

SB

275



Department of Transportation
and Public Facilities

POSITION PAPER

BILL NO: SB 275

APPROVED: 

TITLE: Disposal of Real Property
by DOT&PF

DATE: February 7, 1994

DOT&PF is in favor of the proposed legislation. The provisions of AS 3805.030 are ambiguous and contradictory with respect to DOT&PF. The AG's opinion is that since the statute expressly states that the DOT&PF has the authority to dispose of highway lands and does not so specify for airport or facilities lands, then DOT&PF's authority to dispose of airport or facilities lands, either by sale or exchange, is repealed by implication (failure to list Title 2 and Title 35 when Title 19 is mentioned). DOT&PF's right to dispose or exchange airport (Title 2) or public facilities (Title 35) lands has been a problem for several years.

The clarification of DOT&PF's authority to dispose of airport or facilities lands will benefit both DOT&PF and DNR. It will allow DOT&PF to correct trespass problems it has at several airports across the state. It will also allow DOT&PF to exchange old airport or facilities sites for new sites without tying up DNR staff and resources resulting from DNR being used as a middleman to accomplish these exchanges.

DOT&PF requests the following language be added to SB 275 to also clarify DOT&PF's authority to dispose of facilities lands: AS 35.05.040(1) and (2) and AS 35.20.010 - 35.20.050.

DNR has indicated to DOT&PF that it does not oppose the proposed changes, but would like language added to ensure that any land transferred from state ownership to municipal ownership is charged against any outstanding entitlement the municipal government may have pursuant to Title 29. DOT&PF has no objection to the following language being added to the legislation. "Land conveyed under this section to a municipality of the state shall be credited against a municipality's remaining entitlement under AS 29.65, unless this land conveyance is in consideration for other lands required for state purposes.

TRANS
CS
INCLUDES
BOTH
CHANGES

FISCAL NOTE

Revision Date: Department Affected: DOT&PF
 Title: Disposal of Real Property by DOT&PF BRU:
 Sponsor: Senate Transportation Component:
 Requestor: Component Serial Number:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jonathan A. Widdis, Director

Phone: 266-1460

Division: Statewide Aviation

Date: February 7, 1994

Approved by Commissioner: 

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: February 7, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB275

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act relating to the disposal of real property BRU: Resource Development
by the Department of Transportation and Public Facilities." Component: Land Development
 Sponsor: Senate Transportation Committee
 Requestor: Senate Transportation Committee Component Serial No. 431

(Thousands of Dollars)

Expenditures/Revenues	FY95	FY96	FY97	FY98	FY99	FY00
OPERATING EXPENDITURES						
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 ()	0.0	0.0	0.0	0.0	0.0	0.0

(Thousands of Dollars)

FUND SOURCE	FY95	FY96	FY97	FY98	FY99	FY00
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)

The Department of Natural Resources supports this bill. We suggest an amendment that if land is conveyed to a municipality that has an acreage entitlement under AS 29.65, that the land conveyed would be charged against that entitlement.

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 9-Feb-94
 Approved by Commissioner: [Signature]
Harry A. Noah Date: 9-Feb-94
 Agency: Natural Resources

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

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December 13, 1993

Senator Bert M. Sharp
119 N. Cushman Street, Suite 201
Fairbanks, AK 99701-2879

Representative Richard Foster
P.O. Box 1630
Nome, AK 99762-1630

Dear Senator Sharp and Representative Foster:

Enclosed are three proposed pieces of legislation which I would appreciate being introduced through the Transportation Committees in the next session:

AS 43.40.010

The increase in aviation fuel tax in the amount of \$.007/gallon is the result of the Legislative request to not assess landing fees on rural airports.

See the Legislative intent language contained in the DOT&PF FY'94 operating budget.

AS 38.05.030

This amendment simply makes airport property disposal consistent with highway property disposal. This is a housekeeping measure which should have been handled when DOT&PF was created -- it wasn't.

All property and right-of-ways are handled in one DOT&PF section and this housekeeping measure makes the operations consistent.

AS 19.05.040

This minor addition to the statutes allows DOT&PF to enter property to determine if hazardous substances exist. This change is needed because DOT&PF has purchased property for right-of-way purposes only to find out that it is contaminated and the cost of cleanup exceeded the cost of moving the facility to avoid the contaminated area had that fact been known.

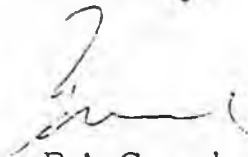
LETTER FROM D.O.T.
COMMISSIONER
BRUCE CAMPBELL

DOT&PF with this change would be able to know, in advance of purchase, if property is contaminated.

There are two or three more items that are in the mill that will be transmitted later.

Please let me know if you have any questions or I can provide more data.

Sincerely,

A handwritten signature in dark ink, appearing to read "B.A. Campbell", written over a light-colored background.

B.A. Campbell
Commissioner

Enclosures