

SB

171

I-LS0957K
Utermohle
5/16/99

HOUSE CS FOR SENATE BILL NO. 171(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR HALFORD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the release of certain records and reports required by the
2 Department of Fish and Game regarding fish, shellfish, or fishery products and
3 reports of fish buyers and processors; relating to the transfer of land to the
4 state; and providing for an effective date."

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

6 * Section 1. AS 16.05.815(a) is amended to read:

7 (a) Except as provided in (b) and (c) of this section, records required by
8 regulations of the department concerning the landings of fish, shellfish, or fishery
9 products, and annual statistical reports of buyers and processors required by regulation
10 of the department are confidential and may not be released by the department or by
11 the Alaska Commercial Fisheries Entry Commission except as set out in this
12 subsection. The department may release the records and reports set out in this
13 subsection to the Alaska Commercial Fisheries Entry Commission. The
14 department and the Alaska Commercial Fisheries Entry Commission may release

1 the records and reports set out in this subsection to the recipients identified in this
2 subsection if the recipient, other than a recipient under (5) - (8) [(4) - (6)] of this
3 subsection, agrees to maintain the confidentiality of the records and reports. The
4 department and the Alaska Commercial Fisheries Entry Commission may release

5 (1) any of the [ITS] records and reports to the National Marine
6 Fisheries Service and the professional staff of the North Pacific Fishery Management
7 Council as required for preparation and implementation of the fishery management
8 plans of the North Pacific Fishery Management Council within the exclusive economic
9 zone;

10 (2) any of the records and reports to the professional staff of the
11 Pacific States Marine Fisheries Commission who are employed in the Alaska
12 Fisheries Information Network project for the purpose of exchanging information
13 with users authorized by the department;

14 (3) [(2)] any of the [ITS] records and reports to the Department of
15 Revenue [AND TO THE ALASKA COMMERCIAL FISHERIES ENTRY
16 COMMISSION] to assist the Department of Revenue [THEM] in carrying out its
17 [THEIR] statutory responsibilities;

18 (4) [(3)] records or reports of the total value purchased by each buyer
19 to a municipality that levies and collects a tax on fish, shellfish, or fishery products
20 if the municipality requires records of the landings of fish, shellfish, or fishery
21 products to be submitted to it for purposes of verification of taxes payable;

22 (5) [(4)] such records and reports as necessary to be in conformity with
23 a court order;

24 (6) [(5)] on request, the report of a person to the person whose fishing
25 activity is the subject of the report;

26 (7) [(6)] fish tickets and fish ticket information to the division of fish
27 and wildlife protection, Department of Public Safety;

28 (8) fish tickets and fish ticket information to the law enforcement
29 personnel of the National Marine Fisheries Service and the National Oceanic and
30 Atmospheric Administration for the purpose of enforcing fishery laws in waters
31 of this state and in waters of the exclusive economic zone adjacent to this state;

1 (9) [(7)] fish tickets and fish ticket information regarding halibut to the
2 International Pacific Halibut Commission; and

3 (10) [(8)] any of the [ITS] records and reports to the child support
4 enforcement agency created in AS 25.27.010, or the child support enforcement agency
5 of another state, for child support purposes authorized under law.

6 * Sec. 2. AS 16.20.041(e) is amended to read:

7 (e) The department and the Department of Natural Resources

8 (1) may not enter into sales of land within the McNeil River State
9 Game Refuge;

10 (2) may enter into leases within the McNeil River State Game Refuge
11 if the commissioner finds that activity conducted under the lease is compatible with
12 the purposes for which the refuge is established;

13 (3) may not accept transfer of state selected land from the federal
14 government, or conveyance of other land, within the refuge if the land is subject
15 to

16 (A) a lease, easement, or other right to operate or maintain
17 a private facility on the land or to conduct a private enterprise on the
18 land; or

19 (B) a continuing trespass by an unauthorized private facility
20 or private enterprise.

21 * Sec. 3. AS 16.20.162(c) is amended to read:

22 (c) The department and the Department of Natural Resources

23 (1) may not enter into sales of land within the McNeil River State
24 Game Sanctuary;

25 (2) may enter into leases within the McNeil River State Game
26 Sanctuary if the commissioner finds that activity conducted under the lease is
27 compatible with the purposes for which the sanctuary is established;

28 (3) may not accept transfer of state selected land from the federal
29 government, or conveyance of other land, within the sanctuary if the land is
30 subject to

31 (A) a lease, easement, or other right to operate or maintain

1 a private facility on the land or to conduct a private enterprise on the
 2 land; or

3 (B) a continuing trespass by an unauthorized private facility
 4 or private enterprise.

5 * Sec. 4. AS 42.40.285 is amended to read:

6 Sec. 42.40.285. Legislative approval required. Unless the legislature
 7 approves the action by law, the corporation may not

8 (1) exchange, donate, sell, or otherwise convey its entire interest in
 9 land;

10 (2) issue bonds;

11 (3) extend railroad lines; this paragraph does not apply to a spur,
 12 industrial, team, switching, or side track;

13 (4) lease land for a period in excess of 35 years unless the corporation
 14 reserves the right to terminate the lease if the land is needed for railroad purposes;

15 (5) apply for or accept a grant of federal land within a
 16 municipality; before approving an action under this paragraph, the legislature
 17 must determine that the federal land is required for essential railroad purposes;
 18 this paragraph does not apply to the application for or acceptance of a grant of
 19 federal land associated with

20 (A) the Anchorage-Wasilla line change project on Elmendorf
 21 Air Force Base and Fort Richardson;

22 (B) the Fairbanks intermodal rail yard expansion project.

23 * Sec. 5. AS 42.40.410 is amended to read:

24 Sec. 42.40.410. Federal land. Except as provided in AS 42.40.285(5), the
 25 [THE] corporation may submit applications on its own behalf as an instrumentality of
 26 the state for acquisition of federal land available under federal law that will enhance
 27 the operations of the corporation if it is available under a federal law other than the
 28 Alaska Statehood Act of 1958 (P.L. 85 - 508, 72 Stat. 339), as amended. The
 29 corporation may receive in its own name conveyances of all interests in federal land.

30 * Sec. 6. Sections 1 - 3 of this Act take effect immediately under AS 01.10.070(c).

1-LS0957AK
Utermohle
5/16/99

HOUSE CS FOR SENATE BILL NO. 171(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR HALFORD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the release of certain records and reports required by the
2 Department of Fish and Game regarding fish, shellfish, or fishery products and
3 reports of fish buyers and processors; relating to the transfer of land to the
4 state; and providing for an effective date."

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

6 * Section 1. AS 16.05.815(a) is amended to read:

7 (a) Except as provided in (b) and (c) of this section, records required by
8 regulations of the department concerning the landings of fish, shellfish, or fishery
9 products, and annual statistical reports of buyers and processors required by regulation
10 of the department are confidential and may not be released by the department or by
11 the Alaska Commercial Fisheries Entry Commission except as set out in this
12 subsection. The department may release the records and reports set out in this
13 subsection to the Alaska Commercial Fisheries Entry Commission. The
14 department and the Alaska Commercial Fisheries Entry Commission may release

1 the records and reports set out in this subsection to the recipients identified in this
2 subsection if the recipient, other than a recipient under (5) - (8) [(4) - (6)] of this
3 subsection, agrees to maintain the confidentiality of the records and reports. The
4 department and the Alaska Commercial Fisheries Entry Commission may release

5 (1) any of the [ITS] records and reports to the National Marine
6 Fisheries Service and the professional staff of the North Pacific Fishery Management
7 Council as required for preparation and implementation of the fishery management
8 plans of the North Pacific Fishery Management Council within the exclusive economic
9 zone;

10 (2) any of the records and reports to the professional staff of the
11 Pacific States Marine Fisheries Commission who are employed in the Alaska
12 Fisheries Information Network project for the purpose of exchanging information
13 with users authorized by the department;

14 (3) [(2)] any of the [ITS] records and reports to the Department of
15 Revenue [AND TO THE ALASKA COMMERCIAL FISHERIES ENTRY
16 COMMISSION] to assist the Department of Revenue [THEM] in carrying out its
17 [THEIR] statutory responsibilities;

18 (4) [(3)] records or reports of the total value purchased by each buyer
19 to a municipality that levies and collects a tax on fish, shellfish, or fishery products
20 if the municipality requires records of the landings of fish, shellfish, or fishery
21 products to be submitted to it for purposes of verification of taxes payable;

22 (5) [(4)] such records and reports as necessary to be in conformity with
23 a court order;

24 (6) [(5)] on request, the report of a person to the person whose fishing
25 activity is the subject of the report;

26 (7) [(6)] fish tickets and fish ticket information to the division of fish
27 and wildlife protection, Department of Public Safety;

28 (8) fish tickets and fish ticket information to the law enforcement
29 personnel of the National Marine Fisheries Service and the National Oceanic and
30 Atmospheric Administration for the purpose of enforcing fishery laws in waters
31 of this state and in waters of the exclusive economic zone adjacent to this state;

1 ~~(9)~~ [(7)] fish tickets and fish ticket information regarding halibut to the
2 International Pacific Halibut Commission; and

3 ~~(10)~~ [(8)] any of the [ITS] records and reports to the child support
4 enforcement agency created in AS 25.27.010, or the child support enforcement agency
5 of another state, for child support purposes authorized under law.

6 * Sec. 2. AS 16.20.041(e) is amended to read:

7 (e) The department and the Department of Natural Resources

8 (1) may not enter into sales of land within the McNeil River State
9 Game Refuge;

10 (2) may enter into leases within the McNeil River State Game Refuge
11 if the commissioner finds that activity conducted under the lease is compatible with
12 the purposes for which the refuge is established;

13 (3) may not accept transfer of state selected land from the federal
14 government, or conveyance of other land, within the refuge if the land is subject
15 to

16 (A) a lease, easement, or other right to operate or maintain
17 a private facility on the land or to conduct a private enterprise on the
18 land; or

19 (B) a continuing trespass by an unauthorized private facility
20 or private enterprise.

21 * Sec. 3. AS 16.20.162(c) is amended to read:

22 (c) The department and the Department of Natural Resources

23 (1) may not enter into sales of land within the McNeil River State
24 Game Sanctuary;

25 (2) may enter into leases within the McNeil River State Game
26 Sanctuary if the commissioner finds that activity conducted under the lease is
27 compatible with the purposes for which the sanctuary is established;

28 (3) may not accept transfer of state selected land from the federal
29 government, or conveyance of other land, within the sanctuary if the land is
30 subject to

31 (A) a lease, easement, or other right to operate or maintain

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

a private facility on the land or to conduct a private enterprise on the land; or

(B) a continuing trespass by an unauthorized private facility or private enterprise.

* Sec. 4. AS 42.40.285 is amended to read:

Sec. 42.40.285. Legislative approval required. Unless the legislature approves the action by law, the corporation may not

(1) exchange, donate, sell, or otherwise convey its entire interest in land;

(2) issue bonds;

(3) extend railroad lines; this paragraph does not apply to a spur, industrial, team, switching, or side track;

(4) lease land for a period in excess of 35 years unless the corporation reserves the right to terminate the lease if the land is needed for railroad purposes;

(5) apply for or accept a grant of federal land within a municipality; before approving an action under this paragraph, the legislature must determine that the federal land is required for essential railroad purposes; this paragraph does not apply to the application for or acceptance of a grant of federal land associated with

(A) the Anchorage-Wasilla line change project on Elmendorf Air Force Base and Fort Richardson;

(B) the Fairbanks intermodal rail yard expansion project.

* Sec. 5. AS 42.40.410 is amended to read:

Sec. 42.40.410. Federal land. Except as provided in AS 42.40.285(5), the [THE] corporation may submit applications on its own behalf as an instrumentality of the state for acquisition of federal land available under federal law that will enhance the operations of the corporation if it is available under a federal law other than the Alaska Statehood Act of 1958 (P.L. 85 - 508, 72 Stat. 339), as amended. The corporation may receive in its own name conveyances of all interests in federal land.

* Sec. 6. Sections 1 - 3 of this Act take effect immediately under AS 01.10.070(c).

ORIGINAL HALFORD BILL IS 1-3

Remains will be 90 days

FLOOR COMMENTS ON HCS SB 171 (RLS)

(Note: Ogan and Hudson will carry Sections 1 thru 3.)

Section 4 of the bill adds to the list of things for which the Railroad must obtain legislative approval.

It adds the requirement that they get legislative approval before they apply for or receive a grant of land, that is within a municipality, from the federal government.

It exempts two projects that are already underway, one in Anchorage and one in Fairbanks.

Additional Comment on HCS SB 171 (RLS)

The provisions of Sections 4 and 5 regarding the Alaska Railroad Corporation prohibit the corporation from either applying for or accepting a grant of federal land within a municipality without certain legislative action being taken.

Several exceptions are provided for currently planned projects, but there is no verbiage excepting conveyances of federal land which is part of the railroad original entitlement from its 1985 creation. The bulk of the rail properties that were transferred to ARRC in 1985 from the federal government were not in patents, but were in licenses or interim conveyances. A great deal of this land is within municipalities and includes industrial leased property as well as railroad operating property. Final patents have yet to be issued, but are expected within the next year or so. Without specifically excepting these conveyances, the language creates an ambiguity as to whether they are include within the term "accepting a grant of federal land".

An additional exception to cure this ambiguity could be added to the language of Section 4 (page 4, at line 23) as follows:

ORIGINAL

(C) any conveyances of "rail properties of the Alaska Railroad"
~~contemplated~~ under the Alaska Railroad Transfer Act of 1982 and as
defined therein.

[at the same time, the "." (period) at the end of line 22 should be deleted and replaced by the following: "; and"]

Additional Comment on HCS SB 171 (RLS)

The provisions of Sections 4 and 5 regarding the Alaska Railroad Corporation prohibit the corporation from either applying for or accepting a grant of federal land within a municipality without certain legislative action being taken.

Several exceptions are provided for currently planned projects, but there is no verbiage excepting conveyances of federal land which is part of the railroad original entitlement from its 1985 creation. The bulk of the rail properties that were transferred to ARRC in 1985 from the federal government were not in patents, but were in licenses or interim conveyances. A great deal of this land is within municipalities and includes industrial leased property as well as railroad operating property. Final patents have yet to be issued, but are expected within the next year or so. Without specifically excepting these conveyances, the language creates an ambiguity as to whether they are include within the term "accepting a grant of federal land".

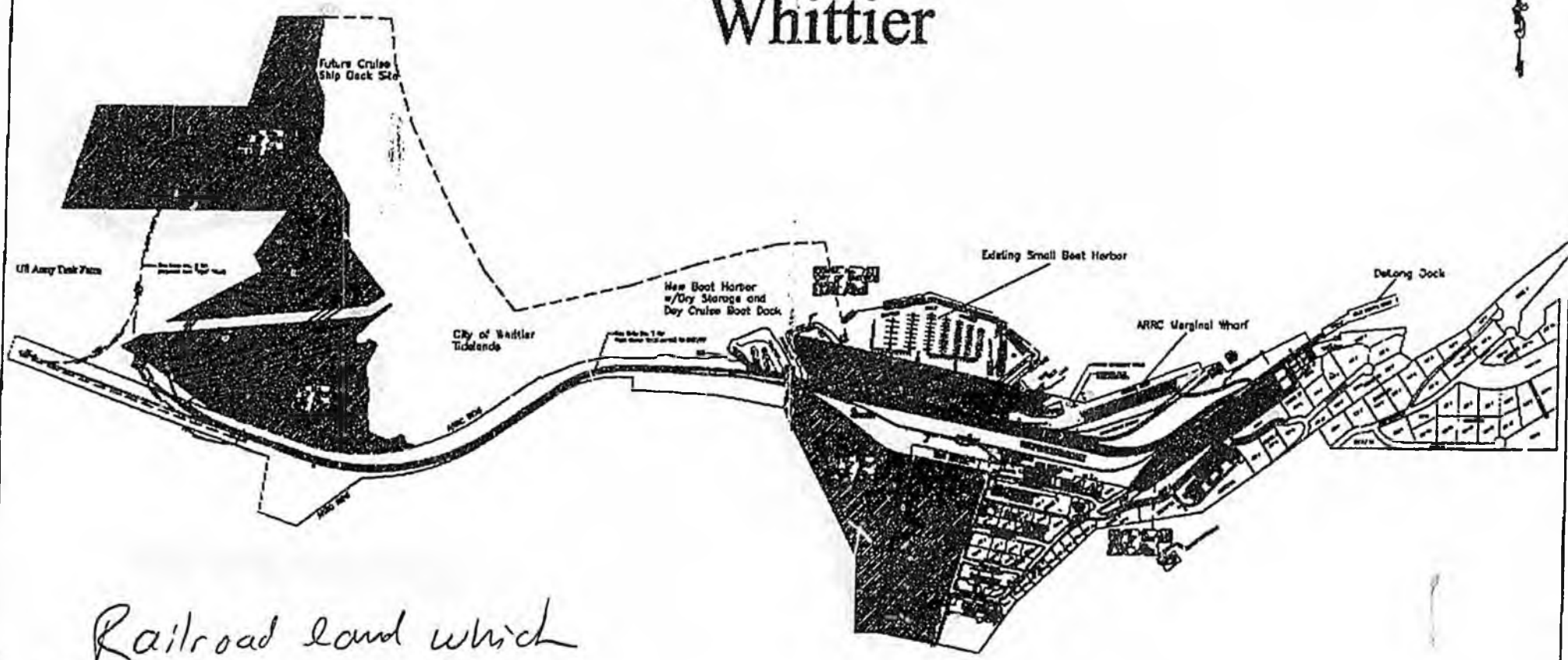
An additional exception to cure this ambiguity could be added to the language of Section 4 (page 4, at line 23) as follows:

ORIGINAL

(C) any conveyances of "rail properties of the Alaska Railroad" ~~contemplated~~ under the Alaska Railroad Transfer Act of 1982 and as defined therein.

[at the same time, the "." (period) at the end of line 22 should be deleted and replaced by the following: "; and"]

Whittier



Railroad land which has been leased to Whittier for \$1.00 per year.

LEGEND:
 — ARRC Contract No. 7531 are non-operational lands Leased to the City of Whittier.
 — ARRC Reserve Boundary

- NOTES:**
- 1) That portion of West Camp Road within the ARRC ROW will be permitted to the State, OOT/PT with Easement access provided to the City of Whittier.
 - 2) ARRC will retain a 50' wide ROW centered on the ARRC Seaside Track until such time a new "eye" track is constructed and this track is removed.
 - 3) Proposed new "eye" track location. The exact location will be determined once the land has been acquired and a new alignment study completed.

ARRC NON-OPERATIONAL LEASE LANDS
 Core Town Lease Area 80,485 Acres
 West Camp (head of bay) Area 106,037 Acres
 Total Lease Area 186,522 Acres

THE ALASKA RAILROAD CORPORATION 327 West Ship Creek Avenue Anchorage, Alaska 99501	
ARRC / City of Whittier ARRC Land Lease Map	
DATE OF MAP	SCALE: 1" = 100'
DATE THIS MAP	SHEET 1 of 1
FILE NO. FOR THIS MAP	FILE NO. FOR THIS MAP

WHITTIER ISSUES

May 1999

Historical relevance between the Alaska Railroad Corporation (ARRC) and the City of Whittier related to the transfer of the DeLong Dock to the Alaska Railroad Corporation.

This background overview is to better understand the Alaska Railroad Corporation's (ARRC) request for the ownership of the U.S. Army's DeLong Dock be transferred to the ARRC.

1. DeLong Dock Historical Background

The Alaska Railroad was constructed and operated by the U.S. Government from its inception in 1914. In the 1940's, a railroad spur to Whittier was constructed in support of military logistics during World War II. Other Federal facilities constructed in Whittier for support of the war effort included the DeLong Dock, petroleum tank farm and other buildings for housing and administration.

Then in March 1964, Alaska suffered a severe earthquake that destroyed the military tank farm facilities. After the earthquake the U.S. Army exsessed the DeLong Dock and dock ownership was then transferred to the Alaska Railroad to be used in conjunction with its freight and barge operation.

In April 1973, the U.S. Army completed construction of a new fuel facility in Whittier. At the request of the U.S. Army, the Alaska Railroad exsessed the DeLong Dock and ownership of the dock facilities was transferred back to the U.S. Army, to support the off-loading of fuel for the military bases in Alaska.

Presently, those fuel facilities and the DeLong Dock are no longer needed by the military and are presently in the process of being exsessed once again by the U.S. Army and the Alaska Railroad is requesting that ownership of the DeLong Dock be transferred back to the Railroad.

In May 2000, the Anton Anderson tunnel into Whittier will be opened to both vehicular traffic and rail traffic. Whittier is the gateway to Prince William Sound and will become a popular water recreational location for sightseeing, boating and both recreational and commercial fishing because of its close proximity to Alaska's largest city, Anchorage.

Consequently, there will be an influx of people traveling to Whittier and demands for more public services such as parking, restroom facilities to support the recreational boating, fishing and day cruise operators. The land underlying the Army fuel facilities and the DeLong Dock can play an important role in addressing these critical needs if they can be made available for such uses. The existing fuel facilities' property can be used by the City of Whittier as a parking area in addition to providing access to other ARRC and additional properties owned by the City of Whittier.

2. Alaska Railroad Community Relationship Background

The ARRC has had a cooperative commitment to the City of Whittier and the following list outlines some of the long-term commitments which the Railroad has provided:

- Permits and lease of Railroad non-operating property
 - History of reduced lease payment rates (yearly administrative fee of \$200)
 - Development of ARRC land for the boat harbor managed by the City.
 - Development of ARRC land for the State owned ferry dock.
- Rail Transportation services provide to the City
- Railroad has provided funds to the City for security and ARRC Dock monitoring services.
- Emergency Hy-rail vehicle training and assistance
- Annual trash cleanup - the Railroad has provided rail cars during the spring for trash cleanup and train haul-out to Anchorage.
- Winter snow removal - the railroad provides both personnel & equipment to assist the City to clear snow from the city streets

3. Most recent efforts related to the effects of access to the City

- All non-operating Railroad lands have been leased to the City of Whittier. Those lands have been leased for \$1.00 annually. When the City develops and sub-leases those lands, the revenues will be shared jointly by the City (60%) and the Railroad (40%). In this manner the City has an opportunity to build a tax base for itself and for the first five years will receive the major portion of the revenue from those property leases.
 - The Railroad and Alaska State DOT contributed \$50,000 each to conduct and produce a Master Development Plan for the specific purpose of identifying both the short term and long term critical needs of the City in preparation of the tunnel opening to vehicular traffic May 2000. The State DOT administered a contract with HDR Consultants to conduct the study.
 - The Railroad funded a land survey and produced a land lease base map of those Railroad lands leased to the City.
 - The Railroad is designing and will construct a Pedestrian Overpass over its rail yard and fence the yard to allow pedestrians an easy access to small boat harbor, thereby eliminating a potential safety hazard of people walking through movement of rail cars in the rail yard.
 - State DOT/PF funded and is constructing a new road wayside at boat harbor area.

- The Railroad has been coordinating the access to the City during the construction phases of the rail tunnel by holding weekly meetings with the City, DOT and the contractor. Emergency access in & out of Whittier during the period of total closure has been coordinated by the Railroad.
- Prior to construction and during the planning phases of master development, the Railroad conducted numerous Community-wide informational meetings with:
 - Whittier City Council
 - Whittier town hall meetings
 - Day Cruise operators
 - Commercial fishing operators
- The Railroad and City have verbally agreed on a Memorandum of Understanding (MOU) for "interim use" of the DeLong Dock which is currently pending disposal by the U.S. Army.
- The Railroad agreed to develop a long term Memorandum of Understanding over joint use of the Dock on a permanent basis once ownership is transferred to the Railroad.

*Enice According to
the Mayor today*

Other recent issues:

- CIRI Day cruise building permit denied by the City after verbal OK during design
- Cruise companies have not made a decision to return to Whittier for off-loading their passengers.

The Railroad has been responsive to all City requests to help them develop their community in preparation of the Tunnel opening in May 2000.

Alaska Railroad use of the DeLong Dock:

- If the Railroad were to get ownership of the dock both the City and the Railroad agree to work together to develop the dock facility and adjoining ground for Cruise Ship, Day Cruise, Commercial Fishing and Fish processing operations that require public use of the facilities.
- The road through the rail tunnel is scheduled for opening for vehicular traffic in May 2000. That is the reason for the immediate need to act now on the transfer of the DeLong Dock. The pressure for access to Prince William Sound has already begun this year in anticipation of the tunnel opening next year. If the transfer cannot occur soon, a "use permit" for the summer of 1999 would help alleviate this summer's demand, providing a transfer would be forthcoming.
- There is an immediate need to allow the public use of the dock this summer for fishermen loading their catch or use by day cruise operators for day excursions. The ARRC will actively pursue a permit from the U.S. Army for temporary use of the properties until such time as the property disposal process is finalized. This is needed to relieve the existing small boat harbor of approximately fifty transit slips the commercial fishing fleet use during the fishing season. These slips could then be reassigned for public use to help relieve the increased need for slips due to the road opening.
- In conjunction with the commercial fishing in Prince William Sound, fish processing is projected to increase at around ten percent annually for the next few years. The Railroad and City of Whittier are working together with the current processors to develop an area of uplands that would be available for processing facilities. The most logical location would be as close to the docking facilities the fishing fleet are using, which would be the DeLong Dock if the ARRC were to receive ownership.
- Currently there are four Day Cruise boat operators with six boats in the 100 foot range with semi-temporary facilities established around the small boat harbor. The current cruise boat operators plan to add an additional two boats and three new operators are planning to bring four more boats to Whittier by the spring of 2000. This would bring the total day cruise boats needing berthing facilities in Whittier to twelve (12) boats.
- In addition to all this, the large cruise ship operators are looking at Whittier for their future expansion needs. This location will become very economical to them when the road access is completed. With two or three large ships requiring berthing space the existing ARRC dock could be reserved for these larger ships if the DeLong Dock could be used for berthing location the Day Cruise boats.

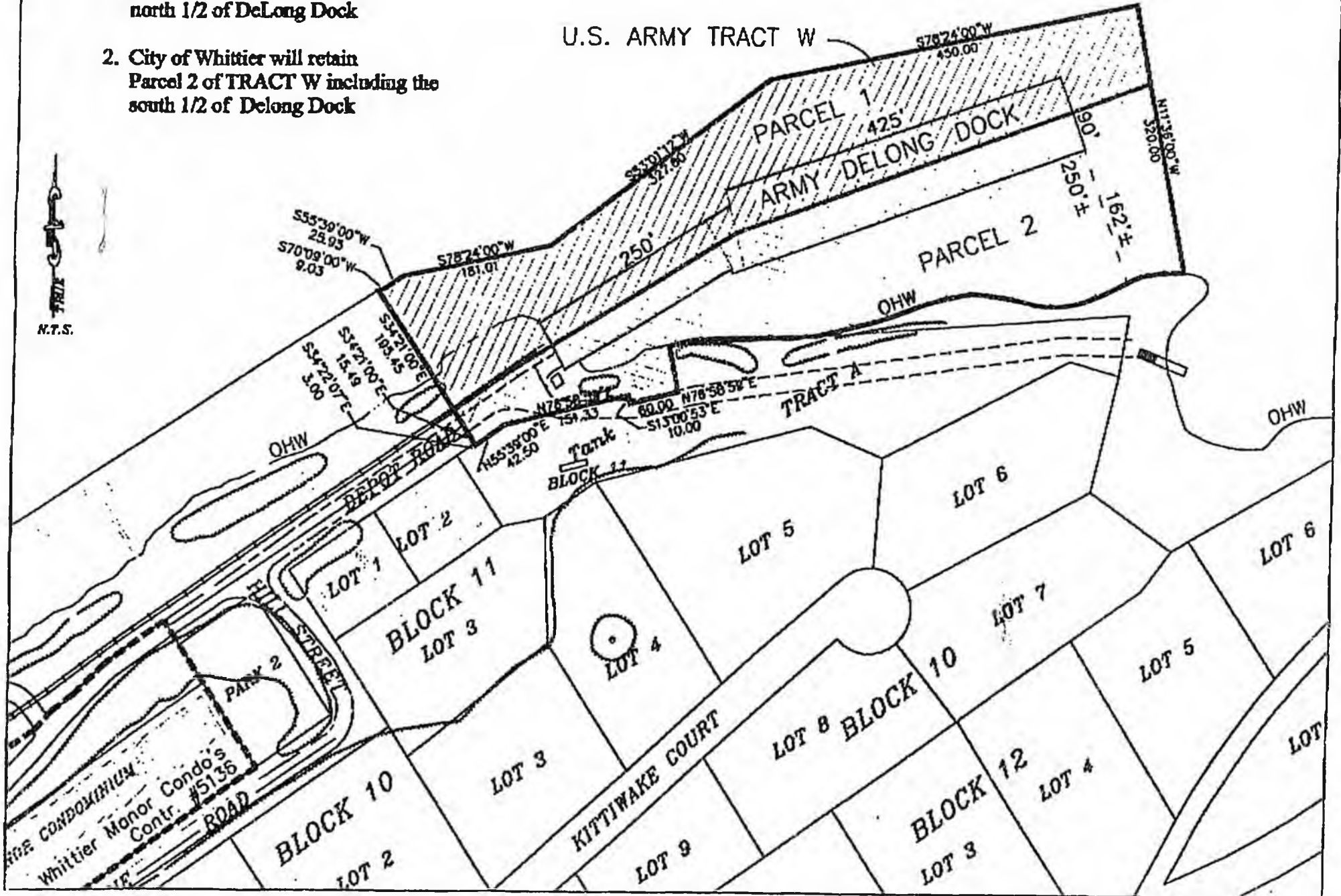
ATTACHMENT A

Interim Use, Delong Dock - TRACT W

NOTES:

1. ARRC will retain Parcel 1 of TRACT W including the north 1/2 of DeLong Dock
2. City of Whittier will retain Parcel 2 of TRACT W including the south 1/2 of DeLong Dock

U.S. ARMY TRACT W



Additional Comment on HCS SB 171 (RLS)

The provisions of Sections 4 and 5 regarding the Alaska Railroad Corporation prohibit the corporation from either applying for or accepting a grant of federal land within a municipality without certain legislative action being taken.

Several exceptions are provided for currently planned projects, but there is no verbiage excepting conveyances of federal land which is part of the railroad original entitlement from its 1985 creation. The bulk of the rail properties that were transferred to ARRC in 1985 from the federal government were not in patents, but were in licenses or interim conveyances. A great deal of this land is within municipalities and includes industrial leased property as well as railroad operating property. Final patents have yet to be issued, but are expected within the next year or so. Without specifically excepting these conveyances, the language creates an ambiguity as to whether they are include within the term "accepting a grant of federal land".

An additional exception to cure this ambiguity could be added to the language of Section 4 (page 4, at line 23) as follows:

(C) any conveyances of "rail properties of the Alaska Railroad" contemplated under the Alaska Railroad Transfer Act of 1982 and as defined therein.

[at the same time, the "." (period) at the end of line 22 should be deleted and replaced by the following: "; and"]

RAMONA,

My staff just talked to the Mayor of Whittier and the City Manager. They have not agreed to any M.O.U. with the railroad on the DeLong Dock. The City has a lease on the non-essential property around Whittier, for 1 dollar per year for 5 years. After 5 years it turns in to a 60/40 split on revenues generated.

John,

Attached is a memo from the Railroad's legal counsel.

He contends that the amendment in SB 171 would prohibit the ARRC from receiving the final patent to land which was conveyed to them at the time of ARRC's creation in 1985. This land was transferred using licenses and interim conveyances pending final patented title.

I ran this ARRC's memo by George Utermohl in Legislative Legal. He believes they have a legitimate point.

My analysis is this:

ARRC's contention is valid, BUT, it doesn't mean that HCS SB171(RLS) is invalid. Rather, it means that the bill's effect is broader. It has greater impact than they anticipated.

It was presumed that the lands accompanying the railroad transfer were beyond reach for legislative approval. Now, in fact, the legislature will be able to review every acre the railroad gets.

If it is not necessary for railroad operations, then some of the land may be used better by the Department of Natural Resources or local government.

This is the first and only accountability the Railroad has to the legislature.

**Status of Land Negotiation between the City of Whittier &
the Alaska Railroad Corporation**

May 17, 1999

1. As a direct result of HB512 (20th Legislature), as well as with the assistance of former Governor Walter Hickel and others, the City of Whittier and the ARRC have reached an agreement whereby the City of Whittier will lease, for a nominal sum, non-essential rail lands in Whittier for the purposes of private sector development and long term subleasing. Both the City and the ARRC will share in proceeds. Development will be subject to local building ordinances and improvements will be subject to property tax.
2. A draft memorandum of agreement is before the City of Whittier council regarding an the interim use of the DeLong Dock, currently owned by the U.S. Department of Defense. Once final agreement is reached between the City and the ARRC, and the property is transferred to the Corps of Engineer, the dock property could be used for commercial activity in 1999 and presumably until the Corps permanent transfers title to the property.
3. Only recently did the City of Whittier learn of the ARRC's efforts to permanently transfer the DeLong Dock property directly to the ARRC through an act of Congress. This came as a shock to the City and Section 4 of SB171, amended House Rules, would address such a transfer. It is the expressed intention of the City of Whittier to acquire the DeLong Dock property for long term economic development purposes. This intent has been expressed to the Department of Defense for consideration in the property disposal process as well as to the Congressional delegation as early as August 1998.

**Status of Land Negotiation between the City of Whittier &
the Alaska Railroad Corporation**

May 17, 1999

1. As a direct result of HB512 (20th Legislature), as well as with the assistance of former Governor Walter Hickel and others, the City of Whittier and the ARRC have reached an agreement whereby the City of Whittier will lease, for a nominal sum, non-essential rail lands in Whittier for the purposes of private sector development and long term subleasing. Both the City and the ARRC will share in proceeds. Development will be subject to local building ordinances and improvements will be subject to property tax.
2. A draft memorandum of agreement is before the City of Whittier council regarding an the interim use of the DeLong Dock, currently owned by the U.S. Department of Defense. Once final agreement is reached between the City and the ARRC, and the property is transferred to the Corps of Engineer, the dock property could be used for commercial activity in 1999 and presumably until the Corps permanent transfers title to the property.
3. Only recently did the City of Whittier learn of the ARRC's efforts to permanently transfer the DeLong Dock property directly to the ARRC through an act of Congress. This came as a shock to the City and Section 4 of SB171, amended House Rules, would address such a transfer. It is the expressed intention of the City of Whittier to acquire the DeLong Dock property for long term economic development purposes. This intent has been expressed to the Department of Defense for consideration in the property disposal process as well as to the Congressional delegation as early as August 1998.

STATUS OF PRIORITY SENATE LEGISLATION

Bill #	Sponsor	Short Title	Status	Hrg Date	Nxt Cmte
SB 10	Donley	UNDERGROUND UTILITIES	(H) 3RD READING, 5-18		
SB 11	Donley	PRISON TIME CREDITS FOR MURDERERS	(H) RLS		
SB 28	(S) RLS	INCREASE IN PROGRAM RECEIPTS	(H) RLS		
SB 32	(S) RLS	CAPITAL BUDGET APPROPRIATIONS	(H) FIN	(H) FIN 05/17/99 10:00AM	(H) RLS
SB 45	Halford	LAND OWNER IMMUNITY/RT-OF-WAY VACATION	(H) RLS		
SB 51	(S) CRA	LICENSING OF COSMETOLOGISTS	(H) 3RD READING, 5-17		
SB 71	SHES	PHYSICIAN LICENSURE CHANGES	(H) 3RD READING, 5-18		
SB 94	Leman	MEDICAL USE OF MARIJUANA	(H) 3RD READING, 5-17		
SB 100	S (JUD)	REIMBURSEMENT FOR PUBLIC DEFENDER	(H) JUD	(H) JUD 05/17/99 1:00PM	HFIN
SB 101	(S) FIN	DEFINITION OF DISASTER	CONF COM APPTD H&S		
SB 110	Wilken	HAZARDOUS SUBST. RELEASE: GOVT ENTITY	(H) 3RD READING, 5-17		
SB 128	(S) FIN	STORAGE TANK ASSISTANCE FUND	(H) RLS		(H) RLS
SB 135*	(S) TRA	METROPOLITAN PLANNING AUTHORITY	(H) TRA	(H) TRA 05/17/99 1:00PM	(H) RLS
SB 155	Leg Council	SALARY REPORTS: LEG/EXEC/JUDICIAL BRANCH	(H) 3RD READING, 5-17		
SB 157	(S) FIN	POWER COST EQUALIZATION	(H) FIN	(H) FIN 05/17/99 10:00AM	
SB 169	(S) FIN	OPERATING BUDGET MISSIONS AND MEASURES	(H) 3RD READING, 5-17		
SB 171	Halford	FISHERY DATA; LAND REC'D BY STATE	(H) 3RD READING, 5-17		

STATUS OF PRIORITY LEGISLATION-HOUSE

BILL NUMBER	SPONSOR	SHORT TITLE	STATUS	HRG DATE	NEXT CMTE	COMP BILL	PRIORITY
HB 37	ROKEBERG	SMOKING CESSATION AND EDUCATION PROGRAMS	SHES	17-May			1
HB 40	KOHRING	DEPT OF COMMUNITY & ECONOMIC DEVELOPMENT	SRLS			SB116	
HB 50	GOVERNOR	OPERATING BUDGET APPROPRIATIONS	CC				
HB 51	GOVERNOR	MENTAL HEALTH APPROPRIATIONS	CC				
HB 57*	GOVERNOR*	STATE & MUNI IMMUNITY FOR Y2K	SJUD		SFIN	SB 37	
HB 69	ROKEBERG*	ALCOHOLIC BEVERAGE CONTROL BOARD	SRLS				2
HB 70	DYSON	PUBLIC SCHOOL SURVEYS	RECONS.				3
HB 79	HL&C	UNIFORM COMMERCIAL CODE:LETTERS OF CREDIT	FLOOR				2
HB 82	ROKEBERG	IMMUNITY:CLAIMS ARISING FROM Y2K PROBLEMS	SRLS				4
HB 83	HL&C	ALASKA SECURITIES ACT	FLOOR				1
HB 84	GOVERNOR*	INTERNATIONAL AIRPORT REVENUE BONDS	SRLS			SB 60	
HB 87	GOVERNOR*	UNEMPLOYMENT TRUST FUND	SFIN	17-May	FLOOR-PR	SB63	
HB 93	MORGAN	RURAL ASSISTANCE HOUSING LOANS	SFIN				1
SSHB 96	ROKEBERG	DEPOSITS TO THE PERMANENT FUND	SRLS				10
HB 131	GREEN	ANCHORAGE COASTAL WILDLIFE REFUGE	SRLS				1
HB 156	LB&A	PERMANENT FUND INVESTMENTS	RECONS.				
HB 157	SANDERS	PFD ALLOWABLE ABSENCES	SRLS				
HB 158	ROKEBERG	NOTICE OF INS. CANCELLATION TO ELDERLY	FLOOR				
HB 161	HFIN	REDUCTIONS IN BENEFIT PROGRAMS	FLOOR				
HB 187	HVES	CERTIFICATES OF NEED FOR HEALTH FACILITY	FLOOR				
HB 225	COWDERY	CAMPAIGN FINANCE AND LEGISLATIVE ETHICS	FLOOR				
HB 227	OGAN	HATCHER PASS PUBLIC USE AREA	SRLS				
HB 231	HRLS	ALASKA INCOME ACCOUNT/PFDS	SFIN	17-May			
HB 232	HRLS	APPROP: BUDGET RESERVE TO AK INCOME ACCT	HRLS				

1-LS09571
Utermohle
5/15/99

HOUSE CS FOR SENATE BILL NO. 171(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR HALFORD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the release of certain records and reports required by the
2 Department of Fish and Game regarding fish, shellfish, or fishery products and
3 reports of fish buyers and processors; relating to the transfer of land to the
4 state; and providing for an effective date."

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

6 * Section 1. AS 16.05.815(a) is amended to read:

7 (a) Except as provided in (b) and (c) of this section, records required by
8 regulations of the department concerning the landings of fish, shellfish, or fishery
9 products, and annual statistical reports of buyers and processors required by regulation
10 of the department are confidential and may not be released by the department or by
11 the Alaska Commercial Fisheries Entry Commission except as set out in this
12 subsection. The department may release the records and reports set out in this
13 subsection to the Alaska Commercial Fisheries Entry Commission. The
14 department and the Alaska Commercial Fisheries Entry Commission may release

1 the records and reports set out in this subsection to the recipients identified in this
2 subsection if the recipient, other than a recipient under (5) - (8) [(4) - (6)] of this
3 subsection, agrees to maintain the confidentiality of the records and reports. The
4 department and the Alaska Commercial Fisheries Entry Commission may release

5 (1) any of the [ITS] records and reports to the National Marine
6 Fisheries Service and the professional staff of the North Pacific Fishery Management
7 Council as required for preparation and implementation of the fishery management
8 plans of the North Pacific Fishery Management Council within the exclusive economic
9 zone;

10 (2) any of the records and reports to the professional staff of the
11 Pacific States Marine Fisheries Commission who are employed in the Alaska
12 Fisheries Information Network project for the purpose of exchanging information
13 with users authorized by the department;

14 (3) [(2)] any of the [ITS] records and reports to the Department of
15 Revenue [AND TO THE ALASKA COMMERCIAL FISHERIES ENTRY
16 COMMISSION] to assist the Department of Revenue [THEM] in carrying out its
17 [THEIR] statutory responsibilities;

18 (4) [(3)] records or reports of the total value purchased by each buyer
19 to a municipality that levies and collects a tax on fish, shellfish, or fishery products
20 if the municipality requires records of the landings of fish, shellfish, or fishery
21 products to be submitted to it for purposes of verification of taxes payable;

22 (5) [(4)] such records and reports as necessary to be in conformity with
23 a court order;

24 (6) [(5)] on request, the report of a person to the person whose fishing
25 activity is the subject of the report;

26 (7) [(6)] fish tickets and fish ticket information to the division of fish
27 and wildlife protection, Department of Public Safety;

28 (8) fish tickets and fish ticket information to the law enforcement
29 personnel of the National Marine Fisheries Service and the National Oceanic and
30 Atmospheric Administration for the purpose of enforcing fishery laws in waters
31 of this state and in waters of the exclusive economic zone adjacent to this state;

1 (9) [(7)] fish tickets and fish ticket information regarding halibut to the
2 International Pacific Halibut Commission; and

3 (10) [(8)] any of the [ITS] records and reports to the child support
4 enforcement agency created in AS 25.27.010, or the child support enforcement agency
5 of another state, for child support purposes authorized under law.

6 * Sec. 2. AS 16.20.041(e) is amended to read:

7 (e) The department and the Department of Natural Resources

8 (1) may not enter into sales of land within the McNeil River State
9 Game Refuge;

10 (2) may enter into leases within the McNeil River State Game Refuge
11 if the commissioner finds that activity conducted under the lease is compatible with
12 the purposes for which the refuge is established;

13 (3) may not accept transfer of state selected land from the federal
14 government, or conveyance of other land, within the refuge if the land is subject
15 to

16 (A) a lease, easement, or other right to operate or maintain
17 a private facility on the land or to conduct a private enterprise on the
18 land; or

19 (B) a continuing trespass by an unauthorized private facility
20 or private enterprise.

21 * Sec. 3. AS 16.20.162(c) is amended to read:

22 (c) The department and the Department of Natural Resources

23 (1) may not enter into sales of land within the McNeil River State
24 Game Sanctuary;

25 (2) may enter into leases within the McNeil River State Game
26 Sanctuary if the commissioner finds that activity conducted under the lease is
27 compatible with the purposes for which the sanctuary is established;

28 (3) may not accept transfer of state selected land from the federal
29 government, or conveyance of other land, within the sanctuary if the land is
30 subject to

31 (A) a lease, easement, or other right to operate or maintain

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

a private facility on the land or to conduct a private enterprise on the land; or
(B) a continuing trespass by an unauthorized private facility or private enterprise.

* Sec. 4. AS 42.40.285 is amended to read:

Sec. 42.40.285. Legislative approval required. Unless the legislature approves the action by law, the corporation may not

(1) exchange, donate, sell, or otherwise convey its entire interest in land;

(2) issue bonds;

(3) extend railroad lines; this paragraph does not apply to a spur, industrial, team, switching, or side track;

(4) lease land for a period in excess of 35 years unless the corporation reserves the right to terminate the lease if the land is needed for railroad purposes;

(5) apply for or accept a grant of federal land within a municipality; before approving an action under this paragraph, the legislature must determine that the federal land is required for essential railroad purposes.

* Sec. 5. AS 42.40.410 is amended to read:

Sec. 42.40.410. Federal land. Except as provided in AS 42.40.285(5), the [THE] corporation may submit applications on its own behalf as an instrumentality of the state for acquisition of federal land available under federal law that will enhance the operations of the corporation if it is available under a federal law other than the Alaska Statehood Act of 1958 (P.L. 85 - 508, 72 Stat. 339), as amended. The corporation may receive in its own name conveyances of all interests in federal land.

* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

Leg. Act

Section one ~~of~~ ^{they three} of this Act takes effect immediately under AS 01.10.070(c). ~~delete~~

May 15, 1999

It has come to our attention that the Alaska Legislature is considering legislation which would require approval by the Legislature when the Alaska Railroad Corporation accepts federal land or property.

It would be difficult for the ARRC to operate efficiently and in a timely manner under this restriction. There are several projects which are under way that involve the transfer of federal property. Seeking Legislative approval would delay these projects. The new line change through Elemendorf and Fort Richardson involves 9 miles of federal property which will be traded for existing ARRC property. The environmental assessment is near complete on this project. Whittier, Fairbanks and other parts of Alaska may be affected by this Legislation and subsequently could affect these projects.

If the Legislature seeks this new oversight, the ARRC would like to have a chance to testify. Areas of concern are: 1) effective date (this could hopefully exempt projects which are currently underway, 2) a vehicle by which the ARRC could get Legislative approval during the interim would be desirable in order to not negatively affect the work plan and capital improvements.

Thank you for your attention to this matter.

A handwritten signature in cursive script that reads "James W. Kubitz". The signature is written in dark ink and is positioned above the printed name.

James W. Kubitz

Vice President, Real Estate and Project Planning
Alaska Railroad Corporation

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


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

MEMORANDUM

May 15, 1999

SUBJECT: Draft HCS SB 171(RLS) (Work Order No. 21-LS0957\I)

TO: Representative John Cowdery
Attn: Marco Pignalberi

FROM: George Utermohle 
Legislative Counsel

Enclosed is the draft version of a House CS for SB 171 that you requested.

As per your request, the bill incorporates section 1 of CSSB 160(TRA) into HCS CSSB 171(RES). The bill also includes a conforming amendment made to AS 42.40.410 as sec. 5 of the bill. In order to conform the language of the new section to the title of the Senate-passed version of SB 171, the portion of sec. 1, CSSB 160(TRA) that relates to federal property is not included in the HCS. The title of the bill relates only to the transfer of land to the state. However, the phrase "federal property" includes more than just land, for example trucks, cars, copyrights, other personal property, and other real property that is not land. So the provisions authorizing the Alaska Railroad to apply for or accept a grant (or transfer) of federal property that is not land is outside of the title.

You should be aware that this bill raises concerns as to whether it complies with the single subject requirement of the Alaska Constitution because it addresses apparently divergent subjects such as confidentiality of fishery data and land transfers. Given the liberal interpretation of the single subject requirement in this state, I cannot say that the proposed HCS violates the single subject requirement. The single subject of the bill would be natural resources generally or state property.

If I may be of further assistance, please advise.

GU:glc
99-279.glc

Enclosure

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

May 14, 1999

SUBJECT: Draft HCS SB 171() (Work Order No. 21-LS0957\G)

TO: Representative John Cowdery
Attn: Marco Pignalberi

FROM: George Utermohle *GU*
Legislative Counsel

Enclosed is the draft version of a House CS for SB 171 that you requested.

As per your request, the bill incorporates section 1 of CSSB 160(TRA). In order to conform the language of the new section to the title of the Senate-passed version of SB 171, the portion of sec. 1, CSSB 160(TRA) that relates to federal property is not included in the HCS. The title of the bill relates only to the transfer of land to the state. However, the phrase "federal property" includes more than just land, for example trucks, cars, copyrights, other personal property, and other real property that is not land. So the provisions authorizing the Alaska Railroad to apply for or accept a grant (or transfer) of federal property that is not land is outside of the title.

You should be aware that this bill raises concerns as to whether it complies with the single subject requirement of the Alaska Constitution because it addresses apparently divergent subjects such as confidentiality of fishery data and land transfers. Given the liberal interpretation of the single subject requirement in this state, I cannot say that the proposed HCS violates the single subject requirement. The single subject of the bill would be natural resources generally or state property.

If I may be of further assistance, please advise.

GU:jdr
99-279.jdr

Enclosure

1-LS0957AG
Utermohle
5/14/99

HOUSE CS FOR SENATE BILL NO. 171()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR HALFORD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the release of certain records and reports required by the
2 Department of Fish and Game regarding fish, shellfish, or fishery products and
3 reports of fish buyers and processors; relating to the transfer of land to the
4 state; and providing for an effective date."

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

6 * Section 1. AS 16.05.815(a) is amended to read:

7 (a) Except as provided in (b) and (c) of this section, records required by
8 regulations of the department concerning the landings of fish, shellfish, or fishery
9 products, and annual statistical reports of buyers and processors required by regulation
10 of the department are confidential and may not be released by the department or by
11 the Alaska Commercial Fisheries Entry Commission except as set out in this
12 subsection. The department may release the records and reports set out in this
13 subsection to the Alaska Commercial Fisheries Entry Commission. The
14 department and the Alaska Commercial Fisheries Entry Commission may release

1 the records and reports set out in this subsection to the recipients identified in this
2 subsection if the recipient, other than a recipient under (5) - (8) [(4) - (6)] of this
3 subsection, agrees to maintain the confidentiality of the records and reports. The
4 department and the Alaska Commercial Fisheries Entry Commission may release

5 (1) any of the [ITS] records and reports to the National Marine
6 Fisheries Service and the professional staff of the North Pacific Fishery Management
7 Council as required for preparation and implementation of the fishery management
8 plans of the North Pacific Fishery Management Council within the exclusive economic
9 zone;

10 (2) any of the records and reports to the professional staff of the
11 Pacific States Marine Fisheries Commission who are employed in the Alaska
12 Fisheries Information Network project for the purpose of exchanging information
13 with users authorized by the department;

14 (3) [(2)] any of the [ITS] records and reports to the Department of
15 Revenue [AND TO THE ALASKA COMMERCIAL FISHERIES ENTRY
16 COMMISSION] to assist the Department of Revenue [THEM] in carrying out its
17 [THEIR] statutory responsibilities;

18 (4) [(3)] records or reports of the total value purchased by each buyer
19 to a municipality that levies and collects a tax on fish, shellfish, or fishery products
20 if the municipality requires records of the landings of fish, shellfish, or fishery
21 products to be submitted to it for purposes of verification of taxes payable;

22 (5) [(4)] such records and reports as necessary to be in conformity with
23 a court order;

24 (6) [(5)] on request, the report of a person to the person whose fishing
25 activity is the subject of the report;

26 (7) [(6)] fish tickets and fish ticket information to the division of fish
27 and wildlife protection, Department of Public Safety;

28 (8) fish tickets and fish ticket information to the law enforcement
29 personnel of the National Marine Fisheries Service and the National Oceanic and
30 Atmospheric Administration for the purpose of enforcing fishery laws in waters
31 of this state and in waters of the exclusive economic zone adjacent to this state;

1 (9) [(7)] fish tickets and fish ticket information regarding halibut to the
2 International Pacific Halibut Commission; and

3 (10) [(8)] any of the [ITS] records and reports to the child support
4 enforcement agency created in AS 25.27.010, or the child support enforcement agency
5 of another state, for child support purposes authorized under law.

6 * Sec. 2. AS 16.20.041(e) is amended to read:

7 (e) The department and the Department of Natural Resources

8 (1) may not enter into sales of land within the McNeil River State
9 Game Refuge;

10 (2) may enter into leases within the McNeil River State Game Refuge
11 if the commissioner finds that activity conducted under the lease is compatible with
12 the purposes for which the refuge is established;

13 (3) may not accept transfer of state selected land from the federal
14 government, or conveyance of other land, within the refuge if the land is subject
15 to

16 (A) a lease, easement, or other right to operate or maintain
17 a private facility on the land or to conduct a private enterprise on the
18 land; or

19 (B) a continuing trespass by an unauthorized private facility
20 or private enterprise.

21 * Sec. 3. AS 16.20.162(c) is amended to read:

22 (c) The department and the Department of Natural Resources

23 (1) may not enter into sales of land within the McNeil River State
24 Game Sanctuary;

25 (2) may enter into leases within the McNeil River State Game
26 Sanctuary if the commissioner finds that activity conducted under the lease is
27 compatible with the purposes for which the sanctuary is established;

28 (3) may not accept transfer of state selected land from the federal
29 government, or conveyance of other land, within the sanctuary if the land is
30 subject to

31 (A) a lease, easement, or other right to operate or maintain

- 1 a private facility on the land or to conduct a private enterprise on the
2 land; or
3 (B) a continuing trespass by an unauthorized private facility
4 or private enterprise.

5 * Sec. 4. AS 38.95 is amended by adding a new section to read:

6 **Article 8. Transfer of Certain Federal Land to the State.**

7 **Sec. 38.95.310. Legislative approval of certain land transfers to the state.**

8 The state may not accept transfer from the federal government of land containing or
9 reasonably suspected of containing significant environmental contamination or
10 pollution unless the legislature approves the acceptance of the land by law.

11 * Sec. 5. AS 42.40.285 is amended to read:

12 **Sec. 42.40.285. Legislative approval required.** Unless the legislature
13 approves the action by law, the corporation may not

14 (1) exchange, donate, sell, or otherwise convey its entire interest in
15 land;

16 (2) issue bonds;

17 (3) extend railroad lines; this paragraph does not apply to a spur,
18 industrial, team, switching, or side track;

19 (4) lease land for a period in excess of 35 years unless the corporation
20 reserves the right to terminate the lease if the land is needed for railroad purposes;

21 (5) apply for or accept a grant of federal land within a
22 municipality; before approving an action under this paragraph, the legislature
23 must determine that the federal land is required for essential railroad purposes.

24 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

CS FOR SENATE BILL NO. 160(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 4/30/99

Referred: Finance

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to acquisition of federal land or federal property by the Alaska
2 Railroad Corporation; establishing a passenger surcharge on persons transported
3 by the Alaska Railroad; and providing for an effective date."

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

5 * Section 1. AS 42.40.285 is amended to read:

6 Sec. 42.40.285. **Legislative approval required.** Unless the legislature
7 approves the action by law, the corporation may not

8 (1) exchange, donate, sell, or otherwise convey its entire interest in
9 land;

10 (2) issue bonds;

11 (3) extend railroad lines; this paragraph does not apply to a spur,
12 industrial, team, switching, or side track;

13 (4) lease land for a period in excess of 35 years unless the corporation
14 reserves the right to terminate the lease if the land is needed for railroad purposes;

1 **(5) apply for or accept a grant of federal land or federal property**
2 **within a municipality; before approving an action under this paragraph, the**
3 **legislature must determine that the federal land or federal property is required**
4 **for essential railroad purposes.**

5 * Sec. 2. AS 42.40.410 is amended to read:

6 **Sec. 42.40.410. Federal land. Except as provided in AS 42.40.285(5), the**
7 [THE] corporation may submit applications on its own behalf as an instrumentality of
8 the state for acquisition of federal land available under federal law that will enhance
9 the **essential railroad** operations of the corporation if it is available under a federal
10 law other than the Alaska Statehood Act of 1958 (P.L. 85 - 508, 72 Stat. 339), as
11 amended. The corporation may receive in its own name conveyances of all interests
12 in federal land.

13 * Sec. 3. AS 42.40 is amended by adding a new section to read:

14 **Sec. 42.40.915. Passenger surcharge.** For each passenger transported by the
15 Alaska Railroad, including passengers traveling in a privately owned, leased, or
16 operated railroad coach, the corporation shall collect a \$5 passenger surcharge. Each
17 month, the corporation shall transmit the amount of the passenger surcharge collected
18 under this section to the Department of Revenue for deposit into the general fund. The
19 amount of the passenger surcharge collected under this section is not revenue generated
20 by or appropriated to the corporation. The Department of Revenue and the legislative
21 auditor may review the accounts and records of the corporation as necessary to
22 determine compliance with this section.

23 * Sec. 4. This Act takes effect January 1, 2000.