

Original sponsors: Bennett, Fahrenkamp
and Parr

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 135 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicles and carriers; and
7 providing for an effective date."

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

9 * Section 1. AS 42.07 is amended by adding a new section to read:

10 Sec. 42.07.123. OWNER OPERATORS. The commission shall supervise
11 and regulate owner operators in the state and shall prescribe regula-
12 tions concerning the filing of reports by owner operators, the issuance
13 of permits to owner operators based on public convenience and necessity,
14 and the maximum and minimum rates that may be charged by owner operators.
15 In this section "owner operator" means a person who rents, leases, or
16 otherwise provides a motor vehicle for the use of others in transporting
17 passengers or property upon the condition that the person be employed to
18 operate the vehicle and includes common and contract carriers and
19 construction contractor operators but does not include taxicabs.

20 * Sec. 2. AS 42.10.280(b) is amended to read:

21 (b) A common carrier shall file with the commission, and print and
22 keep open to public inspection, schedules showing the maximum and minimum
23 rates, charges, and classifications for the transportation of property
24 within the state between each point upon its route, and between each
25 point upon its route and each point upon every route leased, operated,
26 or controlled by it, and between each point upon its route or upon any
27 route leased, operated, or controlled by it and each point upon the
28 route of a common carrier, whenever a through route and joint rate has
29 been established or ordered between two such points. If no joint rate

1 over a through route has been established, the carriers in a through
2 route shall file, print, and keep open to public inspection the separ-
3 ately established rates, charges, and classifications applied to the
4 through transportation. The schedules of contract and common carriers
5 shall plainly state the places between which property will be carried,
6 and the schedules of common carriers shall also contain classifications
7 of property in force, and state separately all terminal, storage, icing,
8 and other charges which the commission requires to be stated, all privi-
9 leges or facilities allowed, and rules and regulations which affect or
10 determine any part or the aggregate of the rates and charges, or the
11 value of the service given to the shipper or consignee. The schedules
12 shall be plainly printed in large type. The carrier shall keep a copy
13 of each schedule readily accessible for inspection by the public in
14 every station or office where property is received for transportation
15 when the station or office is in charge of an agent, and in every station
16 or office of the carrier where bills of lading or receipts for property
17 are issued. The carrier shall produce a schedule for inspection upon
18 the demand of any person. The carrier shall keep posted in two public
19 and conspicuous places in each station in which a schedule is kept a
20 notice, printed in bold type, which states that the schedules are on
21 file with the agent and open to inspection by any person, and that the
22 agent will assist the person to determine rates or rules and regulations.
23 The commission shall prescribe the form of schedules. The form shall
24 conform as nearly as practicable to the form of schedules required by
25 the Interstate Commerce Commission.

26 * Sec. 3. AS 42.10.420(7)(A) is amended to read:

27 (A) a person who transports by motor vehicle, [WITH OR]
28 without compensation, property which is owned or is being bought or
29 sold by him, or property of which he is the seller or [,] purchaser

1 [, LESSEE OR BAILEE,] and the transportation is incidental to and
2 in furtherance of some other primary business conducted by the
3 person in good faith;

4 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).

Introduced: 2/3/81
Referred: Transportation and
Finance

1 IN THE SENATE

BY BENNETT, FAHRENKAMP AND PARR

2

35^{yr} SENATE BILL NO. 135 (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 operation and use of the~~

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highway between the Yukon River and the Arctic Ocean,

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and the use of the land adjacent to that highway; and

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providing for an effective date."

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11 * Section 1. SCSHB 207 am S (H. failed eff. date), Eleventh Legislature,
12 Second Session, was returned unsigned to the legislature by the governor on
13 the advice of the attorney general. The governor advised that the bill
14 could not become law because the same version of the bill had not been
15 passed by both houses of the legislature. In enacting secs. 2 - 7 of this
16 Act it is the intent of the Alaska Legislature to address the subject of the
17 use and operation of the highway from the Yukon River to the Arctic Ocean
18 and the use of the land adjacent to that highway in a manner which resolves
19 any problems which may have been associated with the passage of SCSHB 207
20 am S (H. failed eff. date).

21 * Sec. 2. AS 16.05.789 is repealed and reenacted to read:

22 Sec. 16.05.789. PROHIBITION ON HUNTING ADJACENT TO HIGHWAY BETWEEN
23 YUKON RIVER AND ARCTIC OCEAN. (a) Hunting with firearm is prohibited
24 north of the Yukon River in the area within five miles on either side
25 of the highway between the Yukon River and the Arctic Ocean.

26 (b) A person who violates this section is guilty of a class A
27 misdemeanor.

28 * Sec. 3. AS 19.40.100 is repealed and reenacted to read:

29 Sec. 19.40.100. USE OF THE HIGHWAY BY INDUSTRIAL OR COMMERCIAL

1 TRAFFIC. (a) The department shall maintain the highway and keep it
2 open to industrial or commercial traffic throughout the year.

3 (b) "Industrial or commercial traffic" means

4 (1) travel necessary and related to resource exploration and
5 development or to support of those activities, if the individual engaged
6 in those activities has all necessary permits; or

7 (2) travel necessary and related to access by local resi-
8 dents to their property; or

9 (3) motor carriers engaged in commerce which are common
10 carriers or contract carriers regulated by the Alaska Transportation
11 Commission under AS 42.10.

12 * Sec. 4. AS 19.40.110 is repealed and reenacted to read:

13 Sec. 19.40.110. PUBLIC USE OF A PORTION OF THE HIGHWAY. The
14 department shall maintain the section of the highway between the Yukon
15 River and Dietrich Camp and shall keep that section of the highway open
16 to use by the public between June 1 and September 1 each year.

17 * Sec. 5. AS 19.40.120 is repealed and reenacted to read:

18 Sec. 19.40.120. CLOSURE OF THE HIGHWAY TO TRAFFIC. The provisions
19 of AS 19.10.100 apply to the closure of the highway by the department.

20 * Sec. 6. AS 19.40.200 is repealed and reenacted to read:

21 Sec. 19.40.200. PROHIBITIONS ON DISPOSAL OF LAND WITHIN FIVE
22 MILES OF THE HIGHWAY. The state may not dispose of state land under
23 AS 38 which is within five miles of the right-of-way of the highway.

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25 Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road
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27 of the highway. This prohibition does not apply to a person who holds
28 a mining claim in the vicinity of the highway and who must use land
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12 highway to gain access to his mining claim.

13 * Sec. 10. AS 19.40.200 is repealed.

14 * Sec. 11. Sections 2 - 7 of this Act are retroactive to October 5,
15 1980.

16 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

A M E N D M E N T

Offered in the SENATE

By Parr

TO: ~~CSHB 586 (Fin)~~
CSHB 135 (Finance)

APR 27 1982

~~Page 1, lines 6 - 7:~~

~~Delete "permits for overweight and oversize vehicles"~~
New Title: Act relating to,
Insert *motor vehicles and carriers*

~~Page 1, after line 8:~~

~~Insert the following new material:~~
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(b) A common carrier shall file with the commission, and print and keep open to public inspection, schedules showing the maximum and minimum rates, charges, and classifications for the transportation of

property within the state between each point upon its route, and between each point upon its route and each point upon every route leased, operated, or controlled by it, and between each point upon its route or upon any route leased, operated, or controlled by it and each point upon the route of a common carrier, whenever a through route and joint rate has been established or ordered between two such points. If no joint rate over a through route has been established, the carriers in a through route shall file, print, and keep open to public inspection the separately established rates, charges, and classifications applied to the through transportation. The schedules of contract and common carriers shall plainly state the places between which property will be carried, and the schedules of common carriers shall also contain classifications of property in force, and state separately all terminal, storage, icing, and other charges which the commission requires to be stated, all privileges or facilities allowed, and rules and regulations which affect or determine any part or the aggregate of the rates and charges, or the value of the service given to the shipper or consignee. The schedules shall be plainly printed in large type. The carrier shall keep a copy of each schedule readily accessible for inspection by the public in every station or office where property is received for transportation when the station or office is in charge of an agent, and in every station or office of the carrier where bills of lading or receipts for property are issued. The carrier shall produce a schedule for inspection upon the demand of any person. The carrier shall keep posted in two public and conspicuous places in each station in which a schedule is kept a notice, printed in bold type, which

states that the schedules are on file with the agent and open to inspection by any person, and that the agent will assist the person to determine rates or rules and regulations. The commission shall prescribe the form of schedules. The form shall conform as nearly as practicable to the form of schedules required by the Interstate Commerce Commission.

* Sec. 3. AS 42.10.420(7)(A) is amended to read:

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~~Page 1, line 15:~~

~~after "relating to" insert "pilot car services and the"~~

~~Remember remaining bill sections accordingly.~~

* Sec. 4. This act takes effect immediately in accordance with AS 01.10.070 (c).

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSSB 135 (Finance)
 Title Act relating to motor vehicles and carriers
 Requested by Senate Finance committee Date 4/21/82

II. FISCAL DETAIL
 Agency Affected Commerce and Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Alaska Transportation Commission
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
Miscellaneous		350.0				
TOTAL		350.0				


FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		350.0				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE April 27, 1982 PREPARED BY 
 AGENCY Don Bennett, Chairman
 Original: Legislative Finance PHONE Senate Finance Committee
 cc: Budget and Management 3714
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

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600 LAND & STRUCTURES						
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Miscellaneous		350.0				
TOTAL		350.0				


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POSITIONS

FULL TIME						
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Revised & replaced by TRU 4/27/82 350.0

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB-586-(fin) Amended
 Title Permits for overweight and oversize vehicles.
 Requested by Senate Finance Date 4/27/82

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Alaska Transportation Commission
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		501.2				
200 TRAVEL		30.0				
300 CONTRACTUAL		85.0				
400 COMMODITIES		9.8				
500 EQUIPMENT		19.4				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		645.4				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		645.4				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		13				
PART TIME						
TEMPORARY						

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

(SEE ATTACHED)

IV. DATE April 27, 1982 PREPARED BY Larry Michou
 AGENCY _____
 Original: Legislative Finance PHONE _____
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

The fiscal impact is based on an estimate of 1,200 owner/operators that could apply for authority under amended statute. While an attempt would be made to simplify the application process, the fact remains that this legislation would effectively triple the number of motor carriers regulated by this Commission. Further, based on our experience with regulating contract carriers of bulk commodities, i. e., dump trucks, it is difficult to insure compliance with the law. Further these amendments imply that this Commission would set maximum/minimum tariffs, which is currently not being done.

In summation, the impact on the Commission staff is difficult to estimate. It is obvious that the workload for the tariff staff, enforcement staff, and support staff will at least double with the definite possibility of increased enforcement hearings to assure compliance, it also necessary to estimate the need for an additional hearing officer and assigned Assistant Attorney General. It is estimated that the cost of the program will continue at the same level through FY '84 and the future.

The additional positions recommended to carry out the work required would be as follows:

- 2 Tariff Specialists at Range 21
- 1 Administrative Support Technician at Range 12
- 6 Transportation Field Agents at Range 16 (4 of those positions in Anchorage; 1 in Fairbanks; 1 in Kenai/Soldotna)
- 2 Administrative Support Technician at Range 12 (1 of those positions in Anchorage; 1 in Fairbanks)
- 1 Hearing Officer at Range 24
- 1 Assistant Attorney General, based on interagency agreement with the Department of Law.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 135

Title "An Act...highway between Yukon River and Arctic Ocean...land adjacent..."

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected NRMEC

BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		121.2	132.1	144.0	157.0	171.1
200 TRAVEL		20.0	4.4	4.8	5.2	5.2
300 CONTRACTUAL		25.0	27.3	29.8	32.5	35.4
400 COMMODITIES		10.0	10.9	11.9	13.0	14.2
500 EQUIPMENT		39.5				5.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		215.7	174.7	190.5	207.7	231.4

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		215.7	174.7	190.5	207.7	231.4
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		2.0	2.0	2.0	2.0	2.0
PART TIME						
TEMPORARY						

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

The effect of the proposed legislation is to narrow the width of the Haul Road Corridor to 2 miles from the present width of 10 miles. It is anticipated that in conjunction with the current public access to the Highway, the narrowing of the corridor will increase public land use adjacent to the corridor for hunting and fishing.

This increased public use will require two Fish and Wildlife Protection officers to be stationed at Five Mile and Coldfoot on the Highway.

Due to recruitment and training procedures for commissioned officers, funding is not required until FY 83.

This fiscal note includes the cost of these two positions including vehicle operating costs. The first year costs also include employee relocation costs of \$8.0 per position and equipment (patrol vehicles, snow machines, rafts, and rifles).

(See below)

IV. DATE February 17, 1982

PREPARED BY Marcia Lynn McKenzie

AGENCY Department of Public Safety

Original: Legislative Finance

PHONE 465-4349

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

A 9% inflation factor has been applied to all line items for FY 84-87 after adjusting for relocation and equipment costs.

Introduced: 2/3/81
Referred: Transportation and
Finance

1 IN THE SENATE

BY BENNETT, FAHRENKAMP AND PARR

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4 TWELFTH LEGISLATURE - FIRST SESSION

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6 in those activities has all necessary permits; or

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Original sponsors: Bennett, Fahrenkamp
and Parr

Offered: 2/11/82
Referred: Finance

1 IN THE SENATE

BY THE TRANSPORTATION COMMITTEE

2

CS FOR SENATE BILL NO. 135 (Transportation)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - SECOND SESSION

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A BILL

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18 Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road
19 vehicles are prohibited on land within one mile [FIVE MILES] of the
20 right-of-way of the highway. This prohibition does not apply to a
21 person who holds a mining claim in the vicinity of the highway and who
22 must use land within one mile [FIVE MILES] of the right-of-way of the
23 highway to gain access to his mining claim.

24 * Sec. 7. AS 16.05.789(a) is amended to read:

25 (a) Hunting with a rifle or handgun [FIREARMS] is prohibited north
26 of the Yukon River in the area within one mile [FIVE MILES] on either
27 side of the highway between the Yukon River and the Arctic Ocean.

28 * Sec. 8. AS 19.40.200 is repealed.

29 * Sec. 9. Sections 2 - 5 of this Act are retroactive to October 5, 1980.

1 * Sec. 10. This Act takes effect immediately in accordance with AS 01.-
2 10.070(c).

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STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N - JUNEAU 99811

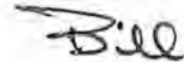
February 25, 1982

The Honorable Don Bennett
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear ~~Senator~~ ^{Don} Bennett:

In response to your memo, dated February 22, 1982, see the attached fiscal note.

Sincerely,



William R. Nix
Commissioner

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 135

Title "An Act...highway between Yukon River and Arctic Ocean...land adjacent..."

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected NRMEC

BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TPAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
		-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME		-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

No fiscal impact.

IV. DATE February 24, 1982

PREPARED BY Walter V. Lawson

AGENCY Department of Public Safety

Original: Legislative Finance

PHONE 465-4336

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Alaska State Legislature

SENATOR

DON BENNETT

P.O. BOX 2001
FAIRBANKS, ALASKA 99707



Senate

LEGISLATIVE ADDRESS

POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811

February 22, 1982

William R. Nix, Commissioner
Department of Public Safety
Pouch N

Dear Commissioner Nix:

I have received the enclosed fiscal note from your department regarding SB 135, of which I am a sponsor.

I would appreciate learning from you the criteria used by your department to determine that this bill would require two more protection officers at the specific locations listed along the Haul Road. I also would appreciate knowing if that same criteria applies to other public highways in the state, such as the Steese, Taylor, and Denali highways, and if so, the locations where those officers are presently stationed.

Thank you in advance for your help.

Best Regards,

Senator Don Bennett

xc: Walter V. Lawson, Director
Admin. Services

GD - 2/24/82

DB/jk

DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER'S OFFICE
Juneau, Alaska

FEB 24 1982

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 135 - Relating to operation & use of
Title highway between the Yukon River and the Arctic Ocean
Requested by Senator Ray Date 2/1/82

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected Maintenance and Operations
BRU, Program, Or Subprogram(s) Affected North Slope Haul Road
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	-0-	-0-				

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						
TOTAL	-0-	-0-				

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

- 1) This bill represents a zero fiscal impact to DOT/PF since all capital and operating costs related to the public opening of the Dalton Highway are covered within the normal budgeting process.
- 2) Agencies other than DOT/PF may have fiscal impacts which have not been included in this fiscal note.

IV. DATE February 4, 1982

PREPARED BY RS

AGENCY Southeast Planning & Programming; DOT/PF

Original: Legislative Finance

PHONE 364-4331

cc. Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)