

SENATE BILL NO. 198

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Introduced: 4/15/93
Referred: TRANSPORTATION

A BILL

FOR AN ACT ENTITLED

1 "An Act exempting certain activities of the Department of Transportation and
2 Public Facilities from the regulation provisions of the Administrative Procedure
3 Act and allowing other procedures for those activities; and providing for an
4 effective date."

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

6 * Section 1. AS 02.15.090(a) is amended to read:

7 (a) In operating an airport or air navigation facility owned or controlled by the
8 state, the department may enter into contracts, leases, and other arrangements covering
9 periods not exceeding 55 years with a person, municipality, or the United States,
10 granting the privilege of using or improving an airport or air navigation facility or a
11 portion of it or space in it for commercial, governmental, or other public purposes,
12 including private plane tie down; or conferring the privilege of supplying goods,
13 commodities, services, or facilities at an airport or air navigation facility. The
14 department may establish the terms and conditions and fix the charges, rentals, and

1 fees for the privileges or services that are reasonable and uniform for the same class
2 of privilege or service. Charges, rentals, or fees authorized by this subsection may
3 be fixed for the international airports by order of the commissioner or by
4 negotiated or competitively offered contract. Notwithstanding AS 37.10.050(a),
5 the fixing of charges, rentals, or fees as permitted under this subsection is not
6 subject to the adoption of regulation provisions of AS 44.62 (Administrative
7 Procedure Act). The terms, conditions, charges, rentals, and fees shall be established
8 with due regard to the property and improvements used and the expense of operation
9 to the state. However, use of state land and buildings by the Alaska Wing, Civil Air
10 Patrol and its squadrons shall be permitted without rental charges. The department
11 shall provide for public notice and an opportunity to comment before a charge,
12 rental, or fee is fixed by order of the commissioner as permitted under this
13 subsection. The [IN NO CASE MAY THE] public may not be deprived of its
14 rightful, equal, and uniform use of the airport, air navigation facility, or a portion of
15 them.

16 * Sec. 2. AS 37.15.500 is amended to read:

17 Sec. 37.15.500. AIRPORT CHARGES. As provided in AS 02.15.090(a), the
18 [THE] commissioner of transportation and public facilities shall fix and collect the
19 [SUCH] fees, charges, and rentals derived by the state from the ownership, lease, use,
20 and operation of the airports and all of the facilities and improvements that [OF
21 THEM OR USED IN CONNECTION WITH THEM AS] will provide revenue
22 sufficient to comply with all of the covenants of the bond resolution.

23 * Sec. 3. Sections 1 and 2 of this Act are retroactive to January 1, 1993.

24 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).