

SB

210

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 16, 1994

FURTHER REFERRALS:

Date of Committee Action: 4/21/94

The FINANCE Committee considered:

CSSB 210(FIN)

CS FOR SENATE PILL NO. 210(FIN) am DISPOSAL OF DALTON HWY RIGHT-OF-WAY LAND

"An Act relating to disposals of state land within five miles of the right-of-way of the Dalton Highway to a licensed public utility or a licensed common carrier; relating to disposals of state land for nonresidential development in nodes of development along the Dalton Highway; requiring licensed public utilities to pay the costs of change, relocation, or removal of a utility facility due to construction of a highway project; and allowing state leases and materials sales for reconstruction and maintenance of state highways and construction or maintenance of airports."

RECOMMENDATIONS:

be replaced with HCSCSSB 210(FIN) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) DNR 4/15/94
DOTPF 2/7/94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Ronald J. Larson</u>	<input checked="" type="checkbox"/>	<u>Eileen Maclean</u>		<input checked="" type="checkbox"/>	
<u>Mark Hanley</u>	<input checked="" type="checkbox"/>	<u>GRUSSINCLIFF</u>		<input checked="" type="checkbox"/>	
<u>Larry Martin</u>	<input checked="" type="checkbox"/>				
<u>Sean R. Parnell</u>	<input checked="" type="checkbox"/>				
<u>Mike Navarre</u>	<input checked="" type="checkbox"/>				
<u>Tay Brown</u>	<input checked="" type="checkbox"/>				
<u>Richard Foster</u>	<input checked="" type="checkbox"/>				

Ronald J. Larson
CHAIRMAN'S SIGNATURE Maclean

FISCAL NOTE

Revision Date:
Title: Disposal of Dalton Hwy Right Of Way Land

Department Affected: DOT&PF
BRU: Northern Region Planning

Sponsor: Sharp
Requestor:

Component: Northern Region Planning
Component Serial Number: #578

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY94) impact: \$0

Changes in CSSB 210 (FIN)
have no fiscal impact. This
fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)

Adoption of this bill would not adversely affect DOT&PF. As a possible user of utility services, DOT&PF may benefit from it.

2-15-94
date: Comte Aide (initial)

Prepared by: Norman Piisanen

Phone: 451-2385

Division: Northern Region Planning

Date: January 14, 1994

Approved by Commissioner: B.A. Campbell

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: January 18, 1994

Changes in CSSB 210 (RES)
have no fiscal impact. This
fiscal note is appropriate.

FISCAL NOTE

No. 3
 Bill Version: SSB 210 (Fin)
 (S) Publish Date: 2-15-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

B)

Revision Date: 14-Feb-94 Dept Affected: Natural Resources
 Title: "An Act relating to disposals of state land within BRU: Resource Development
five miles of the right-of-way of the Dalton Highway to a licensed..." Component: Land Development
 Sponsor: Senator Sharp
 Requestor: Senate Finance Committee Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	10.0 / 50.0	10.0 / 50.0	20.0 / 50.0	20.0 / 50.0	20.0 / 50.0	20.0 / 50.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

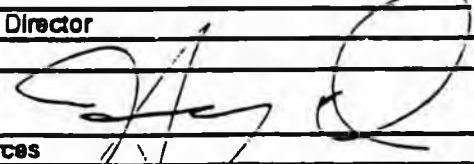
POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

DNR supports the bill.

Revenue generation can vary widely depending on whether the highway is opened for public use. The figures above reflect both situations (closed / open).

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 14-Feb-94
 Approved by Commissioner:  Date: 14-Feb-94
 Agency: Natural Resources

HOUSE CS FOR CS FOR SENATE BILL NO. 210(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: -
Referred:

Sponsor(s): SENATOR SHARP
REPRESENTATIVE James

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to disposals of state land within five miles of the right-of-way
2 of the Dalton Highway to a licensed public utility or a licensed common carrier;
3 relating to disposals of state land for nonresidential development in nodes of
4 development along the Dalton Highway; requiring licensee public utilities to pay
5 the costs of change, relocation, or removal of a utility facility due to construction
6 of a highway project; and allowing state leases and materials sales for
7 reconstruction and maintenance of state highways and construction or maintenance
8 of airports."

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

10 * Section 1. AS 19.40.200(b) is amended to read:

11 (b) The prohibition on disposal of state land under (a) of this section does not
12 apply to a disposal

1 (1) to a licensed public utility or a licensed common carrier under
2 AS 38.05.810(e);

3 (2) for the reauthorization of leases that were in effect on
4 January 1, 1994, for nonresidential purposes within the following development
5 nodes:

6 Coldfoot:

7 Township 28 North, Range 12 West, Fairbanks Meridian

8 Sections 9 - 10

9 Sections 15 - 16

10 Yukon River Crossing:

11 Township 13 North, Range 11 West, Umiat Meridian

12 Section 26;

13 (3) for nonresidential development within the following
14 development node:

15 Deadhorse:

16 Township 10 North, Range 14 East, Umiat Meridian

17 Sections 24 - 25

18 Township 10 North, Range 15 East, Umiat Meridian

19 Section 19

20 Section 30; or

21 (4) necessary for

22 (A) [(1)] an oil and gas lease under AS 38.05.180;

23 (B) [(2)] exploration, development, production, or transportation
24 of oil and gas north of 68 degrees north latitude; or

25 (C) [(3)] a state lease or materials sale for

26 (i) exploration, development, production, or transportation
27 of oil and gas; [OR]

28 (ii) reconstruction or maintenance of state highways; or

29 (iii) construction or maintenance of airports [THE
30 HIGHWAY NORTH OF 68 DEGREES NORTH LATITUDE].

31 * Sec. 2. AS 19.40.200 is amended by adding a new subsection to read:

1
2
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4
5
6

(d) Notwithstanding another provision of law, when the department determines and orders that a utility facility located across, along, over, under, or within the highway right-of-way must be changed, relocated, or removed, the licensed public utility owning or maintaining the facility shall change, relocate, or remove it in accordance with the order and is responsible for the cost of the change, relocation, or removal.

8-LS1100
Luckhaupt
4/18/94

HOUSE CS FOR CS FOR SENATE BILL NO. 210()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR SHARP

REPRESENTATIVE James

A BILL

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30 HIGHWAY NORTH OF 68 DEGREES NORTH LATITUDE].

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FISCAL NOTE

Revision Date: _____ Department Affected: DOT&PF
 Title: Disposal of Dalton Hwy Right Of Way Land BRU: Northern Region Planning
 Sponsor: Sharp Component: Northern Region Planning
 Requestor: _____ Component Serial Number: #578

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY94) impact: \$0

Changes in CSSB 210 (FIN) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)

Adoption of this bill would not adversely affect DOT&PF. As a possible user of utility services, DOT&PF may benefit from it.

2-15-94 date mm Comte Aide (initial)

Prepared by: Norman Piispanen
 Division: Northern Region Planning
 Approved by Commissioner: [Signature]
 Agency: Department of Transportation and Public Facilities

Phone: 451-2385
 Date: January 14, 1994
 Phone: 465-3901
 Date: January 18, 1994

Changes in CSSB 210 (RES) have no fiscal impact. This fiscal note is appropriate.

FISCAL NOTE

No. 3
 Bill Version: SSB 210 (Fin)
 (S) Publish Date: 2-15-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

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Revision Date: 14-Feb-94 Dept Affected: Natural Resources
 Title: "An Act relating to disposals of state land within BRU: Resource Development
five miles of the right-of-way of the Daltor Highway to a licensed..." Component: Land Development
 Sponsor: Senator Sharp
 Requestor: Senate Finance Committee Component Serial No. 431

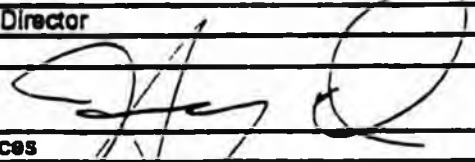
Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
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LAND & STRUCTURES						
GRANTS, CLAIMS						
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TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	10.0 / 50.0	10.0 / 50.0	20.0 / 50.0	20.0 / 50.0	20.0 / 50.0	20.0 / 50.0

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS		FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME		0	0	0	0	0	0
PART-TIME		0	0	0	0	0	0
TEMPORARY		0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)
 DNR supports the bill.
 Revenue generation can vary widely depending on whether the highway is opened for public use. The figures above reflect both situations (closed / open).

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 14-Feb-94
 Approved by Commissioner:  Date: 14-Feb-94
 Agency: Natural Resources

SPONSOR STATEMENT

CSSB-210(Fin)

Senator Bert Sharp

Under current statute, the state is prohibited from disposing of or leasing state land within five miles of the right-of-way of the Dalton Highway. The state has recently acquired several parcels of land in this area, under its land selection allocation, yet it cannot be leased or purchased. This is in spite of the fact that the previous owner (federal BLM) did lease parcels in these areas.

In the summer of 1992, Summit Telephone Company applied to the Alaska Public Utilities Commission for certification to provide telephone service to Coldfoot and Wiseman. BLM assured them they would not have any problems obtaining a long term lease for a central switching office and 60 foot radio tower in Coldfoot.

Upon receiving certification from APUC, Summit immediately went to BLM to obtain the land. They were told that the land surrounding Coldfoot had been transferred to the State of Alaska, and they would have to apply to the Department of Natural Resources to obtain land in Coldfoot.

The Department of Natural Resources informed Summit Telephone that there could be no leasing or sale of land in the Coldfoot area, because such disposal was prohibited by statute.

Also included in the land transfer was the transfer to the state of existing leaseholds and pending leasehold applications.

The state is unable to renew existing leases as they expire or to consider new applications, or accomodate legitimate state needs. Besides the Summit Telephone application, there are existing leases, some of which are at Coldfoot to Petro Star, Inc. for a 33-acre parcel and a Unocal staging area at Franklin Bluffs.

There are several other application pending.

The Department of Natural Resources has testified that the lands involved and subject to leasing or sale are located in areas where such activity is presently allowed.

Those are the five mile Yukon River Crossing, Coldfoot-Wiseman and the Happy Valley-Franklin Bluffs areas and Deadhorse.

Senate Bill 210 would modify this ban and allow the Department of Natural Resources to lease the land for non-residential development. This would enable telephone service, airport and highway maintenance activities to proceed as well as public service needs.

I urge your favorable vote on this legislation. Thank you.

SECTIONAL ANALYSIS

CSSB 210(Fin)

An Act relating to disposal of state land within five miles of the right-of-way of the Dalton Highway for certain uses.

*Section 1. The allowable uses for state land under AS 19.40.200(b) of this section is expanded to include:

(b)(1) a licensed public utility or a licensed common carrier under AS 38.05.810(e);

(b)(2) nonresidential development within the Yukon River Crossing, Coldfoot, Happy Valley, Franklin Bluffs and Deadhorse development areas;

(b)(3)(C)(ii) reconstruction or maintenance of state highways;

(b)(3)(C)(iii) construction or maintenance of airports.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

January 24, 1994

The Honorable Mike Miller
Chair, Resources Committee
Alaska State Senate
State Capitol
Juneau, Alaska 99801-1182

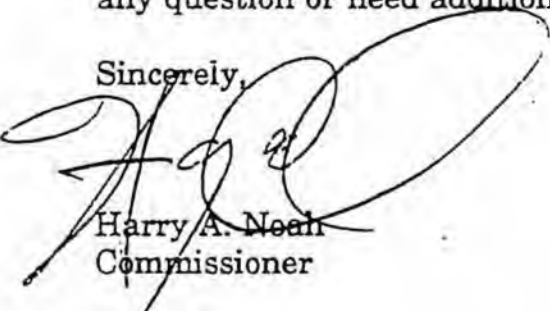
Dear Senator Miller:

We fully support Senate Bill 210 which authorizes the Department of Natural Resources to dispose of state land within five miles of the right-of-way of the Dalton Highway to a licensed public utility or a licensed common carrier. This is needed to allow for the construction and operation of such things as pipelines, electric and telephone lines. These uses are currently prohibited under AS 19.40.200.

We would also recommend that the statute be further amended to authorize the Department to dispose of land for industrial and commercial uses within the identified development nodes at Coldfoot, Happy Valley, Franklin Bluffs, Yukon Crossing and Deadhorse. In the last year, land at these locations has been conveyed to the state. We are prohibited from issuing leases or permits, for even the existing facilities, at these locations. In addition, we are prohibited from removing or disposing of gravel. There is currently a need for gravel at Deadhorse for airport improvement that we are unable to provide.

Please feel free to contact me or Ron Swanson, Director, Division of Land, if you have any question or need additional information.

Sincerely,



Harry A. Neath
Commissioner

HAN/sf

cc: Senator Sharp
Commissioner Bruce Campbell, DOT/PF
Ron Swanson, Director, Div. of Land
Jerry Gallagher, Legislative Liaison, DNR
Raga Elim, Legislative Liaison, Office of the Governor



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: SB 210

APPROVED: 

TITLE: Disposal of Dalton Hwy
Right of Way Land

DATE: January 18, 1994

The Department of Transportation and Public Facilities (DOT&PF) supports amendment of AS 19.40.200 to allow disposal of state land within five miles of the Dalton Highway right of way for the purpose of establishing public utility systems.

DOT&PF recommends that AS 19.40.200 also be amended to allow disposal of state land and materials for construction, improvement and maintenance of public facilities. Such an amendment would facilitate work on corridor airports, service roads, access roads and waysides, as well as on the Dalton Highway south of 68 degrees north latitude.

For Further Information contact J.K. Ginger Johnson at 465-3904.

SUMMIT TELEPHONE COMPANY
571 Aquilla Street
Fairbanks, Alaska 99712
Phone (907)452-1012

April 29, 1992

Senator Bert Sharp
State Capital
Juneau, Alaska 99801-1182

Dear Senator Sharp:

In the summer of 1992, Summit Telephone Company, Inc. (Summit) decided to apply to the Alaska Public Utilities Commission (APUC) to serve the communities of Coldfoot and Wiseman. Our plan required that we obtain an acre or two at Coldfoot for the central switching office and 60 ft. radio tower. We visited the federal BLM office here in Fairbanks to discuss the land acquisition. The BLM informed us that there would be no problem obtaining a long term lease of federally owned property in Coldfoot for such a purpose.

Recently the APUC certified Summit to serve the Coldfoot and Wiseman area. Yesterday we visited the BLM office to begin the paperwork to obtain a lease. The BLM told us that the land surrounding Coldfoot had been transferred to the State of Alaska in August 1992. We would have to apply to the Alaska DNR to obtain land at Coldfoot.

We visited the Alaska DNR office in Fairbanks. We were told that there could be no leasing or sale of land by the state in the Coldfoot area because such disposals are prohibited by AS 19.40.200.

Sec. 19.40.200. Disposal of land or materials. (a) The state may not dispose of state land under AS 38 which is within five miles of the right-of-way of the highway.

(b) The prohibition on disposal of state land under (a) of this section does not apply to a disposal necessary for

- (1) an oil and gas lease under AS 38.05.180;
- (2) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or
- (3) a state lease or materials sale for exploration, development, production, or transportation of oil and gas or reconstruction or maintenance of the highway north of 68 degrees north latitude.

(c) Before the sale of materials under (b)(3) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed.

P. Stoop to Senator Sharp
April 29, 1993
Page 2

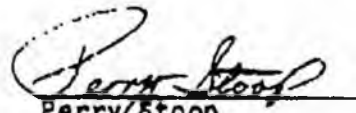
This prohibition against nearly all uses of state land seems needlessly harsh. There is a population in the area that has need of a public telephone utility. The state has a lot of land in the area, yet none of that land can be leased or purchased from the state for use by Summit, the certificated public telephone utility. Elsewhere, Alaska Statutes allow for the lease or purchase of state land by licensed (certificated) public utilities.

Sec. 38.05.810(e) The lease, sale, or other disposal of state land at appraised fair market value may be negotiated with a licensed public utility or a licensed common carrier by the director with the approval of the commissioner if the utility or carrier reasonably requires the land for the conduct of its business under its license.

Summit suggests that §19.40.200(h) be changed as follows to allow state land to be available to public utilities:

§19.40.200(h) The prohibition of disposal of state land under (a) of this section does not apply to AS 38.05.810(e) nor to a disposal necessary for
(1) an oil

I would be glad to discuss this issue with you at any time. Thank you.


Perry Stoop

HOUSE COMMITTEE REPORT

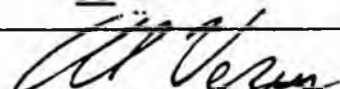
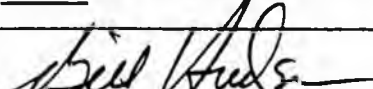
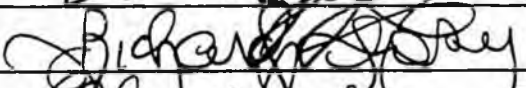
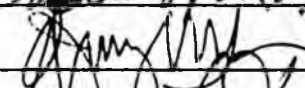
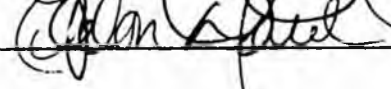
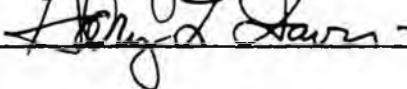
(7) Date Referred: March 2, 1994 FURTHER REFERRALS Finance

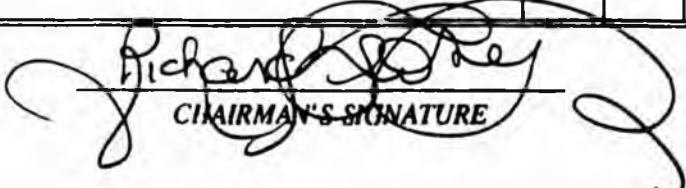
Date of Committee Action: 3/15/94
 The TRANSPORTATION Committee considered: CSSB 210(FIN) am
CS FOR SENATE BILL NO. 210(FIN) am DISPOSAL OF DALTON HWY RIGHT-OF-WAY LAND
 "An Act relating to disposals of state land within five miles of the right-of-way of the Dalton Highway to a licensed public utility or a licensed common carrier; relating to disposals of state land for nonresidential development in nodes of development along the Dalton Highway; requiring licensed public utilities to pay the costs of change, relocation, or removal of a utility facility due to construction of a highway project; and allowing state leases and materials sales for reconstruction and maintenance of state highways and construction or maintenance of airports."

- RECOMMENDATIONS: | | the same title
 be replaced with _____ | | a new title
- have attached amendments(s)
 - do pass
 - do not pass
 - no recommendations
 - individual recommendations
 - additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal impact _____ fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
	x			✓	
	x			✓	
	x			✓	


 CHAIRMAN'S SIGNATURE

