

COMMITTEE REPORT
HOUSE

FURTHER:

Date: May 28, 1981

Mr. Speaker:

The Committee on Finance has had HB 12

"An Act creating the Alaska Railroad Authority"

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^{3rd} CS for HB 12 (fin) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note (1124.3)
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Freeman

Wick

TPurch

Wor

Robert B. Johnson

John J. Wray

Han

H Miller

B. Roger

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Freeman
CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for House Bill 12 (2d Finance)
 Title An Act Relating to the Alaska Railroad
 Requested by Rep. Rogers. Date 5-28-81

II. FISCAL DETAIL

Agency Affected DOTPF
 Program Category Affected Transportation and Public Facilities
 BRU, Program, or Subprogram(s) Affected Transportation
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES		SEE ATTACHED				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FEDERAL FUNDS						
OTHER (Specify Fund Source)		SEE ATTACHED				

POSITIONS

FULL TIME	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
PART TIME		SEE ATTACHED				
TEMPORARY						

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

The attached fiscal note for HB 519 is applicable in terms of cost to the present Committee Substitute for HB 12, although there do exist procedural difference between the two measures.

IV. DATE 5-28-81 PREPARED BY Warren Sparks
 AGENCY DOTPF
 PHONE 465-2470
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Sparks

RECEIVED

MAY 8 - 1981

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

TRANSPORTATION

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 519
Title Establishing the Alaska Railroad Negotiating Commission
Requested by (Rep. Fanning) Date 4/24/81

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected Commissioner's Office
BRU, Program, or Subprogram(s) Affected Transportation
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL		25.3	15.0			
300 CONTRACTUAL		159.0	79.5			
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		184.3	94.5			

FUNDING (Thousands of Dollars)

GENERAL FUND		184.3	94.5			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		-0-	-0-			
PART TIME						
TEMPORARY						

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

ASSUMPTIONS/EXPENDITURE BREAKDOWNS:

- A) Please note that this Fiscal Note presents the total anticipated costs of HB 519 rather than just the impact on DOT/PF.
- B) This estimate does not include the cost of support assistance from existing staff.
- C) All cost estimates are in FY 81 dollars.
- D) Expenditures will not commence prior to FY 82 and cover an eighteen month time span of activity. (The Act carries an immediate effective date.)

IV. DATE May 4, 1981 PREPARED BY Warren Sparks
AGENCY DOT/PF - S.E. Planning & Programming
Original: Legislative Finance PIIONE 465-2470
cc: Budget and Management
Prime Sponsor (First Legislator Named)

FISCAL NOTE (Continued)
Page Two

E) 200 Travel: FY 82

Bimonthly meeting of the commission with an attendance of five members per meeting:

Round-trip air fare @ \$300 x 5 = \$1,500
Two days per diem @ \$67 per day x 5 = \$670
Incidental meeting expenses = \$50
Total per meeting = \$2,220 x 6 = \$13,320

Additional travel requirements of commission (including D.C. trips for negotiations):

10 trips per year @ \$1,200 air fare and per diem = \$12,000

FY 82 TOTAL = \$25,320

FY 83 travel budget reflects six months of activity, with adjustments for higher air fares: \$15,000

F) 300 Contractual: FY 82

Legal and investment counsel: \$150,000
Office Space Rental: 500 net square feet @ \$18 annual nsf cost = \$9,000

TOTAL: \$159,000

FY 83

Legal and investment counsel: \$75,000
Office Space Rental: Six months of 500 net square feet @ \$18 annual nsf cost: \$4,500

TOTAL: \$79,500

(Note: While HB 519 does not specifically provide authority for this type of professional assistance, these cost estimates have been included on the assumption that this assistance will be necessary for the commission to competently perform its mission.)

Original sponsors: Moss, Rogers,
Brown and Bettisworth

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 2d CS FOR HOUSE BILL NO. 12 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Railroad; and providing
7 for an effective date."

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

9 * Section 1. ALASKA RAILROAD COMMISSION. (a) There is established in
10 the Department of Transportation and Public Facilities the Alaska Railroad
11 Commission.

12 (b) The Alaska Railroad Commission consists of five members: the
13 commissioner of transportation and public facilities or his designee and
14 four members appointed by the governor who represent railroad user groups.
15 A member of the commission shall be a resident and qualified voter of the
16 state and shall comply with the requirements of AS 39.50 (conflict of inter-
17 est) relating to membership on state boards and commissions. Members of the
18 commission serve without compensation but are entitled to travel and per
19 diem authorized by law for members of boards and commissions.

20 (c) The Alaska Railroad Commission shall represent the state in all
21 discussions with the federal government concerning

22 (1) the transfer of the Alaska Railroad to nonfederal ownership;
23 (2) additional rail service to areas of the state not served by
24 the Alaska Railroad.

25 (d) The Alaska Railroad Commission shall represent the state in all
26 discussions with federal, provincial, and territorial governments of Canada
27 concerning the connection of the Alaska Railroad to a transcontinental rail
28 system.

29 (e) The Alaska Railroad Commission shall report its findings and

1 recommendations resulting from its discussions under (c) and (d) of this
2 section to the governor and the legislature as soon as possible. If the
3 legislature is not in session at the time the report of the commission is
4 ready for submission, the commission shall report to each member of the
5 legislature.

6 (f) The finance committee and the transportation committee of each
7 house of the legislature shall oversee the on-going work of the Alaska
8 Railroad Commission.

9 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
10 070(c).

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS for House Bill 12 (2d Finance)
 Title An Act Relating to the Alaska Railroad
 Requested by Rep. Rogers Date 5-28-81

II. FISCAL DETAIL
 Agency Affected DOTPF
 Program Category Affected Transportation and Public Facilities
 BRU, Program, or Subprogram(s) Affected Transportation
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES		SEE ATTACHED				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)		SEE ATTACHED				

POSITIONS

FULL TIME						
PART TIME		SEE ATTACHED				
TEMPORARY						

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

The attached fiscal note for HB 519 is applicable in terms of cost to the present Committee Substitute for HB 12, although there do exist procedural difference between the two measures.

IV. DATE 5-28-81 PREPARED BY Warren Sparks
 AGENCY DOTPF
 PHONE 465-2470
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

RECEIVED

MAY 3 - 1981

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

TRANSPORTATION

FISCAL NOTE

REQUEST
 Bill/Resolution No. HB 519
 Title Establishing the Alaska Railroad Negotiating Commission
 Requested by (Rep. Fanning) Date 4/24/81

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
 Program Category Affected Commissioner's Office
 BRU, Program, or Subprogram(s) Affected Transportation

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL		25.3	15.0			
300 CONTRACTUAL		159.0	79.5			
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		184.3	94.5			

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		184.3	94.5			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		-0-	-0-			
PART TIME						
TEMPORARY						

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

ASSUMPTIONS/EXPENDITURE BREAKDOWNS:

- A) Please note that this Fiscal Note presents the total anticipated costs of HB 519 rather than just the impact on DOT/PF.
- B) This estimate does not include the cost of support assistance from existing staff.
- C) All cost estimates are in FY 81 dollars.
- D) Expenditures will not commence prior to FY 82 and cover an eighteen month time span of activity. (The Act carries an immediate effective date.)

IV. DATE May 4, 1981 PREPARED BY Warren Sparks
 AGENCY DOT/PF - S.E. Planning & Programming
 PHONE 465-2470
 Original: Legislative Finance
 Budget and Management
 Time Sponsor (First Legislator Named)

FISCAL NOTE (Continued)

Page Two

E) 200 Travel: FY 82

Bimonthly meeting of the commission with an attendance of five members per meeting:

Round-trip air fare @ \$300 x 5 = \$1,500
Two days per diem @ \$67 per day x 5 = \$670
Incidental meeting expenses = \$50
Total per meeting = \$2,220 x 6 = \$13,320

Additional travel requirements of commission (including D.C. trips for negotiations):

10 trips per year @ \$1,200 air fare and per diem = \$12,000

FY 82 TOTAL = \$25,320

FY 83 travel budget reflects six months of activity, with adjustments for higher air fares: \$15,000

F) 300 Contractual: FY 82

Legal and investment counsel: \$150,000
Office Space Rental: 500 net square feet @ \$18 annual nsf cost = \$9,000

TOTAL: \$159,000

FY 83

Legal and investment counsel: \$75,000
Office Space Rental: Six months of 500 net square feet @ \$18 annual nsf cost: \$4,500

TOTAL: \$79,500

(Note: While HB 519 does not specifically provide authority for this type of professional assistance, these cost estimates have been included on the assumption that this assistance will be necessary for the commission to competently perform its mission.)

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 12 (2d Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Railroad."

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

8 * Section 1. ALASKA RAILROAD COMMISSION. (a) There is established in
9 the Department of Transportation and Public Facilities the Alaska Rail-
10 road Commission.

11 (b) The Alaska Railroad Commission consists of five members: the
12 commissioner of transportation and public facilities or his designee and
13 four members appointed by the governor from railroad user groups. Any
14 member of the commission must be a resident and qualified voter of the
15 State of Alaska and must comply with the requirements of AS 39.50 (con-
16 flict of interest) relating to membership on state boards and commis-
17 sions. Members of the commission serve without compensation but are en-
18 titled to travel and per diem authorized by law for members of boards
19 and commissions.

20 (c) The Alaska Railroad Commission shall represent the State of
21 Alaska in any discussions with the federal government concerning

22 (1) the transfer of the Alaska Railroad to non-federal owner-
23 ship;

24 (2) additional rail service to areas of the state not served
25 by the Alaska Railroad.

26 The commission also shall represent the state in any discussions with
27 federal, provincial and territorial governments of Canada concerning the
28 connection of the Alaska Railroad to a transcontinental rail system.

29 The commission shall report its findings and recommendations on these

1 matters to the governor and the legislature as soon as possible. If the
2 legislature is not in session at the time the commission's report is
3 ready, the commission shall report to each member of the legislature.

4 (d) The Finance Committee and the Transportation Committee of
5 each house shall oversee the on-going work of the commission.

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AMENDMENT

#1 moved + flooring

OFFERED IN THE HOUSE:

By: MOSS HAYES ROBERTS

To: CS

HOUSE BILL No. 12 (Fin) *FANNING BETHLEHEM*

SENATE BILL No. _____

PAGE: 1

LINE: 8

Delete Sections 1 through 7

Insert in its place:

* Section 1. ALASKA RAILROAD NEGOTIATING COMMISSION.

(a) There is established in the Department of Transportation and Public Facilities the Alaska Railroad Negotiating Commission.

(b) The Alaska Railroad Negotiating Commission consists of the following members: the commissioner of transportation and public facilities or his designee and four public members appointed by the governor who represent petroleum, mining, agricultural, tourism industries, regional corporations or other railroad user groups. A member of the commission must be a resident and qualified voter of the state and shall comply with the requirements of AS 39.50 (conflict of interest) relating to members of state boards and commissions. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized by law for boards and commissions.

(c) The Alaska Railroad Negotiating Commission shall initiate discussions with the federal government concerning the transfer of ownership of the Alaska Railroad to the state or to private enterprise and concerning additional access to other areas of Alaska not presently served by the Alaska Railroad. The commission shall also initiate discussions with the federal, provincial and territorial governments of Canada as well as interested private parties concerning the incorporation of the Alaska Railroad into a transcontinental rail system. The commission shall report its findings and recommendations concerning the transfer of ownership to the legislature as soon as possible or, if the legislature is not in session at the

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: _____

TO: _____ CS HOUSE BILL No. 12 (Fin) _____

SENATE BILL No. _____

PAGE: _____

LINE: _____

Amendment No. _____ continued

time of the report, to each member of the legislature.

(d) The House Committee on Transportation and the Senate Committee on Transportation shall have oversight responsibilities for the on-going work of the Alaska Railroad Negotiating Commission.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 12 (Fin) am
 Title Establishing the Alaska Railroad Negotiating Commission
 Requested by House Finance Committee Date May 22, 1981

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
 Program Category Affected Commissioner's Office
 BRU, Program, or Subprogram(s) Affected Transportation
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL		25.3	15.0			
300 CONTRACTUAL		159.0	79.5			
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		184.3	94.5			

FUNDING (Thousands of Dollars)

GENERAL FUND		184.3	94.5			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		-0-	-0-			
PART TIME						
TEMPORARY						

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

ASSUMPTIONS/EXPENDITURE BREAKDOWNS:

- A) Please note that this Fiscal Note presents the total anticipated costs of HB .12 rather than just the impact on DOT/PF.
- B) This estimate does not include the cost of support assistance from existing staff.
- C) All cost estimates are in FY 81 dollars.
- D) Expenditures will not commence prior to FY 82 and cover an eighteen month time span of activity.

IV. DATE _____ PREPARED BY _____
 AGENCY _____
 Original: Legislative Finance PHONE _____

FISCAL NOTE (Continued)
Page Two

E) 200 Travel: FY 82

Bimonthly meeting of the commission with an attendance of five members per meeting:

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Additional travel requirements of commission (including D.C. trips for negotiations):

10 trips per year @ \$1,200 air fare and per diem = \$12,000

FY 82 TOTAL = \$25,320

FY 83 travel budget reflects six months of activity, with adjustments for higher air fares: \$15,000

F) 300 Contractual: FY 82

Legal and investment counsel: \$150,000
Office Space Rental: 500 net square feet @ \$18 annual nsf cost = \$9,000

TOTAL: \$159,000

FY 83

Legal and investment counsel: \$75,000
Office Space Rental: Six months of 500 net square feet @ \$18 annual nsf cost: \$4,500

TOTAL: \$79,500

(Note: While HB 12 does not specifically provide authority for this type of professional assistance, these cost estimates have been included on the assumption that this assistance will be necessary for the commission to competently perform its mission.)

HOUSE JOURNAL

LETTER OF INTENT

HB 12

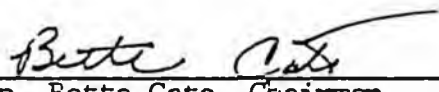
Sec. 7

A task force consisting of (1) the directors of the Alaska Railroad Authority; (2) a representative from each of the departments of Commerce and Economic Development, Natural Resources, Community and Regional Affairs, Law, and Labor, the division of policy development and planning, and the University of Alaska appointed by the head of each agency; and (3) three members of the public appointed by the Governor, shall study the options for transfer of the Alaska Railroad to non-federal control. The task force shall make recommendations to the legislature by March 1, 1982.

The Alaska Railroad Authority shall construct railroad facilities between Fairbanks and Delta and shall plan railroad facilities between Delta and the Alaskan and Canadian Border.

The Alaska Railroad Authority shall consider the extension of railroad facilities to the Beluga, Susitna, and Matanuska-Susitna coal fields.

The Alaska Railroad Authority shall initiate discussions with the representatives of the White Pass and Yukon Railroad concerning the participation of the state in the ownership and control of that railroad.


Rep. Bette Cato, Chairman
House Transportation Committee

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 12 (Moss, Rogers, Brown and Bettisworth)
 Title An Act creating the Alaska Railroad Authority
 Requested by Representative Moss Date 2/9/81

II. FISCAL DETAIL
 Agency Affected DOT/PF
 Program Category Affected Commissioner's Office
 BRU, Program, or Subprogram(s) Affected Transportation
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		136.7	210.7			
200 TRAVEL		18.0	21.0			
300 CONTRACTUAL		218.0	218.0			
400 COMMODITIES				(See Footnote#1)		
500 EQUIPMENT		4.0	1.5			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		376.7	451.2			

FUNDING (Thousands of Dollars)

GENERAL FUND (see Footnote #2)	376.7	451.2			
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME	3	5			
PART TIME					
TEMPORARY					

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

ASSUMPTIONS/EXPENDITURES BREAKDOWNS:

- A) All costs estimates are in FY 81 dollars.
- B) Expenditures will not commence prior to FY 82. (The Act carries no effective data.)
- C) 100 Personal Services: FY 82

Position	Range	Salary	Overhead (27%)	Total
Executive Director	24	\$49,200	\$13,300	\$62,500
Executive Secretary	10	\$18,700	\$5,000	\$23,700
Planner V	21	\$39,800	\$10,700	\$50,500

IV. DATE 3/17/81 (Revised) PREPARED BY Mark S. Hickey \$136,700
 AGENCY DOT/PF - S.E. Planning and Programming
 Original: Legislative Finance PHONE 465-2470
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Mark S. Hickey

FISCAL NOTE: HB 12 An Act creating the Alaska Railroad Authority

PAGE TWO

100 Personal Services (cont.): FY 83

<u>Position</u>	<u>Range</u>	<u>Salary</u>	<u>Overhead (27%)</u>	<u>Total</u>
Executive Director	24	\$53,100	\$14,300	\$67,400
Executive Secretary	10	\$20,300	\$5,500	\$25,800
Planner V	21	\$43,200	\$11,700	\$54,900
Planner III	17	\$32,300	\$8,700	\$41,000
Clerk Typist II	07	\$17,000	\$4,600	\$21,600

\$210,700

(These positions reflect the authority noted in the legislation allowing the Executive Director to employ additional staff as necessary. The staff growth in FY 83 is based on the assumption of increased duties following organizational structuring in the FY 82 year.)

D) 200 Travel: FY 82

Quarterly meeting of the board of directors, with an assumption of two additional officers elected by the board (average attendance = 6):

Round-trip air fare @ \$300 x 6 = \$1,800

Two days per diem @ \$67 per day x 6 = \$800

Incidental meeting expenses = \$100

Total per meeting = \$2,700 x 4 meetings = \$10,800

Additional travel requirements of board and staff:

12 trips per year @ \$600 air fare and per diem = \$7,200

FY 82 Total = \$18,000

FY 83 travel budget reflects a small increase due to additional staff and greater duties: \$21,000

E) 300 Contractual: FY 82 and 83

Office Space Rental: 1,000 net square feet @ \$18 annual nsf cost = \$18,000

Bond counsel and consultant requirements: \$200,000 Total \$218,000 per year

(These latter contractual requirements reflect the authority noted in the legislation and are based on the assumption of needed expertise to establish the appropriate bonding authorities and the organizational format of this public corporation.)

F) 500 Equipment: Minor expenditures for the necessary business machines are indicated under this category.

FOOTNOTES:

- 1 No actual estimates are provided for subsequent fiscal years because of the difficulty in predicting levels of responsibility beyond initial organizational structuring of the authority. It can be expected that expenditures will at least remain equivalent with the FY 83 level, with the necessary adjustments for inflation, and depending on future action by the Legislature, actual expenditures may be considerably higher.
- 2 The legislation does not address a specific source of funding for the establishment of this public corporation. Consequently, the first two years of funding are depicted under the General Fund category. Although no funding is shown under the Federal Fund category, there are both planning and operational assistance grants available from the Federal Railroad Administration, U.S. Department of Transportation, to aid local rail operations. DOT/PF is currently the recipient of rail planning funds, which represents the major source of funds of DOT/PF's rail studies. However, while it is apparent that if this public corporation is formed, it will become the administrator of these funds, it is doubtful that the State of Alaska would be allowed to use these funds other than for technical rail planning. As a result, these funds are not depicted as a source of funding for the contractual requirements noted above.

Original sponsors: Moss, Rogers, Brown
and Bettisworth

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 12 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Railroad."

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

8 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

9 (1) the federal government desires to relinquish its ownership
10 and management of the Alaska Railroad and that it would be in the best
11 interests of the State of Alaska to have greater control over the mainten-
12 ance, operation, and expansion of the railroad;

13 (2) there is a vast potential in Alaska natural resources and
14 extension of the Alaska railroad into natural resource areas is necessary
15 for the achievement of the goals of lower freight costs and long-term
16 economic growth; development of natural resources in the state will be
17 accelerated and facilitated by the creation of an instrumentality of the
18 state with power to incur debt for construction, and with power to own and
19 operate railroads;

20 (3) there is a need for a railroad authority to develop a rail
21 transportation plan, make recommendations to the legislature, plan and
22 construct railroad facilities, including extensions, in the state, and act
23 as a bonding authority for the financing of railroad facilities.

24 * Sec. 2. AS 44 is amended by adding a new chapter to read:

25 CHAPTER 87. ALASKA RAILROAD AUTHORITY.

26 ARTICLE 1. CREATION AND ORGANIZATION.

27 Sec. 44.87.010. ALASKA RAILROAD AUTHORITY CREATED. There is
28 created the Alaska Railroad Authority. The authority is a public cor-
29 poration of the state in the Department of Transportation and Public

1 Facilities, but with a separate and independent legal existence.

2 Sec. 44.87.015. MEMBERSHIP OF THE AUTHORITY. The authority con-
3 sists of the following board of directors: the commissioner of trans-
4 portation and public facilities or his designee, and four members of
5 the public appointed by the governor who represent petroleum, mining,
6 agricultural, tourism industries, regional corporations, or other
7 railroad user groups. The four members of the public appointed by the
8 governor serve at his pleasure for four-year terms subject to confirma-
9 tion by the legislature meeting in joint session. A director must be a
10 resident and qualified voter of the state and shall comply with the
11 requirements of AS 39.50 (conflict of interest) relating to members of
12 state boards and commissions. A vacancy in a directorship occurring
13 other than by expiration of a term shall be filled for the unexpired
14 portion of the term only.

15 Sec. 44.87.020. EMPLOYMENT OF PERSONNEL. The authority shall
16 employ an executive director who may, with the approval of the author-
17 ity, employ additional staff as necessary. In addition to its staff of
18 regular employees, the authority may contract for and engage the ser-
19 vices of legal and bond counsel, consultants, experts, and financial
20 and technical advisors the authority considers necessary for the purpose
21 of conducting studies, investigations, hearings, or other proceedings.
22 The board shall establish the compensation of the executive director.
23 The executive director of the authority is subject to the provisions of
24 AS 39.25.120.

25 Sec. 44.87.025. OFFICERS AND QUORUM. The board shall elect one
26 of the public members as chairman. Other officers may be elected as
27 the board determines. The powers of the authority are vested in the
28 board. Three directors of the authority constitute a quorum. Action
29 may be taken and motions and resolutions adopted by the authority at a

1 meeting by the affirmative vote of at least two directors. The direc-
2 tors serve without compensation, but they are entitled to the same
3 travel expenses and per diem provided for board members under AS 39.20.-
4 180.

5 ARTICLE 2. PURPOSE AND POWERS.

6 Sec. 44.87.030. PURPOSE OF THE AUTHORITY. The purpose of the
7 authority is to plan, finance, acquire, construct, operate, maintain,
8 or sell railroad facilities and contract to provide rail service in the
9 state as provided by this chapter.

10 Sec. 44.87.035. POWERS OF THE AUTHORITY. In furtherance of its
11 corporate purposes, the authority may

- 12 (1) sue and be sued;
- 13 (2) have a seal and alter it at pleasure;
- 14 (3) make and alter bylaws for its organization and internal
15 management;
- 16 (4) adopt regulations governing the exercise of its corporate
17 powers;
- 18 (5) acquire by construction, purchase, gift, or lease facil-
19 ities in the state, including but not limited to, terminals, rolling
20 stock, storage, grain, and coal handling facilities;
- 21 (6) improve, equip, and operate railroad facilities in the
22 state;
- 23 (7) consider additional railroad extensions in the state,
24 explore possible rail routes to tidewater ports, and annually report
25 its findings and recommendations to the legislature;
- 26 (8) issue revenue bonds for the acquisition, construction,
27 or improvement of railroad facilities in the state;
- 28 (9) sell, lease as lessor or lessee, exchange, donate,
29 convey, or encumber by mortgage or by creation of any other security

1 interest, real or personal property owned by it, or in which it has an
2 interest, when, in the judgment of the authority, the action is in
3 furtherance of its corporate purposes;

4 (10) accept gifts, grants or loans from, and enter into con-
5 tracts with a federal agency or an agency of the state, a municipality,
6 a private organization or other source;

7 (11) deposit or invest its funds, subject to agreements with
8 bondholders;

9 (12) contract with any person for the improvement, construc-
10 tion, acquisition, operation and maintenance of its railroad facilities,
11 or for the security of bonds issued by the authority;

12 (13) establish, levy, and collect fares and other charges for
13 the use of its railroad facilities;

14 (14) enter into contracts or agreements with respect to the
15 exercise of any of its powers, and do all things necessary to carry out
16 its corporate purposes and exercise the powers granted in this chapter;

17 (15) investigate and make recommendations to the legislature
18 for the implementation of new rail technologies;

19 (16) exercise the power of eminent domain in accordance with
20 AS 09.55.240 - 09.55.460;

21 (17) recommends to the legislature methods of expanding and
22 improving railroad facilities in the state, and financing proposals if
23 the authority finds that a project cannot be financed by revenue bonds
24 of the authority;

25 (18) develop a long-range state rail transportation plan to
26 assist development of the resources of the state and provide for trans-
27 portation between communities.

28 ARTICLE 3. FINANCIAL PROVISIONS.

29 Sec. 44.87.040. BONDS OF THE AUTHORITY. (a) The authority may

1 issue bonds in accordance with AS 44.87.035(8) on which the principal
2 and interest are payable

3 (1) exclusively from the income or other money derived from
4 its railroad facilities; or

5 (2) from its income and receipts or other assets generally,
6 or a designated part of them.

7 (b) The bonds may be issued as serial bonds, as term bonds, or
8 bonds of both types. The authorizing bond resolution shall state the
9 maturity date which may not exceed 40 years from the bond's date of
10 issue, the rate of interest, the time of payment, the denomination,
11 whether coupon or fully registered, whether transferable, exchangeable,
12 or interchangeable, the registration and conversion privileges, if any,
13 the covenant that payments are to be only in lawful money of the United
14 States of America at the place the board authorizes, and the terms of
15 redemption, if any. The bonds, notes, or attached interest coupons
16 must be executed by manual or facsimile signatures of the officers of
17 the authority designated by the board. Pending preparation of the
18 definitive bonds, the authority may issue interim receipts or certifi-
19 cates which shall be exchanged for the definitive bonds.

20 (c) The bond resolution shall provide for the establishment of
21 one or more special funds, and those funds may be under the control of
22 the board or one or more trustees. The bond resolution shall obligate
23 the authority to deposit and expend the proceeds of the revenue bonds
24 only into and from those funds. The authority may issue and sell
25 revenue bonds payable as to interest and principal only out of those
26 funds.

27 (d) All bonds, regardless of form or character, shall be negoti-
28 able instruments for all the purposes of the Uniform Commercial Code.

29 (e) The authority may not issue bonds except after 60 days noti-

1 fication of its intent to issue bonds is given to the governor and to
2 the legislature, if the legislature is in session, or to the Legisla-
3 tive Budget and Audit Committee, if the legislature is not in session.

4 (f) All bonds may be sold at public or private sale in the
5 manner, for the price or prices, and at the time or times which the
6 authority may determine.

7 (g) A bond resolution may contain provisions, which constitute a
8 part of the contract with the holders of the bonds, as to

9 (1) the setting aside of reserves or sinking funds, and the
10 regulation, investment, and disposition of them;

11 (2) limitations on the issuance of additional bonds, the
12 terms upon which additional bonds may be issued and secured, the terms
13 upon which additional bonds may rank on a parity with, or be subordi-
14 nate or superior to, other bonds;

15 (3) the refunding of outstanding bonds;

16 (4) the procedure, if any, by which the terms of any contract
17 with bondholders may be amended or abrogated;

18 (5) any matters relating to the bonds which the authority
19 considers desirable.

20 (h) The authority may contract for the future sale of revenue
21 bonds by which contract purchasers shall be committed to the prices,
22 terms, and conditions stated in each contract. The authority may pay
23 the consideration it considers proper for those commitments.

24 (i) The superior court has jurisdiction to hear and determine
25 actions or proceedings relating to the authority, including actions or
26 proceedings brought by or for the benefit or security of a holder of
27 its bonds or by a trustee for or other representative of the holders.

28 Sec. 44.87.045. BOND ANTICIPATION NOTES. The authority may issue
29 and sell bond anticipation notes which shall be on the terms, bear the

1 date, mature at the time, be in the denomination and in the form,
2 payable in the medium at the place and subject to the terms of redemp-
3 tion as the authority considers necessary or advisable in the manner
4 provided in this chapter.

5 Sec. 44.87.050. TRUST INDENTURES AND TRUST AGREEMENTS. In the
6 discretion of the authority, an issue of bonds may be secured by a
7 trust indenture or trust agreement between the authority and a corpor-
8 ate trustee (which may be a trust company, bank, or national banking
9 association, with corporate trust powers, located inside or outside the
10 state) or by a secured loan agreement or other instrument or under a
11 resolution giving powers to a corporate trustee by means of which the
12 authority may

13 (1) make and enter into any covenants and agreements with
14 the trustee or the holders of the bonds which the authority may deter-
15 mine to be necessary or desirable, including, without limitation,
16 covenants, provisions, limitations and agreements as to

17 (A) the application, investment, deposit, use and dis-
18 position of the proceeds of the bonds of the authority or of money
19 or other property of the authority or in which it has an interest;

20 (B) the terms and conditions upon which additional
21 bonds of the authority may be issued;

22 (2) pledge, mortgage or assign money, leases, agreements,
23 property or other assets of the authority; and

24 (3) provide for any other matters which affect the security
25 or protection of the bonds.

26 Sec. 44.87.055. CONFLICT OF INTEREST. (a) A member of the board
27 may not vote on a resolution of the board relating to a contract to be
28 entered into by the authority under this chapter if the member or the
29 member's spouse or the member's dependent or nondependent child is a

1 party to the contract or has a direct ownership or equity interest in a
2 firm, partnership, corporation, or association which would be a party
3 to the contract.

4 (b) A member of the board may not participate in a decision
5 related to the authority's exercise of the power of eminent domain over
6 real property when the real property is listed, or is required to be
7 listed, in the member's financial disclosure statement under AS 39.50.-
8 030.

9 (c) It is a conflict of interest for a person employed by the
10 authority or a person on contract for hire, written or oral, at a fixed
11 or hourly fee with the authority, to act in an advisory capacity to the
12 authority or to support the use of the authority's funds in a manner
13 that may or will result in benefit, directly or indirectly, to that
14 employee, agent, or advisor, except upon full disclosure in writing and
15 by oral presentation to the board of the details of the conflicting
16 interest, including a dollar estimate of the direct and indirect mone-
17 tary gain the employee, agent, or advisor may expect to derive. Public
18 notice of the board meeting at which the written and oral disclosure of
19 the conflict is to be given must specify a conflict-of-interest presen-
20 tation is to be made at that meeting, the name of the person making the
21 disclosure, and the position or title of the person disclosing the
22 conflict of interest. The board's resolution that addresses the matter
23 in which a conflict of interest exists must set out the details of the
24 full disclosure.

25 (d) A person convicted of violating this section is

26 (1) guilty of a misdemeanor and in addition to other sen-
27 tences provided by law may be sentenced to pay a fine equivalent to the
28 total gain derived, including gain derived from a partially disclosed
29 or misstated disclosure of monetary gain; and

1 (2) barred from further acting as an employee, agent, or
2 advisor to the authority.

3 Sec. 44.87.060. VALIDITY OF PLEDGE. It is the intention of the
4 legislature that a pledge made in respect of bonds be valid and binding
5 from the time the pledge is made; that the money or property so pledged
6 and thereafter received by the authority be immediately subject to the
7 lien of the pledge without physical delivery or further act; and that
8 the lien of the pledge be valid and binding as against all parties
9 having claims of any kind in tort, contract or otherwise against the
10 authority irrespective of whether the parties have notice. Neither the
11 resolution, trust agreement nor any other instrument by which a pledge
12 is created need be recorded or filed under the provisions of the Uniform
13 Commercial Code to be valid, binding or effective against the parties.

14 Sec. 44.87.065. LIABILITY ON BONDS. (a) Neither the members of
15 the authority nor a person executing the bonds is liable personally on
16 the bonds or subject to personal liability or accountability by reason
17 of the issuance of the bonds.

18 (b) The bonds issued by the authority do not constitute an in-
19 debtedness or other liability of the state or of a political subdivision
20 of the state, except the authority, but are payable solely from the
21 income and receipts or other funds or property of the authority. The
22 authority may not pledge the faith or credit of the state or of a
23 political subdivision of the state (except the authority) to the payment
24 of a bond. The issuance of a bond by the authority does not directly,
25 indirectly or contingently obligate the state or a political subdivision
26 of the state to levy or pledge any form of taxation to the payment of a
27 bond.

28 Sec. 44.87.070. PLEDGE OF THE STATE. (a) The state pledges to
29 fulfill the terms of any contract made by the authority with the holders

1 and agrees with the holders of bonds issued under this chapter that the
2 state will not limit or alter the rights and powers vested in the
3 authority by this chapter. The state also pledges and agrees not to
4 impair the rights and remedies of the holders until the bonds, interest
5 on them, interest on unpaid installments of interest on them, and all
6 costs and expenses in connection with any action or proceeding by or on
7 behalf of the holders, are fully met and discharged.

8 (b) The state pledges to and agrees with a federal agency that
9 loans or contributes money for railroad facilities of the authority,
10 that the state will not limit or alter the rights and powers vested in
11 the authority by this chapter to fulfill the terms of any contract made
12 by the authority with the federal agency.

13 (c) The authority is authorized to include the pledge and agree-
14 ment of the state contained in (a) and (b) of this section, insofar as
15 it refers to holders of bonds of the authority, in a contract with the
16 holders, and insofar as it relates to a federal agency, in a contract
17 with a federal agency.

18 Sec. 44.87.075. RIGHTS OF BONDHOLDERS. A holder of notes or
19 revenue bonds issued under this chapter or a trustee under a trust
20 agreement entered into under this chapter may, except to the extent his
21 rights are restricted by the bond resolution, by any suitable form of
22 legal proceedings, protect and enforce any rights under the laws of
23 this state or granted by the bond resolution. Those rights include (1)
24 the right to compel the performance of all duties of the authority
25 required by this chapter or the bond resolution; (2) the right to
26 enjoin unlawful activities; and (3) in the event of default (A) with
27 respect to the payment of any principal of, or premium, if any, or
28 interest on, any bond, or (B) in the performance of any covenant or
29 agreement on the part of the authority in the bond resolution, the

1 right to apply to a court having jurisdiction of the cause to appoint a
2 receiver to administer and operate the medical facility. The receiver
3 may pay principal of, and premiums, if any, and interest on those
4 bonds, and has the powers, subject to the direction of the court, which
5 are permitted by law and are accorded receivers in general equity
6 cases. However, the receiver may not pledge additional revenue of the
7 authority to the payment of that principal, premium, and interest.

8 Sec. 44.87.080. EXEMPTION FROM TAXATION. The real and personal
9 property of the authority and its assets, income and receipts are de-
10 clared to be property of a political subdivision of the state and,
11 together with the railroad facilities under the jurisdiction of the
12 authority is exempt from all taxes and special assessments of the state
13 or a political subdivision of the state. The bonds of the authority
14 are declared to be issued by a political subdivision of the state for
15 an essential public and governmental purpose and the bonds, and the
16 interest on them, the income from them and the transfer of the bonds,
17 and all assets, and income pledged to pay or secure the payment of the
18 bonds, or interest on them, are exempt from taxation by or under the
19 authority of the state, except for inheritance and estate taxes and
20 taxes on transfers by or in contemplation of death.

21 Sec. 44.87.085. BONDS LEGAL INVESTMENTS FOR FIDUCIARIES. The
22 bonds of the authority are securities in which all public officers and
23 bodies of the state and all municipalities, all insurance companies and
24 associations and other persons carrying on an insurance business, all
25 banks, bankers, trust companies, savings banks, savings associations,
26 including savings and loan associations and building and loan associa-
27 tions, investment companies and other persons carrying on a banking
28 business, all administrators, guardians, executors, trustees and other
29 fiduciaries, and all other persons who are or who may be authorized to

1 invest in bonds or other obligations of the state, may properly and
2 legally invest funds including capital in their control or belonging to
3 them. The bonds of the authority are also securities which may be
4 deposited with and may be received by all public officers of this state
5 and all municipalities for any purpose for which the deposit of bonds
6 or other obligations of the state is or may be authorized.

7 Sec. 44.87.090. ANNUAL AUDIT. The authority shall have its
8 financial records audited annually by a certified public accountant.
9 The legislative auditor shall prescribe the form and content of the
10 financial records of the authority and shall have access to these
11 records at any time.

12 Sec. 44.87.095. ANNUAL REPORT. Before March 1 of each year, the
13 authority shall submit to the governor and the legislature a comprehen-
14 sive report describing operations, income and expenditures for the
15 preceding fiscal year.

16 Sec. 44.87.100. APPROPRIATIONS AND REPORTS. (a) Notwithstanding
17 any other provision in this chapter, the authority is subject to the
18 provisions of the Executive Budget Act (AS 37.07).

19 (b) The authority shall, by the 15th day of each regular legisla-
20 tive session, present to the legislature a report detailing project
21 status, original costs and projected costs, particularly highlighting
22 any costs in excess of the original cost estimates submitted for each
23 project when that project was originally approved by the legislature.

24 ARTICLE 4. GENERAL PROVISIONS.

25 Sec. 44.87.105. DEFINITIONS. In this chapter

- 26 (1) "authority" means the Alaska Railroad Authority;
27 (2) "board" means the board of directors of the authority;
28 (3) "bonds" means revenue bonds of the authority issued
29 under this chapter, including refunding and refinancing those bonds;

1 (4) "bond resolution" means a resolution authorizing the
2 issuance of, or providing terms and conditions related to, revenue
3 bonds issued under this chapter and includes any trust agreement, trust
4 indenture, mortgage agreement, or deed of trust providing terms and
5 conditions for those bonds;

6 (5) "fiscal year" means July 1 to June 30;

7 (6) "property" means any real, personal, or mixed property,
8 or any interest in it, including without limitation any real estate,
9 appurtenances, buildings, easements, equipment, furnishings, furniture,
10 improvements, machinery, rights-of-way, and structures, or any interest
11 in any of these items;

12 (7) "railroad facilities" includes rights-of-way, trackbed,
13 engines, cars, freight and passenger terminals, and any other facili-
14 ties or equipment used for the operation of a railroad;

15 (8) "revenue" means the rent, fees, charges, interest,
16 principal repayments, and other income or profit received or to be
17 received, either directly or indirectly, by the authority from any
18 source.

19 * Sec. 3. AS 39.25.120 is amended by adding a new paragraph to read:

20 (19) the executive director of the Alaska Railroad Authority.

21 * Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:

22 (44) Alaska Railroad Authority.

23 * Sec. 5. The terms of the four public members first appointed to the
24 Board of Directors of the Alaska Railroad Authority under AS 44.87.015 shall
25 be one, two, three, and four years, respectively.

26 * Sec. 6. The legislative auditor shall prescribe the form and content
27 of the financial records of the authority under AS 44.87.090 within 60 days
28 of the effective date of this Act.

29 * Sec. 7. ALASKA RAILROAD AUTHORITY TASK FORCE. (a) There is created

1 an Alaska Railroad Authority Task Force. The task force shall study the
2 options for transfer of the Alaska Railroad to nonfederal control and shall
3 report its findings and recommendations to the Twelfth Legislature by March 1,
4 1982.

5 (b) The Alaska Railroad Authority Task Force consists of the following
6 members: the directors of the Alaska Railroad Authority created in AS 44.-
7 87.010 - 44.87.015 added by sec. 2 of this Act; a representative from the
8 Department of Commerce and Economic Development, the Department of Natural
9 Resources, the Department of Community and Regional Affairs, the Department
10 of Law, the Department of Labor, the division of policy development and
11 planning in the Office of the Governor, and the University of Alaska, ap-
12 pointed by the head of each agency; and three public members appointed by
13 the governor.

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HOUSE JOURNAL

LETTER OF INTENT

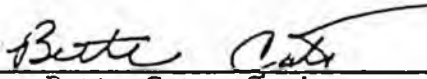
HB 12

A task force consisting of (1) the directors of the Alaska Railroad Authority; (2) a representative from each of the departments of Commerce and Economic Development, Natural Resources, Community and Regional Affairs, Law, and Labor, the division of policy development and planning, and the University of Alaska appointed by the head of each agency; and (3) three members of the public appointed by the Governor, shall study the options for transfer of the Alaska Railroad to non-federal control. The task force shall make recommendations to the legislature by March 1, 1982.

The Alaska Railroad Authority shall construct railroad facilities between Fairbanks and Delta and shall plan railroad facilities between Delta and the Alaskan and Canadian Border.

The Alaska Railroad Authority shall consider the extension of railroad facilities to the Beluga, Susitna, and Matanuska-Susitna coal fields.

The Alaska Railroad Authority shall initiate discussions with the representatives of the White Pass and Yukon Railroad concerning the participation of the state in the ownership and control of that railroad.


Rep. Eette Cato, Chairman
House Transportation Committee

FISCAL NOTE: HB 12 An Act creating the Alaska Railroad Authority

PAGE TWO

100 Personal Services (cont.): FY 83

<u>Position</u>	<u>Range</u>	<u>Salary</u>	<u>Overhead (27%)</u>	<u>Total</u>
Executive Director	24	\$53,100	\$14,300	\$67,400
Executive Secretary	10	\$20,300	\$5,500	\$25,800
Planner V	21	\$43,200	\$11,700	\$54,900
Planner III	17	\$32,300	\$8,700	\$41,000
Clerk Typist II	07	\$17,000	\$4,600	<u>\$21,600</u>

\$210,700

(These positions reflect the authority noted in the legislation allowing the Executive Director to employ additional staff as necessary. The staff growth in FY 83 is based on the assumption of increased duties following organizational structuring in the FY 82 year.)

D) 200 Travel: FY 82

Quarterly meeting of the board of directors, with an assumption of two additional officers elected by the board (average attendance = 6):

Round-trip air fare @ \$300 x 6 = \$1,800

Two days per diem @ \$67 per day x 6 = \$800

Incidental meeting expenses = \$100

Total per meeting = \$2,700 x 4 meetings = \$10,800

Additional travel requirements of board and staff:

12 trips per year @ \$600 air fare and per diem = \$7,200

FY 82 Total = \$18,000

FY 83 travel budget reflects a small increase due to additional staff and greater duties: \$21,000

E) 300 Contractual: FY 82 and 83

Office Space Rental: 1,000 net square feet @ \$18 annual nsf cost = \$18,000

Bond counsel and consultant requirements: \$200,000 Total \$218,000 per year

(These latter contractual requirements reflect the authority noted in the legislation and are based on the assumption of needed expertise to establish the appropriate bonding authorities and the organizational format of this public corporation.)

F) 500 Equipment: Minor expenditures for the necessary business machines are indicated under this category.

FOOTNOTES:

- 1 No actual estimates are provided for subsequent fiscal years because of the difficulty in predicting levels of responsibility beyond initial organizational structuring of the authority. It can be expected that expenditures will at least remain equivalent with the FY 83 level, with the necessary adjustments for inflation, and depending on future action by the Legislature, actual expenditures may be considerably higher.
- 2 The legislation does not address a specific source of funding for the establishment of this public corporation. Consequently, the first two years of funding are depicted under the General Fund category. Although no funding is shown under the Federal Fund category, there are both planning and operational assistance grants available from the Federal Railroad Administration, U.S. Department of Transportation, to aid local rail operations. DOT/PF is currently the recipient of rail planning funds, which represents the major source of funds of DOT/PF's rail studies. However, while it is apparent that if this public corporation is formed, it will become the administrator of these funds, it is doubtful that the State of Alaska would be allowed to use these funds other than for technical rail planning. As a result, these funds are not depicted as a source of funding for the contractual requirements noted above.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 12 (Moss, Rogers, Brown and Bettisworth)
Title An Act creating the Alaska Railroad Authority
Requested by Representative Moss Date 2/9/81

II. FISCAL DETAIL

Agency Affected DOT/PF
Program Category Affected Commissioner's Office
BRU, Program, or Subprogram(s) Affected Transportation
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		136.7	210.7			
200 TRAVEL		18.0	21.0			
300 CONTRACTUAL		218.0	218.0			
400 COMMODITIES				(See Footnote#1)		
500 EQUIPMENT		4.0	1.5			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		376.7	451.2			

FUNDING (Thousands of Dollars)

GENERAL FUND (see Footnote #2)	376.7	451.2			
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME	3	5			
PART TIME					
TEMPORARY					

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

ASSUMPTIONS/EXPENDITURES BREAKDOWNS:

- A) All costs estimates are in FY 81 dollars.
B) Expenditures will not commence prior to FY 82. (The Act carries no effective data.)
C) 100 Personal Services: FY 82

Position	Range	Salary	Overhead (27%)	Total
Executive Director	24	\$49,200	\$13,300	\$62,500
Executive Secretary	10	\$18,700	\$5,000	\$23,700
Planner V	21	\$39,800	\$10,700	\$50,500
				\$136,700

IV. DATE 3/17/81 (Revised) PREPARED BY Mark S. Hickey
AGENCY DOT/PF - S.E. Planning and Programming
PHONE 465-2470

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 12

FISCAL NOTE

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(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		190.5	293.7			
200 TRAVEL		18.0	21.0			
300 CONTRACTUAL		218.0	218.0			
400 COMMODITIES				(See Footnote #1)		
500 EQUIPMENT		4.0	1.5			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		430.5	534.2			

FUNDING (Thousands of Dollars)

GENERAL FUND (See Footnote #2)	430.5	534.2			
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME		3	5		
PART TIME					
TEMPORARY					

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

ASSUMPTIONS/EXPENDITURE BREAKDOWNS:

- A) All cost estimates are in FY 81 dollars.
- B) Expenditures will not commence prior to FY 82. (The Act carries no effective date.)

C) 100 Personal Services: FY 82

Position	Range	Salary	Overhead (77%)	Total
Executive Director	24	\$49,200	\$37,800	\$87,000
Executive Secretary	10	\$18,700	\$14,400	\$33,100
Planner V	21	\$39,800	\$30,600	\$70,400
				\$190,500

IV. DATE 2/19/81 PREPARED BY Mark S. Hickey
AGENCY DOT/PF - S.E. Planning and Programming
PHONE 465-2470

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

Mark S. Hickey

FISCAL NOTE: HB 12 An Act creating the Alaska Railroad Authority

PAGE TWO

100 Personal Services (cont.): FY 83

<u>Position</u>	<u>Range</u>	<u>Salary</u>	<u>Overhead (77%)</u>	<u>Total</u>
Executive Director	24	\$53,100	\$40,900	\$94,000
Executive Secretary	10	\$20,300	\$15,600	\$35,900
Planner V	21	\$43,200	\$33,300	\$76,500
Planner III	17	\$32,300	\$24,900	\$57,200
Clerk Typist II	07	\$17,000	\$13,100	\$30,100
				\$293,700

(These positions reflect the authority noted in the legislation allowing the Executive Director to employ additional staff as necessary. The staff growth in FY 83 is based on the assumption of increased duties following organizational structuring in the FY 82 year.)

D) 200 Travel: FY 82

Quarterly meeting of the board of directors, with an assumption of two additional officers elected by the board (average attendance = 6):

Round-trip air fare @ \$300 x 6 = \$1,800

Two days per diem @ \$67 per day x 6 = \$800

Incidental meeting expenses = \$100

Total per meeting = \$2,700 x 4 meetings = \$10,800

Additional travel requirements of board and staff:

12 trips per year @ \$600 air fare and per diem = \$7,200

FY 82 Total = \$18,000

FY 83 travel budget reflects a small increase due to additional staff and greater duties: \$21,000

E) 300 Contractual: FY 82 and 83

Office Space Rental: 1,000 net square feet @ \$18 annual nsf cost = \$18,000

Bond counsel and consultant requirements: \$200,000 Total: \$218,000 per year

(These latter contractual requirements reflect the authority noted in the legislation and are based on the assumption of needed expertise to establish the appropriate bonding authorities and the organizational format of this public corporation.)

F) 500 Equipment: Minor expenditures for the necessary business machines are indicated under this category.

FISCAL NOTE: HB 12 An Act creating the Alaska Railroad Authority

PAGE THREE

FOOTNOTES:

- 1 No actual estimates are provided for subsequent fiscal years because of the difficulty in predicting levels of responsibility beyond initial organizational structuring of the authority. It can be expected that expenditures will at least remain equivalent with the FY 83 level, with the necessary adjustments for inflation, and depending on future action by the Legislature, actual expenditures may be considerably higher.

- 2 The legislation does not address a specific source of funding for the establishment of this public corporation. Consequently, the first two years of funding are depicted under the General Fund category. Although no funding is shown under the Federal Fund category, there are both planning and operational assistance grants available from the Federal Railroad Administration, U.S. Department of Transportation, to aid local rail operations. DOT/PF is currently the recipient of rail planning funds, which represents the major source of funds of DOT/PF's rail studies. However, while it is apparent that if this public corporation is formed, it will become the administrator of these funds, it is doubtful that the State of Alaska would be allowed to use these funds other than for technical rail planning. As a result, these funds are not depicted as a source of funding for the contractual requirements noted above.

P2

Original sponsors: Moss, Rogers, Brown
and Bettisworth

Offered: 4/7/81
Referred: Finance

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 12 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Railroad Authority."

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

8 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

9 (1) the federal government desires to relinquish its ownership
10 and management of the Alaska Railroad and that it would be in the best
11 interests of the State of Alaska to have greater control over the mainten-
12 ance, operation, and expansion of the railroad;

13 (2) there is a vast potential in Alaska natural resources and
14 extension of the Alaska railroad into natural resource areas is necessary
15 for the achievement of the goals of lower freight costs and long-term
16 economic growth; development of natural resources in the state will be
17 accelerated and facilitated by the creation of an instrumentality of the
18 state with power to incur debt for construction, and with power to own and
19 operate railroads;

20 (3) there is a need for a railroad authority to develop a rail
21 transportation plan, make recommendations to the legislature, plan and
22 construct railroad facilities, including extensions, in the state, and act
23 as a bonding authority for the financing of railroad facilities.

24 * Sec. 2. AS 44 is amended by adding a new chapter to read:

25 CHAPTER 87. ALASKA RAILROAD AUTHORITY.

26 ARTICLE 1. CREATION AND ORGANIZATION.

27 Sec. 44.87.010. ALASKA RAILROAD AUTHORITY CREATED. There is
28 created the Alaska Railroad Authority. The authority is a public cor-
29 poration of the state in the Department of Transportation and Public

1 Facilities, but with a separate and independent legal existence.

2 Sec. 44.87.015. MEMBERSHIP OF THE AUTHORITY. The authority con-
3 sists of the following board of directors: the commissioner of trans-
4 portation and public facilities or his designee, and four members of
5 the public appointed by the governor who represent petroleum, mining,
6 agricultural, tourism industries, regional corporations, or other
7 railroad user groups. The four members of the public appointed by the
8 governor serve at his pleasure for four-year terms ~~subject to confirma-~~
9 ~~tion by the legislature meeting in joint session.~~ A director must be a
10 resident and qualified voter of the state and shall comply with the
11 requirements of AS 39.50 (conflict of interest) relating to members of
12 state boards and commissions. A vacancy in a directorship occurring
13 other than by expiration of a term shall be filled for the unexpired
14 portion of the term only.

15 Sec. 44.87.020. EMPLOYMENT OF PERSONNEL. The authority shall
16 employ an executive director who may, with the approval of the author-
17 ity, employ additional staff as necessary. In addition to its staff of
18 regular employees, the authority may contract for and engage the ser-
19 vices of legal and bond counsel, consultants, experts, and financial
20 and technical advisors the authority considers necessary for the purpose
21 of conducting studies, investigations, hearings, or other proceedings.
22 The board shall establish the compensation of the executive director.
23 The executive director of the authority is subject to the provisions of
24 AS 39.25.120.

25 Sec. 44.87.025. OFFICERS AND QUORUM. The board shall elect one
26 of the public members as chairman. Other officers may be elected as
27 the board determines. The powers of the authority are vested in the
28 board. Three directors of the authority constitute a quorum. Action
29 may be taken and motions and resolutions adopted by the authority at a

1 meeting by the affirmative vote of at least two directors. The direc-
2 tors serve without compensation, but they are entitled to the same
3 travel expenses and per diem provided for board members under AS 39.20.-
4 180.

5 ARTICLE 2. PURPOSE AND POWERS.

6 Sec. 44.87.030. PURPOSE OF THE AUTHORITY. The purpose of the
7 authority is to plan, finance, acquire, construct, operate, maintain,
8 or sell railroad facilities and contract to provide rail service in the
9 state as provided by this chapter.

10 Sec. 44.87.035. POWERS OF THE AUTHORITY. In furtherance of its
11 corporate purposes, the authority may

- 12 (1) sue and be sued;
- 13 (2) have a seal and alter it at pleasure;
- 14 (3) make and alter bylaws for its organization and internal
15 management;
- 16 (4) adopt regulations governing the exercise of its corporate
17 powers;
- 18 (5) acquire by construction, purchase, gift, or lease facil-
19 ities in the state, including but not limited to, terminals, rolling
20 stock, storage, grain, and coal handling facilities;
- 21 (6) improve, equip, and operate railroad facilities in the
22 state;
- 23 (7) consider additional railroad extensions in the state,
24 explore possible rail routes to tidewater ports, and annually report
25 its findings and recommendations to the legislature;
- 26 (8) issue revenue bonds for the acquisition, construction,
27 or improvement of railroad facilities in the state;
- 28 (9) sell, lease as lessor or lessee, exchange, donate,
29 convey, or encumber by mortgage or by creation of any other security

1 interest, real or personal property owned by it, or in which it has an
2 interest, when, in the judgment of the authority, the action is in
3 furtherance of its corporate purposes;

4 (10) accept gifts, grants or loans from, and enter into con-
5 tracts with a federal agency or an agency of the state, a municipality,
6 a private organization or other source;

7 (11) deposit or invest its funds, subject to agreements with
8 bondholders;

9 (12) contract with any person for the improvement, construc-
10 tion, acquisition, operation and maintenance of its railroad facilities,
11 or for the security of bonds issued by the authority;

12 (13) establish, levy, and collect fares and other charges for
13 the use of its railroad facilities;

14 (14) enter into contracts or agreements with respect to the
15 exercise of any of its powers, and do all things necessary to carry out
16 its corporate purposes and exercise the powers granted in this chapter;

17 (15) investigate and make recommendations to the legislature
18 for the implementation of new rail technologies;

19 (16) exercise the power of eminent domain in accordance with
20 AS 09.55.240 - 09.55.460;

21 (17) recommends to the legislature methods of expanding and
22 improving railroad facilities in the state, and financing proposals if
23 the authority finds that a project cannot be financed by revenue bonds
24 of the authority;

25 (18) develop a long-range state rail transportation plan to
26 assist development of the resources of the state and provide for trans-
27 portation between communities.

28 ARTICLE 3. FINANCIAL PROVISIONS.

29 Sec. 44.87.040. BONDS OF THE AUTHORITY. (a) The authority may

1 issue bonds in accordance with AS 44.87.035(8) on which the principal
2 and interest are payable

3 (1) exclusively from the income or other money derived from
4 its railroad facilities; or

5 (2) from its income and receipts or other assets generally,
6 or a designated part of them.

7 (b) The bonds may be issued as serial bonds, as term bonds, or
8 bonds of both types. The authorizing bond resolution shall state the
9 maturity date which may not exceed 40 years from the bond's date of
10 issue, the rate of interest, the time of payment, the denomination,
11 whether coupon or fully registered, whether transferable, exchangeable,
12 or interchangeable, the registration and conversion privileges, if any,
13 the covenant that payments are to be only in lawful money of the United
14 States of America at the place the board authorizes, and the terms of
15 redemption, if any. The bonds, notes, or attached interest coupons
16 must be executed by manual or facsimile signatures of the officers of
17 the authority designated by the board. Pending preparation of the
18 definitive bonds, the authority may issue interim receipts or certifi-
19 cates which shall be exchanged for the definitive bonds.

20 (c) The bond resolution shall provide for the establishment of
21 one or more special funds, and those funds may be under the control of
22 the board or one or more trustees. The bond resolution shall obligate
23 the authority to deposit and expend the proceeds of the revenue bonds
24 only into and from those funds. The authority may issue and sell
25 revenue bonds payable as to interest and principal only out of those
26 funds.

27 (d) All bonds, regardless of form or character, shall be negoti-
28 able instruments for all the purposes of the Uniform Commercial Code.

29 (e) The authority may not issue bonds except after 60 days noti-

1 fication of its intent to issue bonds is given to the governor and to
2 the legislature, if the legislature is in session, or to the Legisla-
3 tive Budget and Audit Committee, if the legislature is not in session.

4 (f) All bonds may be sold at public or private sale in the
5 manner, for the price or prices, and at the time or times which the
6 authority may determine.

7 (g) A bond resolution may contain provisions, which constitute a
8 part of the contract with the holders of the bonds, as to

9 (1) the setting aside of reserves or sinking funds, and the
10 regulation, investment, and disposition of them;

11 (2) limitations on the issuance of additional bonds, the
12 terms upon which additional bonds may be issued and secured, the terms
13 upon which additional bonds may rank on a parity with, or be subordi-
14 nate or superior to, other bonds;

15 (3) the refunding of outstanding bonds;

16 (4) the procedure, if any, by which the terms of any contract
17 with bondholders may be amended or abrogated;

18 (5) any matters relating to the bonds which the authority
19 considers desirable.

20 (h) The authority may contract for the future sale of revenue
21 bonds by which contract purchasers shall be committed to the prices,
22 terms, and conditions stated in each contract. The authority may pay
23 the consideration it considers proper for those commitments.

24 (i) The superior court has jurisdiction to hear and determine
25 actions or proceedings relating to the authority, including actions or
26 proceedings brought by or for the benefit or security of a holder of
27 its bonds or by a trustee for or other representative of the holders.

28 Sec. 44.87.045. BOND ANTICIPATION NOTES. The authority may issue
29 and sell bond anticipation notes which shall be on the terms, bear the

1 date, mature at the time, be in the denomination and in the form,
2 payable in the medium at the place and subject to the terms of redemp-
3 tion as the authority considers necessary or advisable in the manner
4 provided in this chapter.

5 Sec. 44.87.050. TRUST INDENTURES AND TRUST AGREEMENTS. In the
6 discretion of the authority, an issue of bonds may be secured by a
7 trust indenture or trust agreement between the authority and a corpor-
8 ate trustee (which may be a trust company, bank, or national banking
9 association, with corporate trust powers, located inside or outside the
10 state) or by a secured loan agreement or other instrument or under a
11 resolution giving powers to a corporate trustee by means of which the
12 authority may

13 (1) make and enter into any covenants and agreements with
14 the trustee or the holders of the bonds which the authority may deter-
15 mine to be necessary or desirable, including, without limitation,
16 covenants, provisions, limitations and agreements as to

17 (A) the application, investment, deposit, use and dis-
18 position of the proceeds of the bonds of the authority or of money
19 or other property of the authority or in which it has an interest;

20 (B) the terms and conditions upon which additional
21 bonds of the authority may be issued;

22 (2) pledge, mortgage or assign money, leases, agreements,
23 property or other assets of the authority; and

24 (3) provide for any other matters which affect the security
25 or protection of the bonds.

26 Sec. 44.87.055. CONFLICT OF INTEREST. (a) A member of the board
27 may not vote on a resolution of the board relating to a contract to be
28 entered into by the authority under this chapter if the member or the
29 member's spouse or the member's dependent or nondependent child is a

1 party to the contract or has a direct ownership or equity interest in a
2 firm, partnership, corporation, or association which would be a party
3 to the contract.

4 (b) A member of the board may not participate in a decision
5 related to the authority's exercise of the power of eminent domain over
6 real property when the real property is listed, or is required to be
7 listed, in the member's financial disclosure statement under AS 39.50.-
8 030.

9 (c) It is a conflict of interest for a person employed by the
10 authority or a person on contract for hire, written or oral, at a fixed
11 or hourly fee with the authority, to act in an advisory capacity to the
12 authority or to support the use of the authority's funds in a manner
13 that may or will result in benefit, directly or indirectly, to that
14 employee, agent, or advisor, except upon full disclosure in writing and
15 by oral presentation to the board of the details of the conflicting
16 interest, including a dollar estimate of the direct and indirect mone-
17 tary gain the employee, agent, or advisor may expect to derive. Public
18 notice of the board meeting at which the written and oral disclosure of
19 the conflict is to be given must specify a conflict-of-interest presen-
20 tation is to be made at that meeting, the name of the person making the
21 disclosure, and the position or title of the person disclosing the
22 conflict of interest. The board's resolution that addresses the matter
23 in which a conflict of interest exists must set out the details of the
24 full disclosure.

25 (d) A person convicted of violating this section is

26 (1) guilty of a misdemeanor and in addition to other sen-
27 tences provided by law may be sentenced to pay a fine equivalent to the
28 total gain derived, including gain derived from a partially disclosed
29 or misstated disclosure of monetary gain; and

1 (2) barred from further acting as an employee, agent, or
2 advisor to the authority.

3 Sec. 44.87.060. VALIDITY OF PLEDGE. It is the intention of the
4 legislature that a pledge made in respect of bonds be valid and binding
5 from the time the pledge is made; that the money or property so pledged
6 and thereafter received by the authority be immediately subject to the
7 lien of the pledge without physical delivery or further act; and that
8 the lien of the pledge be valid and binding as against all parties
9 having claims of any kind in tort, contract or otherwise against the
10 authority irrespective of whether the parties have notice. Neither the
11 resolution, trust agreement nor any other instrument by which a pledge
12 is created need be recorded or filed under the provisions of the Uniform
13 Commercial Code to be valid, binding or effective against the parties.

14 Sec. 44.87.065. LIABILITY ON BONDS. (a) Neither the members of
15 the authority nor a person executing the bonds is liable personally on
16 the bonds or subject to personal liability or accountability by reason
17 of the issuance of the bonds.

18 (b) The bonds issued by the authority do not constitute an in-
19 debtedness or other liability of the state or of a political subdivision
20 of the state, except the authority, but are payable solely from the
21 income and receipts or other funds or property of the authority. The
22 authority may not pledge the faith or credit of the state or of a
23 political subdivision of the state (except the authority) to the payment
24 of a bond. The issuance of a bond by the authority does not directly,
25 indirectly or contingently obligate the state or a political subdivision
26 of the state to levy or pledge any form of taxation to the payment of a
27 bond.

28 Sec. 44.87.070. PLEDGE OF THE STATE. (a) The state pledges to
29 fulfill the terms of any contract made by the authority with the holders

1 and agrees with the holders of bonds issued under this chapter that the
2 state will not limit or alter the rights and powers vested in the
3 authority by this chapter. The state also pledges and agrees not to
4 impair the rights and remedies of the holders until the bonds, interest
5 on them, interest on unpaid installments of interest on them, and all
6 costs and expenses in connection with any action or proceeding by or on
7 behalf of the holders, are fully met and discharged.

8 (b) The state pledges to and agrees with a federal agency that
9 loans or contributes money for railroad facilities of the authority,
10 that the state will not limit or alter the rights and powers vested in
11 the authority by this chapter to fulfill the terms of any contract made
12 by the authority with the federal agency.

13 (c) The authority is authorized to include the pledge and agree-
14 ment of the state contained in (a) and (b) of this section, insofar as
15 it refers to holders of bonds of the authority, in a contract with the
16 holders, and insofar as it relates to a federal agency, in a contract
17 with a federal agency.

18 Sec. 44.87.075. RIGHTS OF BONDHOLDERS. A holder of notes or
19 revenue bonds issued under this chapter or a trustee under a trust
20 agreement entered into under this chapter may, except to the extent his
21 rights are restricted by the bond resolution, by any suitable form of
22 legal proceedings, protect and enforce any rights under the laws of
23 this state or granted by the bond resolution. Those rights include (1)
24 the right to compel the performance of all duties of the authority
25 required by this chapter or the bond resolution; (2) the right to
26 enjoin unlawful activities; and (3) in the event of default (A) with
27 respect to the payment of any principal of, or premium, if any, or
28 interest on, any bond, or (B) in the performance of any covenant or
29 agreement on the part of the authority in the bond resolution, the

1 right to apply to a court having jurisdiction of the cause to appoint a
2 receiver to administer and operate the medical facility. The receiver
3 may pay principal of, and premiums, if any, and interest on those
4 bonds, and has the powers, subject to the direction of the court, which
5 are permitted by law and are accorded receivers in general equity
6 cases. However, the receiver may not pledge additional revenue of the
7 authority to the payment of that principal, premium, and interest.

8 Sec. 44.87.080. EXEMPTION FROM TAXATION. The real and personal
9 property of the authority and its assets, income and receipts are de-
10 clared to be property of a political subdivision of the state and,
11 together with the railroad facilities under the jurisdiction of the
12 authority is exempt from all taxes and special assessments of the state
13 or a political subdivision of the state. The bonds of the authority
14 are declared to be issued by a political subdivision of the state for
15 an essential public and governmental purpose and the bonds, and the
16 interest on them, the income from them and the transfer of the bonds,
17 and all assets, and income pledged to pay or secure the payment of the
18 bonds, or interest on them, are exempt from taxation by or under the
19 authority of the state, except for inheritance and estate taxes and
20 taxes on transfers or in contemplation of death.

21 Sec. 44.87.085. BONDS LEGAL INVESTMENTS FOR FIDUCIARIES. The
22 bonds of the authority are securities in which all public officers and
23 bodies of the state and all municipalities, all insurance companies and
24 associations and other persons carrying on an insurance business, all
25 banks, bankers, trust companies, savings banks, savings associations,
26 including savings and loan associations and building and loan associa-
27 tions, investment companies and other persons carrying on a banking
28 business, all administrators, guardians, executors, trustees and other
29 fiduciaries, and all other persons who are or who may be authorized to

1 invest in bonds or other obligations of the state, may properly and
2 legally invest funds including capital in their control or belonging to
3 them. The bonds of the authority are also securities which may be
4 deposited with and may be received by all public officers of this state
5 and all municipalities for any purpose for which the deposit of bonds
6 or other obligations of the state is or may be authorized.

7 Sec. 44.87.090. ANNUAL AUDIT. The authority shall have its
8 financial records audited annually by a certified public accountant.
9 The legislative auditor shall prescribe the form and content of the
10 financial records of the authority and shall have access to these
11 records at any time.

12 Sec. 44.87.095. ANNUAL REPORT. Before March 1 of each year, the
13 authority shall submit to the governor and the legislature a comprehen-
14 sive report describing operations, income and expenditures for the
15 preceding fiscal year.

16 Sec. 44.87.100. APPROPRIATIONS AND REPORTS. (a) Notwithstanding
17 any other provision in this chapter, the authority is subject to the
18 provisions of the Executive Budget Act (AS 37.07).

19 (b) The authority shall, by the 15th day of each regular legisla-
20 tive session, present to the legislature a report detailing project
21 status, original costs and projected costs, particularly highlighting
22 any costs in excess of the original cost estimates submitted for each
23 project when that project was originally approved by the legislature.

24 ARTICLE 4. GENERAL PROVISIONS.

25 Sec. 44.87.105. DEFINITIONS. In this chapter

- 26 (1) "authority" means the Alaska Railroad Authority;
27 (2) "board" means the board of directors of the authority;
28 (3) "bonds" means revenue bonds of the authority issued
29 under this chapter, including refunding and refinancing those bonds;

1 (4) "bond resolution" means a resolution authorizing the
2 issuance of, or providing terms and conditions related to, revenue
3 bonds issued under this chapter and includes any trust agreement, trust
4 indenture, mortgage agreement, or deed of trust providing terms and
5 conditions for those bonds;

6 (5) "fiscal year" means July 1 to June 30;

7 (6) "property" means any real, personal, or mixed property,
8 or any interest in it, including without limitation any real estate,
9 appurtenances, buildings, easements, equipment, furnishings, furniture,
10 improvements, machinery, rights-of-way, and structures, or any interest
11 in any of these items;

12 (7) "railroad facilities" includes rights-of-way, trackbed,
13 engines, cars, freight and passenger terminals, and any other facili-
14 ties or equipment used for the operation of a railroad;

15 (8) "revenue" means the rent, fees, charges, interest,
16 principal repayments, and other income or profit received or to be
17 received, either directly or indirectly, by the authority from any
18 source.

19 * Sec. 3. AS 39.25.120 is amended by adding a new paragraph to read:

20 (19) the executive director of the Alaska Railroad Authority.

21 * Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:

22 (44) Alaska Railroad Authority.

23 * Sec. 5. The terms of the four public members first appointed to the
24 Board of Directors of the Alaska Railroad Authority under AS 44.87.015 shall
25 be one, two, three, and four years, respectively.

26 * Sec. 6. The legislative auditor shall prescribe the form and content
27 of the financial records of the authority under AS 44.87.090 within 60 days
28 of the effective date of this Act.

29

Introduced: 2/4/81
Referred: Transportation
and State Affairs

BY MOSS, ROGERS, BROWN AND
BETTISWORTH

1 IN THE HOUSE

2 HOUSE BILL NO. 12

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Railroad Authority."

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

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13 poration of the state in the Department of Transportation and Public
14 Facilities, but with a separate and independent legal existence.

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16 sists of the following board of directors: the commissioner of trans-
17 portation and public facilities, the commissioner of revenue, and the
18 commissioner of commerce and economic development.

19 Sec. 44.87.020. OFFICERS AND QUORUM. The board shall elect one
20 member as chairman. Other officers may be elected as the board deter-
21 mines. The powers of the authority are vested in the board. Two
22 directors of the authority constitute a quorum. Action may be taken
23 and motions and resolutions adopted by the authority at a meeting by
24 the affirmative vote of at least two directors. The directors serve
25 without compensation, but they are entitled to the same travel expenses
26 and per diem provided by law for board members.

27 Sec. 44.87.025. STAFF. The authority shall employ an executive
28 director who may employ additional staff as necessary. In addition to
29 its staff of regular employees, the authority may contract for and

1 engage the services of the bond counsel, consultants, experts, and
2 financial advisors it considers necessary for the purpose of developing
3 information, or conducting studies, investigations, hearings, or other
4 proceedings.

5 ARTICLE 2. PURPOSE AND POWERS.

6 Sec. 44.87.030. PURPOSE OF THE AUTHORITY. The purpose of the
7 authority is to acquire, construct, operate and maintain railroad
8 facilities in the state.

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10 corporate purposes, the authority may

- 11 (1) sue and be sued;
- 12 (2) have a seal and alter it at pleasure;
- 13 (3) make and alter bylaws for its organization and internal
14 management;
- 15 (4) adopt regulations governing the exercise of its corporate
16 powers;
- 17 (5) acquire by construction, purchase, gift or lease facili-
18 ties in the state;
- 19 (6) improve, equip and operate railroad facilities in the
20 state;
- 21 (7) issue revenue bonds for the acquisition, construction,
22 or improvement of railroad facilities in the state;
- 23 (8) sell, lease as lessor or lessee, exchange, donate,
24 convey or encumber by mortgage or by creation of any other security
25 interest, real or personal property owned by it, or in which it has an
26 interest, when, in the judgement of the authority, the action is in
27 furtherance of its corporate purposes;
- 28 (9) accept gifts, grants or loans from, and enter into con-
29 tracts with a federal agency or an agency of the state, a municipality,

1 a private organization or other source;

2 (10) deposit or invest its funds, subject to agreements with
3 bondholders;

4 (11) contract with any person for the improvement, construc-
5 tion, acquisition, operation and maintenance of its railroad facilities,
6 or for the security of bonds issued by the authority;

7 (12) establish, levy, and collect fares and other charges for
8 the use of its railroad facilities;

9 (13) enter into contracts or agreements with respect to the
10 exercise of any of its powers, and do all things necessary to carry out
11 its corporate purposes and exercise the powers granted in this chapter;

12 (14) exercise the power of eminent domain in accordance with
13 AS 09.55.250 - 09.55.410.

14 ARTICLE 3. FINANCIAL PROVISIONS.

15 Sec. 44.87.040. BONDS OF THE AUTHORITY. (a) The authority may
16 issue bonds in accordance with AS 44.87.035(7) on which the principal
17 and interest are payable

18 (1) exclusively from the income or other money derived from
19 its railroad facilities; or

20 (2) from its income and receipts or other assets generally,
21 or a designated part of them.

22 (b) Bonds shall be authorized by resolution of the authority, and
23 shall be dated and shall mature as the resolution may provide, except
24 that no bond shall mature more than 40 years from the date of its
25 issue. Bonds shall bear interest at the rate or rates, be in the
26 denominations, be in the form, either coupon or registered, carry the
27 registration privileges, be executed in the manner, be payable in the
28 medium of payment, at the place or places, and be subject to the terms
29 of redemption which the resolution or a subsequent resolution may

1 provide.

2 (c) All bonds, regardless of form or character, shall be negoti-
3 able instruments for all the purposes of the Uniform Commercial Code.

4 (d) All bonds may be sold at public or private sale in the manner,
5 for the price or prices, and at the time or times which the authority
6 may determine.

7 (e) The superior court has jurisdiction to hear and determine
8 actions or proceedings relating to the authority, including actions or
9 proceedings brought by or for the benefit or security of a holder of
10 its bonds or by a trustee for or other representative of the holders.

11 Sec. 44.87.045. TRUST INDENTURES AND TRUST AGREEMENTS. In the
12 discretion of the authority, an issue of bonds may be secured by a
13 trust indenture or trust agreement between the authority and a corporate
14 trustee (which may be a trust company, bank, or national banking
15 association, with corporate trust powers, located inside or outside the
16 state) or by a secured loan agreement or other instrument or under a
17 resolution giving powers to a corporate trustee by means of which the
18 authority may

19 (1) make and enter into any covenants and agreements with
20 the trustee or the holders of the bonds which the authority may deter-
21 mine to be necessary or desirable, including, without limitation,
22 covenants, provisions, limitations and agreements as to

23 (A) the application, investment, deposit, use and dis-
24 position of the proceeds of the bonds of the authority or of money
25 or other property of the authority or in which it has an interest;

26 (B) the terms and conditions upon which additional
27 bonds of the authority may be issued;

28 (2) pledge, mortgage or assign money, leases, agreements,
29 property or other assets of the authority; and

1 (3) provide for any other matters which affect the security
2 or protection of the bonds.

3 Sec. 44.87.050. VALIDITY OF PLEDGE. It is the intention of the
4 legislature that a pledge made in respect of bonds be valid and binding
5 from the time the pledge is made; that the money or property so pledged
6 and thereafter received by the authority be immediately subject to the
7 lien of the pledge without physical delivery or further act; and that
8 the lien of the pledge be valid and binding as against all parties
9 having claims of any kind in tort, contract or otherwise against the
10 authority irrespective of whether the parties have notice. Neither the
11 resolution, trust agreement nor any other instrument by which a pledge
12 is created need be recorded or filed under the provisions of the
13 Uniform Commercial Code to be valid, binding or effective against the
14 parties.

15 Sec. 44.87.055. NONLIABILITY ON BONDS. (a) Neither the members
16 of the authority nor a person executing the bonds is liable personally
17 on the bonds or subject to personal liability or accountability by
18 reason of the issuance of the bonds.

19 (b) The bonds issued by the authority do not constitute an
20 indebtedness or other liability of the state or of a political sub-
21 division of the state, except the authority, but are payable solely
22 from the income and receipts or other funds or property of the
23 authority. The authority may not pledge the faith or credit of the
24 state or of a political subdivision of the state (except the authority)
25 to the payment of a bond and the issuance of a bond by the authority
26 does not directly, indirectly or contingently obligate the state or a
27 political subdivision of the state to levy or pledge any form of
28 taxation to the payment of a bond.

29 Sec. 44.87.060. PLEDGE OF THE STATE. (a) The state pledges to

1 and agrees with the holders of bonds issued under this chapter that the
2 state will not limit or alter the rights and powers vested in the
3 authority by this chapter to fulfill the terms of any contract made by
4 the authority with the holders. The state also pledges to and agrees
5 not to impair the rights and remedies of the holders until the bonds,
6 interest on them, interest on unpaid installments of interest on them,
7 and all costs and expenses in connection with any action or proceeding
8 by or on behalf of the holders, are fully met and discharged.

9 (b) The state pledges to and agrees with a federal agency that
10 loans or contributes money for railroad facilities of the authority,
11 that the state will not limit or alter the rights and powers vested in
12 the authority by this chapter to fulfill the terms of any contract made
13 by the authority with the federal agency.

14 (c) The authority is authorized to include the pledge and agree-
15 ment of the state contained in (a) and (b) of this section, insofar as
16 it refers to holders of bonds of the authority, in a contract with the
17 holders, and insofar as it relates to a federal agency, in a contract
18 with a federal agency.

19 Sec. 44.87.065. EXEMPTION FROM TAXATION. The real and personal
20 property of the authority and its assets, income and receipts are de-
21 clared to be property of a political subdivision of the state and,
22 together with the railroad facilities under the jurisdiction of the
23 authority is exempt from all taxes and special assessments of the state
24 or a political subdivision of the state. The bonds of the authority
25 are declared to be issued by a political subdivision of the state for
26 an essential public and governmental purpose and the bonds, and the
27 interest on them, the income from them and the transfer of the bonds,
28 and all assets, and income pledged to pay or secure the payment of the
29 bonds, or interest on them, are exempt from taxation by or under the

1 authority of the state, except for inheritance and estate taxes and
2 taxes on transfers by or in contemplation of death.

3 Sec. 44.87.070. BONDS LEGAL INVESTMENTS FOR FIDUCIARIES. The
4 bonds of the authority are securities in which all public officers and
5 bodies of the state and all municipalities, all insurance companies and
6 associations and other persons carrying on an insurance business, all
7 banks, bankers, trust companies, savings banks, savings associations,
8 including savings and loan associations and building and loan associa-
9 tions, investment companies and other persons carrying on a banking
10 business, all administrators, guardians, executors, trustees and other
11 fiduciaries, and all other persons who are or who may be authorized to
12 invest in bonds or other obligations of the state, may properly and
13 legally invest funds including capital in their control or belonging to
14 them. The bonds of the authority are also securities which may be
15 deposited with and may be received by all public officers of this state
16 and all municipalities for any purpose for which the deposit of bonds
17 or other obligations of the state is or may be authorized.

18 ARTICLE 4. GENERAL PROVISIONS.

19 Sec. 44.87.075. DEFINITIONS. In this chapter

- 20 (1) "authority" means the Alaska Railroad Authority;
21 (2) "board" means the board of directors of the authority;
22 (3) "railroad facilities" includes rights-of-way, trackbed,
23 engines, cars, freight and passenger terminals, and any other facili-
24 ties or equipment used for the operation of a railroad.