMMISSION. The commission shall:

27 (1) advise the governor and the Department of Economic
28 Development and Planning on all activities leading up to and
29 relating to the 1967 Alaska Centennial;

SB #164

-1-

AGO 532010

1 (2) cooperate with the Department of Economic Develop-
2 ment and Planning in seeking the assistance and cooperation of the
3 United States government, political subdivisions, communities,
4 foreign governments and all historical, pioneer and patriotic
5 bodies and societies participating in such celebrations and
6 exhibits.

7 * Sec. 3. DUTIES AND POWERS OF THE DEPARTMENT OF ECONOMIC
8 DEVELOPMENT AND PLANNING. (a) The Department of Economic
9 Development and Planning shall have the duty to

10 (1) plan and administer all official state activities
11 leading up to and relating to the 1967 Alaska Centennial;

12 (2) make an annual report of its activities including
13 an account of the funds received and expended or committed to
14 the governor on December 31 of each year.

15 (b) The Department of Economic Development and Planning
16 shall have the power to

17 (1) receive and dispose of gifts and donations and do
18 all things consistent with law to insure the success of the cen-
19 tennial celebration;

20 (2) engage in joint projects with, or make grants to,
21 any city or any organization if the object of this Act can be
22 thereby accomplished.

23 * Sec. 4. EXECUTIVE COMMITTEE. (a) There is created an exe-
24 cutive committee of five members. The members of the executive
25 committee shall be members of the commission. The commission
26 shall appoint one member from each judicial district and one
27 member at large without regard to his place of residence.

28 (b) Members shall serve at the pleasure of the commission.

29 (c) Members shall serve without compensation except that

1 actual and reasonable expenses incurred in the discharge of their
2 duties shall be reimbursed.

3 (d) The executive committee shall be responsible for carry-
4 ing out any duty assigned to it by the commission and for seeing
5 that the purposes of this Act are carried out.

6 * Sec. 5. EXECUTIVE DIRECTOR. The commissioner of the Depart-
7 ment of Economic Development and Planning may appoint an executive
8 director, prescribe his duties and fix his compensation. If an
9 executive director is employed, he shall be in partially exempt
10 service under AS 39.25.120.

11 * Sec. 6. TERMINATION OF CENTENNIAL COMMISSION. All powers
12 granted by this Act shall terminate on June 30, 1968, or when
13 the duties established by this Act are accomplished, whichever
14 occurs first. A final report and accounting shall be made to
15 the governor by the commission before its termination.

16 * Sec. 7. This Act takes effect on the day after its passage
17 and approval or on the day it becomes law without such approval.
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BILL AND RESOLUTION REQUEST

Request for Bill
 By Senate Petroleum Impact Co.
 Subject:
OIL AND GAS -- Make available to communities along pipeline
 Drafter Russ
 Assigned by Russ
 Date in 12/17/73 Due on ASAP

Recorded ✓
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to Rettig
 Date delivered _____
 Instructions to typist

Special Instructions Make state royalty oil and gas available to communities along the pipeline, if such will lower fuel costs for power or other uses

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

BILL AND RESOLUTION REQUEST

Request for Bill
 By Senate Petroleum Impact Co.
 Subject:
MUNICIPAL ASSISTANCE -- Loan program
for utilities
7
 Drafter Russ
 Assigned by Russ
 Date in 12/17/73 Due on ASAP

Recorded ✓
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to Rettig
 Date delivered _____
 Instructions to typist

Special Instructions See attached

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

Recommendation No. 8

In those cases where funds are urgently needed by a municipal utility and the earnings potential is such that the required debt coverage cannot be maintained, the State should set up a loan program, at reasonable interest rate, to cover the period until bonds can either be sold or utility rates increased to improve the earnings. If the State already has a grant program for facilities or utilities (water), grants under this program should be considered for impact aid.

AGO 532015

BILL AND RESOLUTION REQUEST

Request for Bill
 By Senate Petroleum Impact Co.
 Subject:
 APPRO -- To Dept. of F/G to protect
 fish and game along pipeline
 route
 Drafter Russ
 Assigned by Russ
 Date in 12/17/73 Due on ASAP

Recorded ✓
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to Rettig
 Date delivered _____
 Instructions to typist

Special Instructions

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

BILL AND RESOLUTION REQUEST

Request for Bill
 By Senate Petroleum Impact Co.
 Subject:
LOANS -- State to make for housing
 Drafter Russ
 Assigned by Russ
 Date in 12/17/73 Due on ASAP

Recorded ✓
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to Rettig
 Date delivered _____
 Instructions to typist

Special Instructions State needs a stronger program to ~~x~~ make loans, or purchase mortgages for housing, to be used if normal financing sources are not available.

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

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- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

BILL AND RESOLUTION REQUEST

Request for Bill
 By Senate Petroleum Impact Co.
 Subject:
local gov. Municipal assistance -- grant pro-
 gram ~~indefinite~~ when
 G.O. bonds can't be sold
 Drafter Russ
 Assigned by Russ
 Date in 12/17/73 Due on ASAP

Recorded ☒
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to Rettig
 Date delivered _____
 Instructions to typist

Special Instructions In those cases where debt limitation on G.O. bonds makes it impossible to sell bonds for a capital improvement necessary to meet the impact needs, the State should consider a grant program, if the need is very ~~xx~~ urgent

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

BILL AND RESOLUTION REQUEST

Request for Bill
 By Senate Petroleum Impact Co.
 Subject: Municipal assistance -- state to pay
portion of debt service or in-
terest
 Drafter Russ
 Assigned by Russ
 Date in 12/17/73 Due on ASAP

Recorded ☒
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to Rettig
 Date delivered _____
 Instructions to typist

Special instructions

In the cases where capital improvements will be needed now to meet the pipeline impact, but under normal conditions wouldn't be needed for over five years, the state should set up a program to pay a portion of the debt service, or interest, for a period of time, not over three years.

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

BILL AND RESOLUTION REQUEST

Request for Bill
 By Senate Petroleum Impact Co.
 Subject: Municipal assistance -- state loan
Local gov. or bond guarantee program
 Drafter Russ
 Assigned by Russ
 Date in 12/17/73 Due on ASAP

Recorded ☒
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to Rettig
 Date delivered _____
 Instructions to typist _____

Special Instructions Aid for capital improvement programs undertaken on an accelerated basis by the community, and which under normal growth conditions would be needed by 1976, should be in the form of a state loan or bond guarantee program.

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

BILL AND RESOLUTION REQUEST

Request for Bill
 By Senate Petroleum Impact Co
 Subject:
Revenue Sharing -- grants to be re-
quested by formal application

Drafter Russ
 Assigned by Russ
 Date in 12/17/73 Due on ASAP

Recorded ☒
 Draft 1 2 3 4 5 6 FINAL
 OK for final _____
 Deliver to Rettig
 Date delivered _____
 Instructions to typist

Special Instruction:
 also include "with supporting evidence of need"

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
- ___ Law not local or special unless general will not suffice.
- ___ Subject reflected in title.
- ___ Alaska Supreme Court rules checked for 2/3 majority vote requirement.

DRAFTING CHECK

- ___ Organize bill.
- ___ Provide effective date clause if effective date other than constitutional; reference to in title;
- ___ Style, grammar, and words.
- ___ Read three times: 1 - for meaning; 2 - for clarity and simplicity; and 3 - for loopholes or misapplication.
- ___ Recheck AS citations and internal references.

ADVICE AND CONSULTATION

- ___ Confer with appropriate staff members.
- ___ Consult with legislator.
- ___ Advise revisor of final numbering.
- ___ Make recommended changes.
- ___ Submit for final approval.

CONSULT WITH LEGISLATIVE COUNCIL'S DRAFTING MANUAL, September 1969

AGO 532021

BILL AND RESOLUTION REQUEST

Request for Bill
By Senate Petroleum Impact Co.
Subject:

Revenue Sharing -- on basis of per-
*for gov*centage increase

Drafter Russ
Assigned by Russ
Date in 12/17/73 Due on ASAP

Recorded ☒
Draft 1 2 3 4 5 6 FINAL
OK for final
Deliver to Rettig
Date delivered _____
Instructions to typist

Special Instructions

OBJECT OF LEGISLATIVE ACTION

Bill

- ___ Determine appropriate AS section, chapter or title (including latest supplement) to amend. Legislator may specify.
- ___ Check with revisor of statutes concerning section numbering.

Resolution

- ___ Use special resolution request work form for basic facts and addressees. Record and proceed on this form.

SOURCES OF LAW AND FACT

- ___ Journals and Legislative Reporting Service for previous session bills.
- ___ Check with agency concerned (with requestor's permission).
- ___ Laws of other states.
- ___ Bar Foundation Bill Reporting Service.
- ___ Publication "Suggested State Legislation."
- ___ Professional and industrial groups and services (with requestor's permission).
- ___ Alaska Delegation newsletters.
- ___ Other _____

INTERPRETATION

- ___ AS annotations.
- ___ Shepard's Citations.
- ___ Alaska Attorney General Opinions.
- ___ Legal Reference Works.

LEGAL CHECK

- ___ Constitutional aspects considered.
- ___ Conformity with one-subject rule.
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- ___ Recheck AS citations and internal references.

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CONSULT WITH LEGISLATIVE COUNCIL'S DRAFTING MANUAL, September 1969

AGO 532022 +

used 26.20.150 authority
to accept loans &
grants

used { 44.19.177 - Natural
disaster loans

41.30.040

47.43.090
110

AGO 532023 +

Pipeline Impact - 12/17/73

- 1.) First 20 pages is really the guts of the report.
- 2.) Anchorage is the only city that really responded.
- 3.) No state department really responded.

4.) Report: main point of starting is p. 20 (recommendations).

- Protection on w/s money? (none now). (Bob) - Marsh - shouldn't make money accountable because there is too much bureaucracy. Ron & Bob think there should be control of it. Andy doesn't think so - says that Mark & George, George S. - remember Aponte & Maister (1971) is different from Capital Improvement (single district c/s only).

- Board should be responsible (as Volney is an exception).

- Frances Home Volney pre-1960 is what thing it of (supposed to be same as Marsh).

- Go then - recommendation is #1 - (Bob) - should be on 70 of income etc.

#17 - Which point on matter if you will consider support (Ruth) which is asking if CD can be put out if they are going to do before making public statement.

+ CK - what should committee do?
(Gosh)

- agreed that 70 % is the answer.

+ Rethig - money can't do everything;
- state should provide many
services (police) because
state is getting direct bene-
fit from oil & gas. George S.
won't be in a position to help.

Who should get money - state or
local govt? (What's thing
about joint, should.); state
provides oil if necessary
- appropriate and pay part of
bill. Back looking that
5% increase in family in-
crease (figure suggested by
Walt. Brown) - all over
more like 20%.

Why not use fed's approach for
handling flood & earthquake
(went out of business 10
7 yrs)? Establish state agency
to handle such programs. (or
5 life times). This is instead
of R/S programs. Why with
300 members not, led by 4 audit,
committee. Where to build
such an office go? Office
of General

Office of
General
Appraisal

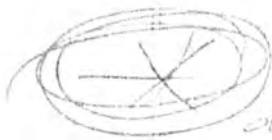
Draft a bill!
 (do)
 for sure

~~Subcommittee~~ ^{Important}
~~Signature & Agency~~ in the
 Gov. -

- approval of B/A when not in session
- By joint finance committee during session
- 4 year duration
- appropriation will be decided later

Recommendations & bills:

- #15 resolution
- #17 " (maybe)



draft bill with all recommendations

do!

~~1973~~

1974

1975

1976

1977

~~1974~~

July 1, 1975

1976

1977

1978

Jilling

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the State Administrative Pipeline
7 Impact Commission; and providing for an effective date."

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

9 * Section 1. AS 44.19 is amended by adding new sections to read:

10 ARTICLE 8. STATE ADMINISTRATIVE PIPELINE IMPACT COMMISSION

11 Sec. 44.19.581. STATE ADMINISTRATIVE PIPELINE IMPACT COMMISSION.

12 There is in the office of the governor the State Administrative Pipe-
13 line Impact Commission.

14 Sec. 44.19.583. COMPOSITION. The commission is composed of the
15 commissioners of administration, revenue, community and regional
16 affairs and commerce. The commissioner of administration is the chair-
17 man of the commission.

18 Sec. 44.19.585. PROGRAM TO ASSIST MUNICIPALITIES DURING PIPELINE
19 CONSTRUCTION. The State Administration Pipeline Impact Commission
20 shall administer a state program to provide assistance to municipalities
21 which are adversely affected, economically and socially, by pipeline
22 construction.

23 Sec. 44.19.587. POWERS AND DUTIES. (a) The commission shall:

24 (1) advise and assist the governor in developing planning
25 assumptions and a broad preparedness plan with respect to the economic
26 and social impact that will accompany pipeline construction;

27 (2) advise and assist the governor in developing policies,
28 programs and control systems designed to alleviate the economic and
29 social impact resulting from pipeline construction; and

1 (3) advise and assist the governor with respect to resolving
2 issues, related to pipeline construction impact preparedness responsi-
3 bilities of state agencies, which arise concerning two or more of these
4 agencies.

5 (b) The commission, with the consent of the Special Legislative
6 Pipeline Impact Review Committee (as provided for in secs. 593 and 595
7 of this chapter), may:

8 (1) make loans and grants and purchase evidences of indebt-
9 edness with funds from the Pipeline Impact Fund to municipalities
10 economically or socially adversely affected by pipeline construction;

11 (2) guarantee municipal bonds when a municipality needs to
12 undertake a capital improvement program on an accelerated basis; and

13 (3) pay (for not more than three years) from the Pipeline
14 Impact Fund a portion of the debt service or interest or both incurred
15 by a municipality for undertaking capital improvements made necessary
16 by pipeline construction.

17 (c) Grants under (b)(1) of this section shall be made on the
18 basis of percentage increase in population and not on the basis of
19 per capita increase in population. Applications for grants shall be
20 made in a form prescribed by the commission. A grant shall be allotted
21 according to an agreement made between the commission on behalf of the
22 state and the municipality receiving the grant. The agreement may
23 include any provision agreed upon by the parties and shall include in
24 substance the following provisions:

25 (1) a schedule of grant disbursements, if, as determined
26 by the commission, a grant is to be disbursed other than in one sum;

27 (2) agreement by the municipality to

28 (A) proceed with and complete the proposed project or
29 program expeditiously;

1 (B) not discontinue operation or dispose of all or
2 part of the project or program for which it receives a grant
3 without the approval of the director;

4 (C) apply for, and make reasonable efforts to secure,
5 federal assistance which may be available for the project or
6 program, subject to any conditions the commission may require in
7 order to maximize the amounts of that assistance received or to
8 be received for all projects or programs in the state;

9 (3) agreement by the municipality that, if federal assis-
10 tance for a project or program becomes available to the municipality
11 which was not included in the calculation of the amount of a grant
12 authorized and disbursed under this section, the value of the federal
13 assistance shall be ascertained and subtracted from the total value
14 of the project or program and the balance shall be proportionately
15 divided between the state and municipality;

16 (4) provision for alteration or modification of an approved
17 project or program and for remedies in case of failure to perform
18 the agreement between the parties or noncompliance with regulations
19 promulgated by the commission under this section.

20 (d) If funds appropriated by the legislature to provide loans
21 and grants and purchase evidences of indebtedness under this section
22 are not adequate to satisfy amounts required by approved grant appli-
23 cations, funds shall be allocated on the basis of priority established
24 by the commission by regulations promulgated to carry out the pro-
25 visions of this section.

26 (e) The commission shall provide an annual report to the legis-
27 lature with respect to grants made under this section.

28 (f) The commission shall determine the terms and conditions for
29 making a loan and purchasing an evidence of indebtedness under this

section.

Sec. 44.19.589. AUTHORITY TO ACCEPT SERVICE, GIFTS, GRANTS, AND LOANS. When the federal government or an agency or officer of the federal government offers to the state, or through the state to a municipality, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for the purpose of alleviating the social or economic impact resulting from pipeline construction, the state acting through the commission, or the municipality acting through its executive officer or governing body, may accept the offer subject to the terms of the offer and the rules and regulations of the agency making the offer.

Sec. 44.19.591. PIPELINE IMPACT FUND. There is the pipeline impact fund created for the purpose of carrying out the provisions of sec. 587 (b) of this chapter. The fund consists of all money made available by appropriations of the state legislature, and from other appropriated funds, all contributions from whatever source, and income and interest derived from the investment of money.

Sec. 44.19.593. SPECIAL LEGISLATIVE PIPELINE IMPACT REVIEW COMMITTEE. There is established the Special Legislative Pipeline Impact Review Committee composed of two members of the senate appointed by the president of the senate and two members of the house of representatives appointed by the speaker of the house.

Sec. 44.19.595. DUTIES OF COMMITTEE. (a) The committee shall review and approve or disapprove the decisions made by the State Administrative Pipeline Impact Commission under sec. 587(b) of this chapter.

* Sec. 2. This Act takes effect July 1, 1974.

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January 29, 1974

The legislature finds that construction of the Trans-Alaska Pipeline, from its commencement to completion over a period of approximately three years, will impose severe to mild strains on local and state governmental services and facilities. While the pipeline construction doubtless will, in the long run, mean immense growth and development to the communities and areas along the pipeline route, and to those areas coming under direct pipeline construction influence, the legislature further finds that localities most affected will be unable to cope with the probable impact on facilities and services brought about by expected overwhelming and sudden increases in numbers of citizens to be served. The legislature finds, also, that while likely impacted communities are willing and ready via local taxation to do all possible themselves to meet impact requirements, even to the full limits of local taxation tolerance, nevertheless, recognizing the state will be the prime beneficiary of pipeline construction via realization of enormous oil development revenues for the total state, the legislature finds that local impact financial burdens logically should be borne by the state as its investment in those future revenues.

It is, therefore, the intent of the legislature, in this measure, to provide a means of quickly and decisively determining specific impact problems and, likewise, for moving quickly and decisively to provide funds, facilities, personnel or other means for quick solution. Finally, the legislature intends via this legislation to meet local and state pipeline construction impact problems as quickly and efficiently as possible in manners similar to the handling of

disaster impact problems. The legislature finds, too, that revenue sharing formula on per capita or percentage per capita increase basis are less desirable, less effective, and more costly than the case by case approach intended in the legislation. Under the formula approach, provision would have to be made for all probable as well as all possible impact contingencies - some of which may never develop.

REM:hg

Killing

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