

HB

210

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 210

Revision Date	<u>1/8/98</u>	Dept. Affected	<u>DOT&PF</u>
Title	<u>Airport Duty-Free Concessions</u>	BRU	<u>Anch & Frbnks International Airports</u>
		Component	<u>Airport Operations</u>
Sponsor	<u>Representative Rokberg</u>		
Requester	<u>House Transportation</u>	Component Serial No.	<u>1812, 1813</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Heal.h						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Department of Transportation and Public Facilities anticipates no additional costs associated with passage of House Bill 210.

Prepared by	<u>Dennis Poshard</u>	Phone <u>465-3901</u>
Division	<u>Special Assistant</u>	Date <u>1/8/98</u>
Approved by	<u>[Signature]</u>	Date <u>1/8/98</u>
Agency	<u>DOT&PF</u>	

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HB 210

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
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

May 6, 1997

SUBJECT: Retroactivity of application of HB 210 to current contracts
(Work Order No. 10-LS0826\A)

TO: Representative Norman Rokeberg
Attn: Janet Seitz

FROM:  Theresa Bannister
Legislative Counsel

This memo accompanies the amendment that you requested for the bill described above to make it clear that the bill applies to contracts in effect on the effective date of the Act.

You will note that the amendment contains an express statement that it is retroactive. After further consideration of the application of the bill to current contracts, I believe that application of the bill to current contracts may, in fact, be retroactive. The reason for this conclusion is that the bill would give a different legal effect to the contracts than they had before the effective date of the bill. This stems from the fact that after the effective date the contracts become eligible for an extension they weren't eligible for before. The express statement in sec. 2 proposed by the amendment is necessary to make sure that the bill will be interpreted to operate retroactively.

Application of the bill to contracts entered into before the effective date of this Act would also be considered a retroactive application of the bill, even if the language, "including a contract entered into before the effective date of this Act," were not added. Therefore, if you want to make sure that your bill covers those current contracts, I recommend adding the language in the amendment.

If I may be of further assistance, please advise.

TLB:lmb
97-076.lmb

0-LS0826A.1
Bannister
5/6/97

AMENDMENT

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: HB 210
Sponsor: Pearce Date: 5/8/97
Logged In By: [Signature]

OFFERED IN THE SENATE
TO: HB 210

- 1 Page 1, line 6, following the second occurrence of "contract":
- 2 Insert ", including a contract entered into before the effective date of this Act,"

- 3 Page 1, following line 10:
- 4 Insert a new bill section to read:
- 5 "* Sec. 2. To the extent sec. 1 covers contracts entered into before the effective date of
- 6 this Act, sec. 1 is retroactive under AS 01.10.090."

SENATE FINANCE
COMMITTEE

Amendment Number: 2

Bill Number: HB 210

Sponsor: _____ Date: 4/30/98

Logged In By: Mindy

0-LS0826\K.1'

Bannister

4/29/98

AMENDMENT

OFFERED IN THE SENATE

TO: SCS HB 210(FIN), Draft Version "K"

1 Page 1, line 2, following "extension":

2 Insert "and modification"

3 Page 2, line 7:

4 Delete "a new subsection"

5 Insert "new subsections"

6 Page 2, line 14, following "contract":

7 Insert ", except for a holdover for the convenience of the department"

8 Page 2, following line 14:

9 Insert a new subsection to read:

10 "(h) If the contractor makes a substantial investment in leasehold
11 improvements ^{approved by department,} subsequent to the award of a contract under this section, the
12 commissioner may modify any contract provision that would increase the contractor's
13 contract payments because of an increase in the contractor's income due to the
14 leasehold improvements."

*Sen Jacques move
Sen Jacques move do
and and
amended w/ dit object*

*amended Amendment #2
adopted w/ dit
object*

SENATE FINANCE
COMMITTEE

Amendment Number: 3

Bill Number: HB 210

Sponsor: Adams Date: 5/1/98

Logged In By: Mindy

by Senator Adams

moved

Co Chair Sharp object

2-3 FAILED

AMENDMENT

OFFERED IN THE SENATE

TO: SCSHB210(FIN), Draft Version "K"

Page 1, line 13, following "commissioner"

Delete "shall"

insert "may"

SENATE FINANCE
COMMITTEE

Amendment Number: 4
Bill Number: HB 210
Sponsor: Adams Date: 5/1/98
Logged In By: Mindy

AMENDMENT

OFFERED IN THE SENATE

TO: SCSHB210(FIN), Draft Version "K"

Page 1, line 13, following "years."

Delete "The"

Insert "For each land lease the"

Page 1, line 14

Delete "^aan"

Insert "one"

by Senator Adams
move by Adams
Sen Panell object removed

Conceptual
adopted w/out objection
Amended #4

move to amend Sen Adams
no objection

0-LS0826K
Bannister
4/29/98

*Sen Joseph move to
adopt
what object* ADOPTED
WORK DRAFT

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

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to leases of state-owned or state-controlled airport or air
2 navigational facility land; and relating to the extension of contracts for the sale
3 and delivery of in-bond merchandise at international airports."

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

5 * Section 1. AS 02.15.090(c) is amended to read:

6 (c) Notwithstanding the right of the public to rightful, equal, and uniform use
7 under (a) of this section, before the expiration of a land lease, including the
8 termination of a lease in hold over status, entered into under this section, the lessee may
9 apply for a new lease, or for an extended term under the existing lease, for the same
10 land. The duration of a new lease under this subsection, including any extensions
11 of that lease, may not exceed 55 years. The duration of an extension under this
12 subsection, when added to the lease being extended and to any earlier extensions
13 of the lease being extended, may not exceed 55 years. The commissioner shall
14 approve the application for a new land lease or an extended term under this section

one

Adams moved amended #4
SCS HB 210(FIN)

moved by Adams
sponsor objected
work with drafters
0-LS0826K

WORK DRAFT

WORK DRAFT

1 without offering the land to other persons for leasing ~~and without regard to the~~
2 ~~number of the lessee's prior leases or lease extensions for the same land~~ if

3 (1) the lessee is in compliance with the terms and conditions of the
4 existing or holdover lease; and

5 (2) the continued use of the leasehold is consistent with written airport
6 operation policies and is in the state's best interest.

7 * Sec. 2. AS 02.15.091 is amended by adding a new subsection to read:

8 (g) Notwithstanding the other provisions of this section, the department may
9 extend a contract for the sale and delivery of in-bond merchandise at an international
10 airport if an extension is expressly permitted under the procurement solicitation for and
11 under the provisions of the contract being extended, if the contractor agrees, and if the
12 department determines that extension of the contract is in the best interest of the state
13 and of the airport. An extension under this subsection may not extend a contract for
14 an additional period longer than the original term of the contract.