

ALASKA LEGISLATURE COMMITTEES 1903-1904 00/2

3165 HT HB 313 - HB 399

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or necessary for an integral line of pipe to effectuate the transportation from point to point, excluding, however, gas processing plants, treaters and separators;

(10) "pipeline carrier" means the owner, including corporations organized under the laws of the United States or of other states, of any pipeline, as the term is defined in this section, or any interest in it;

(11) "regulation" includes rules;

(12) "tariff" means a rate, charge, toll, rule or regulation of an oil or gas pipeline facility relating to services furnished by the facility to the general public or other users for compensation. (§ 1 ch 139 SLA 1972; am §§ 7, 8 ch 6 FSSLA 1973)

Effect of amendment. — The 1973 amendment rewrote paragraphs (4) and (8).

Sec. 42.06.640. Short title. This chapter may be cited as the Alaska Pipeline Commission Act. (§ 1 ch 139 SLA 1972)

Chapter 07. Alaska Transportation Commission Act.

Article

- 1. Establishment of Transportation Commission (§§ 42.07.011 — 42.07.111)
- 2. Powers and Duties of Commission (§§ 42.07.121 — 42.07.161)

Repeal of former chapter. — Section 1, ch. 104, SLA 1969, repealed former Chapter 07, entitled "Alaska Transportation Commission." The former chapter consisted of §§ 42.07.010 — 42.07.150, and derived from § 1, ch. 139, SLA 1966.

Article 1. Establishment of Transportation Commission.

Section	Section
11. Creation and composition	81. Principal office and seal
21. Term of office; vacancy	91. Legal counsel
31. Quorum	101. Employment and compensation of personnel
41. Qualifications	111. Annual report
51. Oath of office	
61. Restrictions	
71. Compensation of members of the Alaska Transportation Commission	

Sec. 42.07.011. Creation and composition. (a) There is created the Alaska Transportation Commission within the Department of Commerce and Economic Development. The commission consists of three members appointed by the governor and confirmed by the legislature in joint session.

(b) The governor shall designate one member of the commission as chairman of the commission. This member shall serve as chairman for

a term of two years, but may be appointed for successive terms. (§ 2 ch 104 SLA 1969; am § 86 ch 218 SLA 1976)

Effect of amendment. — The 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" at the end of the first sentence of subsection (a).

~~Sec. 42.07.021. Term of office; vacancy. (a) The commissioners first appointed under this chapter shall serve in office for terms of two, four and six years, respectively. Their successors shall each be appointed for a term of six years unless appointed to fill an unexpired term. A commissioner, upon the expiration of his term, shall continue to hold office until his successor is appointed and qualified. The term of a member begins on February 1.~~

~~(b) A vacancy arising in the office of commissioner shall be filled by appointment by the governor and confirmed by the legislature in joint session and an appointee selected to fill a vacancy shall hold office for the balance of the full term for which his predecessor on the commission was appointed.~~

~~(c) A vacancy in the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission.~~

~~(d) The governor may remove a commissioner from office for cause including but not limited to incompetence, neglect of duty or misconduct in office. A commissioner, to be removed for cause, shall be given a copy of the charges against him and afforded an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 10 days notice. If a commissioner is removed for cause, the governor shall file with the secretary of state a complete statement of all charges made against the commissioner and his finding based on the charges, together with a complete record of the proceedings. (§ 2 ch 104 SLA 1969; am § 1 ch 218 SLA 1970)~~

Legislative committee report. — For report on ch. 218, SLA 1970 (HCSSB 543), see 1970 House Journal, p. 1244.

~~Sec. 42.07.031. Quorum. Two members of the commission constitute a quorum for the transaction of business, for the performance of a duty, or for the exercise of a power of the commission. (§ 2 ch 104 SLA 1969)~~

~~Sec. 42.07.041. Qualifications. (a) Each commissioner shall be a citizen of the United States and a resident of the state.~~

~~(b) Each commissioner shall be appointed with regard to his fitness and ability to exercise the powers and duties of the commission, based upon his experience and familiarity with the principles of public utility regulation or his educational and experience background in the fields of engineering or transportation or law or business administration, finance and accounting. (§ 2 ch 104 SLA 1969)~~

Sec. 42.07.051. Oath of office. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed for principal officers of the state. (§ 2 ch 104 SLA 1969)

Cross reference. — For further provisions as to oaths of office, see AS 39.05.040 and AS 39.05.130.

Sec. 42.07.061. Restrictions. No commissioner, employee or agent of the commission may have an official or professional relation or connection with, or hold stock or securities or have a pecuniary interest in, any business or agency subject to regulation under this chapter. Membership in a cooperative association is not a "pecuniary interest" within the meaning of this section. If a commissioner or employee becomes the owner of such stocks or securities or becomes pecuniarily interested in such a business or agency otherwise than voluntarily, his office or employment shall become vacant unless within a reasonable time he divests himself of the ownership or interest. (§ 2 ch 104 SLA 1969)

Sec. 42.07.071. Compensation of members of the Alaska Transportation Commission. The commissioners are in the exempt service under AS 39.25 and shall receive an annual salary equal to that of a district court judge. (§ 2 ch 104 SLA 1969; am § 8 ch 47 SLA 1974; am § 16 ch 148 SLA 1976)

Effect of amendments. — The 1974 amendment rewrote this section.

The 1976 amendment deleted "payable in equal monthly installments" from the end of the section.

Editor's note. — Section 16, ch. 263, SLA 1976, amends this section to read as follows: "Sec. 42.07.071. Compensation of members of the Alaska Transportation

Commission. The commissioners are in the exempt service under AS 39.25 and shall receive an annual salary as established under AS 39.23."

Section 21, ch. 263, SLA 1976, provides that this section takes effect "on the effective date of the first recommendations submitted to the legislature under AS 39.23.080(c)."

Sec. 42.07.081. Principal office and seal. (a) The commission shall establish a principal office. For the convenience of the public or of parties to a proceeding the commission may hold hearings or other proceedings at another location.

(b) The commission shall have an official seal. (§ 2 ch 104 SLA 1969)

Sec. 42.07.091. Legal counsel. (a) The attorney general is the legal counsel for the commission. He shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in suits to which it is a party. The attorney general may represent the public interest in any proceeding before the commission.

(b) The commission may employ temporary legal counsel in proceedings before the commission in which the attorney general is representing the public interest or a party before the commission. (§ 2 ch 104 SLA 1969)

Sec. 42.07.101. Employment and compensation of personnel. (a) The commission may employ engineers, hearing officers, experts, clerks, accountants, and other agents and assistants it considers necessary. Employees and agents of the commission, other than legal counsel, are in the classified service under AS 39.25.

(b) In addition to its staff of regular employees the commission may contract for and engage the services of the consultants, experts and hearing officers the commission considers necessary for the purpose of developing information or conducting studies, investigations, hearings or other proceedings. (§ 2 ch 104 SLA 1969; am § 2 ch 218 SLA 1970)

Legislative committee report. — For report on ch. 218, SLA 1970 (HCSSB 543), see 1970 House Journal, p. 1244.

Sec. 42.07.111. Annual report. The commission shall publish an annual report reviewing its work and submit it to the legislature by February 15 of each year. In addition, the report shall contain information and data which bear a significant relationship to the development and regulation of transportation in the state. (§ 2 ch 104 SLA 1969)

Article 2. Powers and Duties of Commission.

Section	Section
121. General powers and duties	151. Application of Administrative Procedure Act
131. Authority limited by federal law	161. Investigations and hearing
141. Administrative authority, regulations and hearing procedures	

Sec. 42.07.121. General powers and duties. The Alaska Transportation Commission shall supervise and regulate transportation in the state as provided in this chapter and in AS 02.05 and chs. 10, 15 and 25 of this title, and may do all things, whether specifically designated in this chapter or in AS 02.05 or chs. 10, 15 or 25 of this title, or in addition thereto, which are necessary or convenient in the exercise of this power and jurisdiction. (§ 2 ch 104 SLA 1969; am § 1 ch 120 SLA 1972)

Effect of amendment. — The 1972 amendment substituted "chs. 10, 15 and 25" for "chs. 10 and 15" and substituted "chs. 10, 15 or 25" for "chs. 10 or 15."

Editor's note. — Section 4, ch. 104, SLA 1969, provides: "All litigations, hearings, investigations and other proceedings whatsoever, pending under any law repealed by this Act, shall continue in full effect, and may be continued and completed under the provisions of this Act. All certificates, orders, rules, regulations, or

tariffs made, issued, or filed under any law repealed by this Act, and in full effect upon May 21, 1969, shall remain in full effect for the term issued, or until revoked, vacated, or modified under the provisions of this Act. All existing contracts and obligations of the commission, entered into or created under any law repealed by this Act, and in effect upon May 21, 1969, shall remain in full effect and shall continue to be performed by the commission."

~~Sec. 42.07.131. Authority limited by federal law. The provisions of this chapter and AS 02.05 and chs. 10 and 15 of this title apply to transportation carriers engaged in foreign commerce and interstate commerce to the extent permitted by the constitution and laws of the United States. (§ 2 ch 104 SLA 1969)~~

Sec. 42.07.141. Administrative authority, regulations and hearing procedures. (a) The commission may adopt regulations, not inconsistent with the law, necessary or proper in the exercise of its powers or for the performance of its duties under this chapter.

(b) The commission shall adopt regulations, consistent with due process of law, which govern practice and procedure and the conduct of all investigations, hearings and proceedings which it holds.

(c) Common law and statutory rules of evidence apply to investigations, hearings and proceedings before the commission, except when the commission determines that their application is not required in order to assure fair treatment of all parties and that the evidence is relevant and of the sort on which responsible persons are accustomed to rely in the conduct of serious matters.

(d) The commission, each commissioner or an employee authorized by the commission may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing, or proceeding before the commission in any part of the state. The commission may petition a court of this state to enforce its subpoenas or other process. (§ 2 ch 104 SLA 1969)

Cross reference. — See Editor's note to AS 42.07.121.

Legislative policy behind subsection (b). — See *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

The legislature has in subsection (b) explicitly expressed a policy requiring compliance with due process guarantees. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Commission cannot conduct procedures on ad hoc basis. — The legislative policy behind subsection (b) clearly suggests that the commission should not conduct its procedures on an ad hoc basis. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

A consistent application of regulations giving parties adequate notice of internal policies and procedures would preclude ad hoc considerations and create standards that could be judicially reviewed in

accordance with the due process guarantees anticipated in subsection (b). *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Section imposes mandatory obligation to adopt procedural regulations. — Although the adoption of regulations is under subsection (a) discretionary, subsection (b), on the other hand, deals specifically with regulations governing practice and procedure. Hence, this section imposes a mandatory obligation on the commission to adopt procedural regulations. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Subsection (b) requires the commission to adopt rules of procedure as a prerequisite to the use of a modified procedure. The ad hoc application of the modified procedure to an application for transfer of operating authority is improper. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Effect of exemption in AS 42.07.151(a) on obligation. — It is significant that AS 42.07.151(a) exempted the commission's adjudications from nearly all of the standard procedural safeguards of the Alaska Administrative Procedure Act (AS 44.62). However, this exemption should not be interpreted as giving the commission an unlimited discretion to avoid all procedural safeguards, since subsection (b) requires the promulgation of procedural regulations consistent with due process. *Mukluk*

Freight Lines v. Nabors Alas. Drilling, Inc., Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Rather, AS 42.07.151 and this section should be read in conjunction as giving the commission considerable flexibility in choosing its own procedures, but all the while requiring the procedures to meet due process of law. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Sec. 42.07.151. Application of Administrative Procedure Act. (a) The administrative adjudication procedures of the Administrative Procedure Act (AS 44.62) do not apply to adjudicatory proceedings of the commission except that final administrative determinations by the commission are subject to judicial review as provided in AS 44.62.560 — 44.62.570.

(b) AS 44.62.10 — 320, 44.62.640 and 44.62.650 apply to regulations adopted by the commission. (§ 2 ch 104 SLA 1969)

Rules for transfer of permits must be consistent with Administrative Procedure Act. — It is incumbent upon the commission to adopt rules for the transfer of permits consistent with the requirements of the Administrative Procedure Act (AS 44.62). *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

not be interpreted as giving the commission an unlimited discretion to avoid all procedural safeguards, since AS 42.07.141(b) requires the promulgation of procedural regulations consistent with due process. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Effect of subsection (a) on commission's obligation to promulgate procedural regulations. — It is significant that subsection (a) exempted the commission's adjudications from nearly all of the standard procedural safeguards of the Alaska Administrative Procedure Act (AS 44.62). However, this exemption should

Rather, this section and 42.07.141 should be read in conjunction as giving the commission considerable flexibility in choosing its own procedures, but all the while requiring the procedures to meet due process of law. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Sec. 42.07.161. Investigations and hearing. An investigation or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any one or more commissioners designated for the purpose by the commission. The testimony and evidence in an investigation or hearing may be taken by the commissioner to whom the investigation or hearing has been assigned. All investigations or hearings before or by commissioners are considered to be the investigations and hearings of the commission. A determination or order of commissioners upon such an investigation or hearing, so undertaken, is not effective until approved and confirmed by the commission. Upon confirmation, the determination or order is the determination or order of the commission. (§ 2 ch 104 SLA 1969)

HB

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HB 321 and
HB 322

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 31, 1983

The Honorable Joe L. Hayes
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811.

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting two bills to accomplish the first phase of a comprehensive remodeling and expansion program for the domestic terminal at the Anchorage International Airport. This program is consistent with the comprehensive analysis of air traffic trends and corresponding facility needs for our traveling public.

The first bill will increase the revenue bond authorization contained in AS 37.15.410 by \$28,000,000. The second bill will appropriate the proceeds of the sale of this additional amount of bonds. The appropriation is to the Department of Transportation and Public Facilities for the purpose of making the improvements at the Anchorage International Airport and other expenses required to accomplish the sale of the bonds.

The need for this project is well recognized and I request that you work with me so that these improvements may begin this spring.

Sincerely,

Bill Sheffield
Bill Sheffield
Governor

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STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION
and PUBLIC FACILITIES

DEPUTY COMMISSIONER

Bill Sheffield, Governor

MAY 20 1983

4111 AVIATION AVENUE, POUCH 6900
ANCHORAGE 99502 (TELEX 25-185)
PHONE: 266-1440

May 18, 1983

Re: Anchorage International
Airport Ramp Congestion

Representative Bette Cato, Chairman
House of Representatives
House Transportation Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Cato:

During the House Transportation Committee Hearing on HB 321 and 322, several committee members expressed concern about congestion on arrival and departure ramps at Anchorage International Airport (AIA). As stated at the hearings, the major cause of the congestion is insufficient curb space on both ramps. AIA currently has 420 feet of curb space on the upper level and 430 feet at the lower level. Based on forecast aviation activity we estimate a need for 555 feet on the upper level and 805 feet on the lower level by 1985. The curb space on the lower ramp does not even meet the 1981 demand and with traffic increasing every year the facilities are becoming more and more inadequate.

Given the fact that the facilities are not adequate to meet the demand for curb space, the airport management is faced with making the best of a poor situation. Representative Abood mentioned the need for striping to delineate the lanes on each ramp. This is imperative. The lanes are re-striped every year as a part of routine maintenance. The cross-walks were repainted two weeks ago. The lane striping has been completed on the lower ramp and will be completed within the next couple of days on the upper ramp.

The local People Mover buses do not utilize either the arrival or departure ramp area. Instead, their stop is located west of the approach ramps in front of the old terminal building. Tour buses are a different matter. After much negotiation with the tourism industry and the Anchorage Convention/Visitor's Bureau, a specified area for the buses was designated on the far south portion of the arrival ramp. This space is beyond terminal doors and out of the main traffic lanes. The buses are permitted to utilize this space only after their passengers have claimed their luggage and can stay only for the time taken to load the baggage and passengers.

The Servair buses have apparently caused some problems in the past by utilizing the arrival ramp, however, Servair does not operate at the Domestic Terminal now that the new International Terminal is open.

Bette Cato
Letter - May 18, 1983
Page 2

Taxis queue north of the terminal and no more than two are allowed on the ramp area simultaneously. I am told that airport security policy monitor this closely to prevent abuse. I will request that they pay special attention in the future.

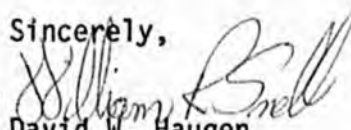
Rental car agencies do have prime parking spaces directly in front of the terminal. The Department of Transportation and Public Facilities (DOT&PF) has notified the agencies that their ready-car parking will have to be relocated. That relocation has been delayed pending the recommendations of a Surface Transportation Study for the airport area. Those study recommendations will be available in July of this year. The decision to move rental cars has been made. The only question remaining is a selection of the new site. DOT&PF is evaluating a couple of options for utilizing the existing rental car area for an additional loading area once the rental agencies are relocated.

Another concern expressed by the Committee was the poor attitude and lack of courtesy on the part of the airport police and security guards. I have notified the Airport Manager of this problem. The Airport Manager has spoken to the airport security force requesting strict adherence to polite and courteous interaction with the public. I would encourage the public to call the Airport Manager (William Chambers) if specific officers are being discourteous. The officers are posted on the ramps in order to assure curb service for all who need it. Their attitude should be one of public service at all times -- most especially when it is necessary to ask a traveller to move his car so someone else can use the space.

I realize the airport's attempts to keep cars from parking too long at the curb is an unpopular action. However, as the Committee pointed out, some times there are so many cars double and triple parked that there isn't even on through lane. In the absence of adequate curb space, assuring timely turnover of cars is DOT&PF's only recourse to assure that no one monopolizes the curb.

Thank you very much for your interest in the airport and for suggestions for improving facility operations. If you need additional information or have additional suggestions for improving airport operations, please let me know.

Sincerely,


for David W. Haugen
Deputy Commissioner

DWH:GML/sg

cc: Representatives Mike W. Miller, Mitchell Abood, Barbara Lacher, Randy Phillips, Adelheid Herrmann, Mike Szymanski, Jack McBride

William Chambers, Anchorage International Airport Manager

RAA**REEVE ALEUTIAN AIRWAYS, INC.**

April 20, 1983

Honorable Betty Cato
Chairman, House Transportation Committee
State Capitol
Pouch V
Juneau, Alaska 99811

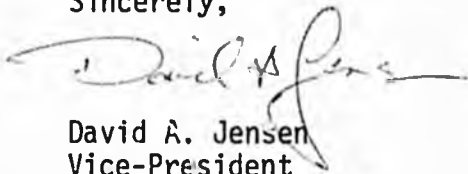
Dear Representative Cato:

Before your committee are House Bills 321 and 322 relating to appropriations and authorization for bond sale for improvements at Anchorage International Airport. Reeve Aleutian Airways urges the committee's favorable consideration of both bills.

We have had the opportunity to review the plans for renovation and new construction at Anchorage International. Contemplated improvements at the terminal will benefit the entire state by enhancing traffic capability, passenger convenience, and freight handling in Anchorage.

Our transport system is by-in-large intra-state. The Aleutians and Western Alaska rely heavily on the commerce that Anchorage provides. Passage of HB321 and 322 will favorably affect development needs of fisheries, agriculture, and oil/minerals extraction industries; all of which are active in Western Alaska and the Aleutians.

Sincerely,



David A. Jensen
Vice-President

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4700 W. INTERNATIONAL AIRPORT RD. • ANCHORAGE, ALASKA 99502

**Anchorage International Airport
Domestic Terminal Expansion & Renovation**

The proposed project involves construction of approximately 65,000 square feet of new terminal area and remodeling and renovation of approximately 96,000 square feet of existing terminal area. The estimated cost is \$23.1 million calculated at 1983 construction costs and includes the following:

Extend existing terminal 100 feet to the east (both levels). The first level will house additional baggage claim and make-up areas, and mechanical room. The second level will provide additional counter space, snack bar, storage, elevator and gate lobbies.

Construct a new two-level computer concourse providing passenger waiting space, equipment storage, crew lounge area, rest-room facilities, snack bar, baggage makeup, baggage claim, and 8 gates.

Preliminary engineering and construction for remodeling Concourse B to accommodate domestic carrier operations. Remodeling includes electrical system upgrades, installation of a fire suppression system and conversion of customs area to office lease space.

Purchase and installation of a backup emergency power system.

Preliminary engineering and construction of apron utility work required with the terminal remodeling such as construction of hardstands, relocation of fire hydrants, water supply, air start and guidance systems.

[Handwritten initials]

STATE OF ALASKA
FISCAL NOTE

Page 1 of 3

I. REQUEST

Bill/Resolution No.: HB 322
Title: Anch Int'l. Terminals Improvements
Sponsor: Governor Sheffield
Requestor: _____

II: FISCAL DETAIL,

Agency Affected: DOT&PF
Program Category Affected: Transportation
BRU, Program or Subprogram(s) Affected: Anchorage International Airport

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES				500.0	530.0	560.0
200 TRAVEL				250.0	265.0	280.0
300 CONTRACTUAL				58.0	63.0	67.0
400 COMMODITIES				2.0	2.0	3.0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING				810.0	860.0	910.0
CAPITAL		28,000.0				
REVENUE				500.0	500.0	500.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)*IARF				810.0	860.0	910.0
INT'L AIRPORT REVENUE BONDS		28,000.0				

*International Airport Revenue Fund

POSITIONS:

FULL-TIME				8.0	8.0	8.0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

This project will be paid for through revenue generated at the Anchorage International Airport. The revenue projection does not assume any change in rates and fees, but does include anticipated revenue from the expansion, calculated at present terminal rental rates.

IV. ANALYSIS: Attached.

Prepared By: William R. Snell
Division: Acting Deputy Commissioner

Phone: 266-1440
Date: 3/30/83

Approved by Commissioner: *[Signature]*
Department: Transportation and Public Facilities

Date: 3/31/83

[Handwritten mark]

Existing facilities in the passenger terminal complex are undersized. Facilities are not adequate for present domestic aviation traffic needs. Continued growth in aviation activity is anticipated, therefore, pressure for expanded facilities will increase. Existing international facilities have been relocated to the new international terminal, thus freeing space for domestic aviation needs. The west concourse must be remodeled before use by the domestic air carriers. Additional landside facilities, airport ticket offices, baggage claim and public areas are needed to accommodate domestic flight traffic. Air commuter facilities are minimal. New facilities are essential to provide adequate service to this growing segment of the aviation market. Construction of a new concourse off the east terminal expansion will accommodate commuters. Utility work airside is required in order to make the terminal expansion usable for the air carriers and commuter planes.

PROJECT DESCRIPTION:

Funding requested is for the first phase of a comprehensive remodeling and expansion program, at an estimated cost of \$23.1 million. The project includes the following:

Extension of existing terminal 100-feet to the east (both levels). First level to house additional baggage claim and makeup areas and mechanical room. Second level to provide additional counter space, snack bar, storage, elevator and gate lobbies.

Construction of a commuter concourse providing passenger waiting space, equipment storage, crew lounge area, restroom facilities, snack bar, baggage makeup and baggage claim.

Preliminary engineering and construction to remodel west concourse to accommodate domestic carrier operations.

Preliminary engineering and construction of apron utility work required with the terminal remodeling.

PROJECT COST:

Bond sale costs at 3% to take care of closing costs, audit costs, fees to rating agencies, financial advisor, etc.

$$\$28,000,000 \times 3\% = \$840,000$$

In addition, an estimated \$3 million was assumed for immediate deposit into the bond reserve fund. This is approximately 1 year's principal and interest on the bonds.

The estimated cash available after obligations is \$24,160,000:

$$\$28,000,000 - (\$840,000 + \$3,000,000) = \$24,160,000$$

Capitalized interest during project construction has not been estimated. Depending on investment yield, interest earned on the cash could roughly equal or exceed interest obligations on the bonds. If, however, capitalized interest payments are required, DOT&PF will utilize International Airport Revenue Fund (IARF) cash for such payments. This is consistent with how capitalized interest was treated in earlier revenue bond issues.

OPERATING COSTS:

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Costs identified are based upon our current costs for maintenance and custodial which approximate \$11 per square foot.

Added 66,000 sq. ft. x \$11 = \$726,000

1983 cost \$726.0

1986 cost \$810.0. Inflation is estimated at 6% per year.

No estimate is provided for the debt service since the yearly cost would vary so greatly based upon the interest rate and term of bonds.

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31.141

§ 43.31.171

REVENUE AND TAXATION

§ 43.40.010

Sec. 43.31.171. Civil penalties.

Repealed by § 45 ch 113 SLA 1980.

Cross references. — For present provisions concerning civil penalties, see AS 43.05.220.

Editor's notes. — The repealed section derived from § 2, ch. 24, SLA 1970; § 3, ch. 166, SLA 1976.

Section 52, ch. 113, SLA 1980 makes the repeal of this section applicable to tax years beginning after December 31, 1979.

Secs. 43.31.360 — 43.31.390.

Repealed by § 46 ch 113 SLA 1980.

Cross references. — For present provisions concerning criminal penalties, see AS 43.05.290.

Editor's notes. — The repealed sections derived from § 2, ch. 24, SLA 1970.

Chapter 35. Coin-Operated Devices and Punchboards.

Article 1. Coin-Operated Amusement and Gaming Devices.

Section

80. [Repealed]

Sec. 43.35.080. Penalties.

Repealed by § 46 ch 113 SLA 1980.

Cross references. — For present provisions concerning civil penalties, see AS 43.05.220. For present provisions concerning criminal penalties, see AS 43.05.290.

Editor's notes. — The repealed section derived from § 48-3-3 ACLA 1949; § 3, ch. 142, SLA 1960; § 2, ch. 58, SLA 1971.

Chapter 40. Motor Fuel Tax.

Article 1. General Tax Levy on Transfers or Consumption of Motor Fuel.

Section

- 10. Tax on transfers or consumption of motor fuel and expenditure of proceeds
- 20. [Repealed]
- 30. Refund for nonhighway use
- 35. Other refunds and credits

Section

- 40. [Repealed]
- 50. Refund claim by affidavit
- 80. Examination of books and records
- 90. [Repealed]
- 100. Definitions

Sec. 43.40.010. Tax on transfers or consumption of motor fuel and expenditure of proceeds. (a) There is levied a tax of eight cents a gallon on all motor fuel sold or otherwise transferred within the state, except that

- (1) the tax on aviation gasoline is four cents a gallon,
 (2) the tax on motor fuel used in and on watercraft of all descriptions is five cents a gallon, and
 (3) the tax on all aviation fuel other than gasoline is two and one-half cents a gallon.

(b) There is levied a tax of eight cents a gallon on all motor fuel consumed by a user, except that

- (1) the tax on aviation gasoline consumed is four cents a gallon,
 (2) the tax on motor fuel used in and on watercraft of all descriptions is five cents a gallon, and
 (3) the tax on all aviation fuel other than gasoline is two and one-half cents a gallon.

(c) Every dealer who sells or otherwise transfers motor fuel in the state shall collect the tax at the time of sale, and remit the total tax collected during each calendar month of each year to the Department of Revenue by the last day of each succeeding month. Every user shall likewise remit the tax accrued on motor fuel actually used by him during each month. At the time the remittance is made, each dealer or user shall submit a statement to the Department of Revenue showing all motor fuel which he has distributed or used during the month.

(d) Repealed by § 3 ch 166 SLA 1976.

(e) Sixty per cent of the proceeds of the revenue from the taxes on aviation fuel, excluding the amount determined to have been spent by the state in its collection, shall be refunded to a municipality owning and operating or leasing and operating an airport in the proportion that the revenue was collected at the municipal airport. All other proceeds of the taxes on aviation fuel shall be paid into a special aviation fuel tax account in the state general fund. The legislature may appropriate funds from this account for aviation facilities.

(f) The proceeds from the revenue from the tax on motor fuel used in boats and watercraft of all descriptions shall be deposited in a special watercraft fuel tax account in the general fund. The legislature may appropriate from this account for water and harbor facilities.

(g) The proceeds of the revenue from the tax on all motor fuels, except as provided in (e), (f) and (j) of this section, shall be deposited in a special highway fuel tax account in the state general fund. The legislature may appropriate funds from it for expenditure by the Department of Public Works directly or as matched with available federal-aid highway money for maintenance of highways, construction of highway projects and ferries included in the program provided for in AS 19.10.150, including approaches, appurtenances and related facilities and acquisition of rights-of-way or easements, and other highway costs including surveys, administration, and related matters. All departments of the state government authorized to spend funds collected from taxes imposed by §§ 10 -- 100 of this chapter shall perform, when feasible, all construction or reconstruction projects by

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contract after the projects have been advertised for competitive bids, except that, when feasible, arrangements shall be made with political subdivisions to carry out the construction or reconstruction projects. If it is not feasible for the work to be performed by state engineering forces, the commissioner of public works may contract on a professional basis with private engineering firms for road design, bridge design, and services in connection with surveys. If more than one private engineering firm is available for the work the contracts shall be entered into on a negotiated basis.

(b) All motor fuel tax receipts shall be paid into the general fund and distributed to the proper accounts in the general fund. Valid motor fuel tax refund claims shall be paid from the highway fuel tax account in the general fund.

(i) Within 30 days after the legislature convenes the Department of Public Works shall submit an annual budget covering anticipated revenues and their expenditure, for the consideration and approval by the legislature. The budget shall cover all money collected or anticipated to be collected under §§ 10 — 100 of this chapter for the year following the adjournment of each regular session of the legislature.

(j) The proceeds from the tax on motor fuel used in snow vehicles and, unless a tax refund is applied for under § 40 of this chapter, other internal combustion engines not used in or in conjunction with a motor vehicle licensed to be operated on public ways shall be deposited in a special nonpublic highway use account in the general fund. The legislature may appropriate from this account to the Department of Highways for trail staking and shelter construction and maintenance.

(k) The tax on the transfer or consumption of motor fuel provided for in this section does not apply to liquified petroleum gas.

(l) If a dealer has a reasonable belief at the time of sale or transfer that fuel that is sold or transferred is not to be used as motor fuel, the dealer need not collect the motor fuel tax. If the tax is not collected, the dealer shall obtain a certificate of use from the buyer or transferee stating that the fuel that has been or will be purchased or received is not intended for use as motor fuel. The department may not collect the motor fuel tax from a dealer for fuel for which a certificate of use has been properly obtained under this subsection. The dealer shall retain a copy of each certificate of use obtained under this subsection for examination or audit on request by the department. The form of a certificate of use may be prescribed by regulation adopted by the department. (§ 48-5-2 ACLA 1949; am § 1 ch 80 SLA 1951; am § 1 ch 47 SLA 1955; am §§ 1, 2 ch 27 SLA 1957; am § 1 ch 134 SLA 1957; am § 1 art VI title II ch 152 SLA 1957; am § 2 art V title III ch 152 SLA 1957; am § 2 ch 124 SLA 1959; am §§ 1, 2 ch 20 SLA 1960; am § 1 ch 150 SLA 1960; am § 1 ch 110 SLA 1961; am § 1 ch 136 SLA 1961; am §§ 1 — 3 ch 131 SLA 1962; am § 1 ch 130 SLA 1968; am § 10 ch 143 SLA 1968; am §§ 1, 2 ch 216 SLA 1968; am §§ 1 — 3 ch 158 SLA 1970;

am § 3 ch 58 SLA 1971; am §§ 1, 2 ch 124 SLA 1971; am §§ 2, 3 ch 125 SLA 1971; am §§ 1 — 3 ch 153 SLA 1972; am § 3 ch 166 SLA 1976; am §§ 1, 2 ch 116 SLA 1977; am § 4 ch 82 SLA 1982)

Effect of amendments. — The 1982 amendment, effective June 4, 1982, added subsection (1).

Editor's notes. — Section 15, ch. 82, SLA 1982, provides: "The Department of Revenue may not collect the motor fuel tax from a dealer, as defined in AS 43.40.100(1), on a sale or transfer of motor fuel that occurs before the effective date of this Act (June 4, 1982) if the dealer did not collect the tax from a purchaser or transferee because of a reasonable belief that the fuel was not to be used as motor fuel,

as that term is defined in AS 43.40.100(2), or if the dealer relied upon the purchaser's representation that the fuel would not be used as motor fuel. This section is intended to clarify ambiguities in the existing language of AS 43.40 concerning the party responsible for collecting the tax and to resolve an administrative dispute between certain fuel dealers and the Department of Revenue. For this reason, this section serves the general public interest in the fair and equitable administration of AS 43.40."

Sec. 43.40.020. Penalty for violation.

Repealed by § 46 ch 113 SLA 1980.

Cross references. — For present provisions concerning criminal penalties, see AS 43.05.290.

Editor's notes. — The repealed section derived from § 48-5-3, ACLA 1949; § 4, ch. 153, SLA 1972; § 3, ch. 116, SLA 1977.

Sec. 43.40.030. Refund for nonhighway use. (a) Except as specified in AS 43.40.010(j), a person who uses motor fuel to operate an internal combustion engine is entitled to a refund of six cents a gallon if

- (1) the tax on the motor fuel has been paid;
- (2) the motor fuel is not aviation fuel, or motor fuel used in or on watercraft; and
- (3) the internal combustion engine is not used in or in conjunction with a motor vehicle licensed to be operated on public ways.

(b) The entire tax levied by this chapter shall be refunded to the purchaser on that part of the motor fuel used in a foreign country on which the tax has been paid when the fuel is sold and delivered in the state for non-highway use in a foreign country.

(c) The department shall establish the necessary regulations and prescribe the appropriate forms to prove that the motor fuel is taken to and used in foreign countries.

(d) If a person obtains motor fuel on which the tax levied by this chapter has been paid and the motor fuel is exempt from the tax, the person is entitled to a refund of the tax paid. (§ 2 ch 47 SLA 1955; am § 3 ch 27 SLA 1957; am § 2 ch 136 SLA 1961; am § 4 ch 158 SLA 1970; am § 3 ch 124 SLA 1971; am § 4 ch 125 SLA 1971; am § 4 ch 116 SLA 1977; am §§ 35, 36 ch 113 SLA 1980; am § 5 ch 82 SLA 1982)

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Effect of amendments. — The 1980 amendment substituted a reference to this chapter in subsection (b), and added subsection (d).

The 1982 amendment, effective June 4, 1982, substituted "the tax has been" for

"duty is" in subsection (b).

Editor's notes. — Section 52, ch. 113, SLA 1980 makes this section applicable to tax years beginning after December 31, 1979.

Sec. 43.40.035. Other refunds and credits. (a) A person who resells fuel on which the tax under AS 43.40.010(a) or (b) was previously paid is entitled to a credit or refund of the tax if (1) the resold fuel is not motor fuel and a certificate of use is acquired under AS 43.40.010(1); or (2) the amount of tax previously paid exceeds the tax due on the resale. The amount of the credit or refund under this section is equal to the amount of tax previously paid on the resold fuel less the amount of tax prescribed by AS 43.40.010(a) or (b).

(b) A reseller may elect, with the express written consent of the supplier of the resaler, to receive the credit or refund under this section directly from the supplier rather than by filing a claim for the credit or refund with the department. When an election is properly made under this subsection, the supplier may claim the credit or refund from the department. To be effective an election under this subsection must be signed in quadruplicate by the reseller and by the supplier. The reseller and the supplier shall each file one copy of the election, with original signatures, with the department. The reseller and supplier shall each retain a copy of the election with original signatures for audit review by the department. If an election is made under this subsection, it may not be revoked without the express written consent of the supplier. (§ 6 ch 82 SLA 1982)

Effective dates. — Section 19, ch. 82, SLA 1982, makes this section effective June 4, 1982, in accordance with AS 01.10.070(c).

Sec. 43.40.040. Applications and permits for refund.

Repealed by § 45 ch 113 SLA 1980.

Cross references. — For present provisions concerning contents of applications for refunds, see AS 43.40.050(a).

Editor's notes. — The repealed section derived from § 3, ch. 47, SLA 1955; § 4, ch. 131, SLA 1962.

Section 52, ch. 113, SLA 1980 makes the repeal of this section applicable to tax years beginning after December 31, 1979.

Sec. 43.40.050. Refund claim by affidavit. (a) A person who claims a refund under AS 43.40.030 shall present the claim for the refund to the commissioner of revenue by affidavit upon a form provided by the commissioner. The claim shall include the name, address and occupation of the applicant, the nature of the business of the applicant, and a description sufficient to identify the machinery or equipment in which the motor fuel for which the refund is claimed was used.

The claim shall be accompanied by each invoice issued to the claimant at the time the motor fuel was purchased. The commissioner may require any additional information which the commissioner considers necessary for the administration of this subsection.

(b) A claim for refund under AS 43.40.030 or 43.40.035 shall be filed within one year from the date of the purchase of the motor fuel as indicated on the invoice, and failure to file within the one-year period is a waiver of the right to the refund. A claim is considered to be filed when the claim is mailed or personally presented to an office of the department.

(c) A reseller who claims a refund or credit under AS 43.40.035 shall present the refund claim to the department or to the supplier of that reseller by affidavit on a form provided by the department. The claim shall include the name, address, and occupation of the applicant, the nature of the business of the applicant, and a description sufficient to identify the reason for the refund or credit. The claim shall be supported by documentation required by the department. (§ 4 ch 47 SLA 1955; am § 1 ch 139 SLA 1960; am § 37 ch 113 SLA 1980; am §§ 7—9 ch 92 SLA 1982)

Effect of amendments. — The 1980 amendment in subsection (a), changed a reference to this chapter at the beginning and at the end of the subsection, substituted the present second sentence for the former material, which read: "with the information the commissioner requires", and substituted "was" for "is" preceding "purchase" at the end of the present third sentence.

The 1982 amendment, effective June 4, 1982, substituted "under AS 43.40.030" for "as provided in AS 43.40.010 — 43.40.100"

and "the claim for the refund" for "his claim" in the first sentence of subsection (a), substituted "the commissioner" for "he" and "this subsection" for "AS 43.40.010 — 43.40.100" in the last sentence of subsection (a), inserted "under AS 43.40.030 or 43.40.035" in the first sentence of subsection (b), and added subsection (c).

Editor's notes. — Section 52, ch. 113, SLA 1980 makes this section applicable to tax years beginning after December 31, 1979.

Sec. 43.40.080. Examination of books and records. (a) To determine the validity of a claim for refund, the Department of Revenue may examine the books and records of the claimant and the books and records of a distributor of motor fuel. The Department of Revenue may cancel the refund permit of the claimant relying upon a fraudulent invoice for a period of not more than one year.

(b) Repealed by § 46 ch 113 SLA 1980. (§ 5 ch 47 SLA 1955; am § 46 ch 113 SLA 1980)

Effect of amendments. — The 1980 amendment repealed subsection (b).

Sec. 43.40.090. Criminal violation.

Repealed by § 46 ch 113 SLA 1980.

Cross references concerning AS 43.05.290.

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Cross references. — For present provisions concerning criminal penalties, see AS 43.05.290.

Editor's notes. — The repealed section derived from § 11, ch. 47, SLA 1955; § 4, ch. 27, SLA 1957.

Sec. 43.40.100. Definitions. In AS 43.40.010 — 43.40.100

(1) "dealer" means a person who sells or otherwise transfers in this state motor fuel upon which the taxes imposed by AS 43.40.010 — 43.40.100 have not been paid;

(2) "motor fuel" means fuel used in an engine for the propulsion of a motor vehicle or aircraft, and fuel used in and on watercraft for any purpose, or in a stationary engine, machine or mechanical contrivance which is run by an internal combustion motor; "motor fuel" does not include

- (A) fuel consigned to foreign countries;
- (B) fuel sold for use in jet propulsion aircraft operating in flights to foreign countries;
- (C) fuel used in stationary power plants operating as public utility plants and generating electrical energy for sale to the general public;
- (D) fuel used by nonprofit power associations or corporations for generating electric energy for resale;
- (E) fuel used by charitable institutions;
- (F) fuel which is at least 10 percent alcohol by volume;
- (G) fuel sold or transferred between qualified dealers;
- (H) fuel sold to federal, state, and local government agencies for official use;
- (I) fuel used in stationary power plants that generate electrical energy for private residential consumption;
- (J) fuel used to heat private or commercial buildings or facilities, or;
- (K) fuel used for other nontaxable purposes as prescribed by regulations adopted by the department;

(3) "user" means a person consuming or using motor fuel, who either

- (A) purchases the fuel out of the state and ships it into the state for personal use in the state;

- (B) manufactures the fuel in the state; or
- (C) purchases or receives fuel in the state that is not taxed at the time of purchase or receipt or is taxed at a rate that is less than the rate prescribed by AS 43.40.010.

(4) "qualified dealer" means a person who (A) refines, (B) imports, (C) manufactures, (D) produces, (E) compounds, or (F) wholesales motor fuel, who satisfies criteria for qualified dealers established by the department by regulation and who obtains a qualified dealer's license from the department. (§ 48-5-1 ACLA 1949; am § 1 ch 56 SLA 1949; am § 9 ch 47 SLA 1955; am § 26 ch 70 SLA 1964; am §§ 6, 7 ch 158 SLA 1970; am § 1 ch 74 SLA 1972; am § 5 ch 116 SLA 1977; am § 10 ch 83 SLA 1980; am §§ 10—12 ch 82 SLA 1982)

Effect of amendment added in paragraph (F) in paragraph (2).

The 1982 amendment, effective June 4, 1982, in paragraph (2), added subparagraphs (G)-(K); in paragraph (3) added the

subparagraphs (A) and (B) designations, substituted "personal use" for "his own use" and deleted "or" from the end, in subparagraph (A), added "or" to the end of subparagraph (B), and added subparagraph (C); and added paragraph (4).

Chapter 45. School Tax.

Section

10-60. [Repealed]

Secs. 43.45.010 — 43.45.060. Tax imposed; persons exempt; record of withholding; overpayment credit and refund; failure to file return; penalties.

Repealed by § 3 ch 166 SLA 1976; § 2 ch 64 SLA 1980; § 46 ch 113 SLA 1980.

Editor's notes. — The repealed chapter derived from §§ 37-4-3 — 37-4-6, ACLA 1949; § 1, ch. 41, SLA 1957; § 1, ch. 175, SLA 1957; § 1, ch. 149, SLA 1959; §§ 1-5, ch. 179, SLA 1960; § 111, ch. 127, SLA 1974.

Section 3, ch. 64, SLA 1980 makes the repeal of this chapter applicable to tax years beginning after December 31, 1979.

Section 4, ch. 64, SLA 1980 provides: "The Department of Revenue shall estab-

lish procedures for refunding to a taxpayer amounts received in payment of the school tax levied under AS 43.45 for the 1980 tax year and shall refund to the taxpayer the tax which was withheld for the 1980 tax year by an employer and paid to the department under AS 43.45.010(c). Other tax money paid to the Department of Revenue under AS 43.45 for the 1980 tax year shall be refunded to the taxpayer who made the payment."

Chapter 50. Tobacco Tax.

Article 1. Cigarette Tax Act.

Section

10. License
100. Civil penalties

Section

150. Administration
160. [Repealed]

Sec. 43.50.010. License. (a) No person may sell, purchase, possess, or acquire cigarettes as a manufacturer, distributor, direct-buying retailer, vending machine operator, or buyer without a license.

(b) The department, upon application and payment of the fee, shall issue a license to each manufacturer, distributor, direct-buying retailer, vending machine operator, or buyer. The department shall make reasonable regulations which it considers necessary in respect to the application for and the issuance of licenses.

(c) The department may refuse to issue a license if there is reasonable cause to believe that the applicant has wilfully withheld information requested of him to determine his eligibility to receive a license, or if there is reasonable cause to believe that information submitted in the application is false or misleading and is not made in good faith.

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Sec. 43.40.060. **Separate invoices.** The Department of Revenue may require the issuance of separate invoices for fuel sold, distributed, or transferred when the invoices will be the basis for a refund claim. (§ 6 ch 47 SLA 1955)

Sec. 43.40.070. **Refund warrants.** Upon approval of a refund claim by the Department of Revenue, a warrant shall be drawn on the highway fuel tax account in the general fund in favor of the applicant in the amount of the claim. (§ 7 ch 47 SLA 1955; am § 5 ch 131 SLA 1962)

Sec. 43.40.080. **Examination of books and records.** (a) To determine the validity of a claim for refund, the Department of Revenue may examine the books and records of the claimant and the books and records of a distributor of motor fuel. The Department of Revenue may cancel the refund permit of the claimant relying upon a fraudulent invoice for a period of not more than one year.

(b) If an invoice relied upon for a refund claim is fraudulent, the claimant is guilty of a misdemeanor and is punishable by a fine of not more than \$500. (§ 5 ch 47 SLA 1955)

Sec. 43.40.085. **Preservation of books and records.** Dealers and users shall preserve for three years all books and records pertaining to sales, transfers, and uses of motor fuel which are taxed under this chapter. (§ 5 ch 158 SLA 1970)

Sec. 43.40.090. **Criminal violation.** A person who uses motor fuel with knowledge that the tax has not been paid is guilty of a misdemeanor, and is punishable by a fine of not more than \$500, or by imprisonment for not more than one year, or by both. (§ 11 ch 47 SLA 1955; am § 4 ch 27 SLA 1957)

C.J.S. reference. — 53 C.J.S. Licenses
§ 66.

Sec. 43.40.100. **Definitions.** In §§ 10—100 of this chapter

(1) "dealer" means a person who sells or otherwise transfers in this state motor fuel upon which the taxes imposed by this chapter have not been paid;

(2) "motor fuel" means fuel used in an engine for the propulsion of a motor vehicle or aircraft, and fuel used in and on watercraft for any purpose, or in a stationary engine, machine or mechanical contrivance which is run by an internal combustion motor; "motor fuel" does not include

(A) fuel consigned to foreign countries,

(B) fuel sold for use in jet propulsion aircraft operating in flights to foreign countries,

(C) fuel used in stationary power plants operating as public utility plants and generating electrical energy for sale to the general public,

Alaska State Legislature

House of Representatives

Al Adams

Chairman

Committee on Finance



Official Business

November 15, 1983

WHILE IN SESSION
Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3706

OUT OF SESSION
P.O. Box 333
Kotzebue, Alaska 99752
(907) 442-3320

1024 W. 6th
Anchorage, Alaska 99501
(907) 274-0615

Representative Bette Cato
House Transportation Committee
Pouch V
Juneau, AK 99811

Dear Bette:

The House Transportation Committee is the prime sponsor of the following legislation, which is currently in the House Finance Committee:

HB 335 - Amend state motor fuel tax statute

As you know, many bills are carried over into the second session that have already been dealt with in other vehicles, or for other reasons, are no longer priorities of the prime sponsor. This is especially true of bills that come to Finance (particularly single subject appropriation bills) since so much legislation is referred to us. Therefore, please let me know which legislation you consider "active" for the upcoming session by responding to my Anchorage office no later than December 10th.

I appreciate your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Adams".

Al Adams, Chairman
House Finance Committee

COMMITTEE REPORT
DO PASS: ABOOD, HERRMANN, PHILLIPS, LACHER, MILLER
DO NOT PASS: SZYMANSKI

→ YES - ACTIVE

Alaska State Legislature

House of Representatives

Al Adams

Chairman

Committee on Finance

WHILE IN SESSION

Pouch V

State Capitol

Juneau, Alaska 99811

(907) 465-3706

OUT OF SESSION

P.O. Box 333

Kotzebue, Alaska 99752

(907) 442-3326

1024 W. 6th

Anchorage, Alaska 99501

(907) 274-0615

Official Business

November 15, 1983

Copy of letter attached to Bette

Representative Bette Cato
House Transportation Committee
Pouch V
Juneau, AK 99811

Dear Bette:

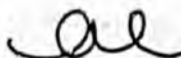
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I appreciate your attention to this matter.

Sincerely,



Al Adams, Chairman
House Finance Committee

STATE OF ALASKA
DEPARTMENT OF REVENUE

M E M O R A N D U M

TO: The Honorable Representative Robert Bettisworth

FROM: Robert R. Kessel
Director, Audit Division *RR*
Department of Revenue

RE: Amendments to Motor Fuel Law

DATE: February 16, 1983

The Department of Revenue has conducted public meetings with motor fuel dealers and other interested parties in Fairbanks, Anchorage and Juneau. In the opinion of the Department of Revenue, if the following changes could be made to Chapter 40, Title 43 of the Alaska Statutes, the motor fuel dealers would feel satisfied with the existing law.

1. Eliminate the certificate of use requirement, in total, for fuel used exclusively for heat at a private residence.
2. Eliminate the certificate of use requirement, in total, for fuel which is at least 10% alcohol by volume.
3. Require only an annual certificate of use for almost all other exempt sales, reserving some discretionary judgement for exempt sales handled on an individual basis under sub-paragraph (2) of Section 43.40.100(2).

In addition we believe that motor fuel dealers should be granted a 1% commission, limited to \$100, to compensate them for collecting the tax and for the demands required in maintaining records. Alaska currently allows a commission for cigarette taxes and most other states have similar provisions. I believe the motor fuel dealers would, obviously, like this change. For example, application would be as follows:

<u>Tax To Be Remitted</u>	<u>Commission</u>
\$ 600	6 (1%)
5,000	50 (1%)
10,000	100 (1%)
20,000	100 (1%-limited to \$100)

dealers extra work and yet would not be costly to the state.
There are a limited number of dealers.

The recommended change to AS 43.40, per attached Exhibit 1, would provide for the above recommendations; the changes could very well be incorporated into Senate Bill 117 (By the Rules Committee by Request of the Governor) which is "An Act making technical amendments relating to state taxation."

AS 43.40.010(c) is amended to read:

(c) Every dealer who sells or otherwise transfers motor fuel in the state shall collect the tax at the time of sale, and remit the total tax collected during each calendar month of each year to the Department of Revenue by the last day of each succeeding month. Every user shall likewise remit the tax accrued on motor fuel actually used by him during each month. If the monthly tax return is timely filed, one percent of the total monthly tax due, limited to a maximum of \$100, can be deducted and retained to cover the expense of accounting and filing the monthly tax return. At the time the remittance is made, each dealer or user shall submit a statement to the Department of Revenue showing all [MOTOR] fuel which he has distributed or used during the month.

AS 43.40.010(1) is amended to read:

(1) If a dealer has a reasonable belief at the time of sale or transfer that fuel that is sold or transferred is not to be used as motor fuel, the dealer need not collect the motor fuel tax. If the tax is not collected, the dealer shall obtain a certificate of use from the buyer or transferee stating that the fuel that has been or will be purchased or received is not intended for use as motor fuel. The Department of Revenue may not collect the motor fuel tax from a dealer for fuel for which a certificate of

use has been properly obtained under this subsection. A Certificate of use is not required for fuel used to heat a private residence or for fuel which is at least 10% alcohol by volume. An annual certificate of use is required for all other exemptions, as listed under AS 43.40.100(2), except sub-paragraph (K) where certificate of use needs will be determined by the Department of Revenue. The dealer shall retain a copy of each certificate of use obtained under this subsection for examination or audit on request by the Department of Revenue. The form of a certificate of use may be prescribed by regulation adopted by the Department of Revenue.

AS 43.40.035(a) is amended to read:

(a) A person who resells fuel on which the tax under AS 43.40.010(a) or (b) was previously paid is entitled to a credit or refund of the tax if (1) the resold fuel is not motor fuel and the requirements prescribed by AS 43.40-.010(L) have been fulfilled [A CERTIFICATE OF USE IS ACQUIRED UNDER AS 43.40.010(1)]; or (2) the amount of tax previously paid exceeds the tax due on the resale. The amount of the credit or refund under this section is equal to the amount of tax previously paid on the resold fuel less the amount of tax prescribed by AS 43.40.010(a) or (b).

AS 43.40.190 IS AMENDED TO INCLUDE: .

(L) fuel used in stationary power plants that generate
electrical energy for commercial enterprises;

STATE OF ALASKA
DEPARTMENT OF REVENUE

M E M O R A N D U M

TO: The Honorable Representative Robert Bettisworth

FROM: Robert R. Kessel
Director, Audit Division
Department of Revenue

RR

RE: Amendments to Motor Fuel Law

DATE: February 16, 1983

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1. Eliminate the certificate of use requirement, in total, for fuel used exclusively for heating a private residence.
2. Eliminate the certificate of use requirement, in total, for fuel which is at least 10% alcohol by volume.
3. Require only an annual certificate of use for almost all other exempt sales, reserving some discretionary judgement for exempt sales handled on an individual basis under sub-paragraph (K) of Section 43.40.100(2).

In addition we believe that motor fuel dealers should be granted a 1% commission, limited to \$100, to compensate them for collecting the tax and for the demands required in maintaining records. Alaska currently allows a commission for cigarette taxes and most other states have similar provisions. I believe the motor fuel dealers would, obviously, like this change. For example, application would be as follows:

<u>Tax To Be Remitted</u>	<u>Commission</u>
\$ 600	6 (1%)
5,000	50 (1%)
10,000	100 (1%)
20,000	100 (1%-limited to \$100)

dealers extra work and yet would not be costly to the state.
There are a limited number of dealers.

The recommended change to AS 43.40, per attached Exhibit 1, would provide for the above recommendations; the changes could very well be incorporated into Senate Bill 117 (By the Rules Committee by Request of the Governor) which is "An Act making technical amendments relating to state taxation."

AS 43.40.010(c) is amended to read:

(c) Every dealer who sells or otherwise transfers motor fuel in the state shall collect the tax at the time of sale, and remit the total tax collected during each calendar month of each year to the Department of Revenue by the last day of each succeeding month. Every user shall likewise remit the tax accrued on motor fuel actually used by him during each month. If the monthly tax return is timely filed, one percent of the total monthly tax due, limited to a maximum of \$100, can be deducted and retained to cover the expense of accounting and filing the monthly tax return. At the time the remittance is made, each dealer or user shall submit a statement to the Department of Revenue showing all [MOTOR] fuel which he has distributed or used during the month.

AS 43.40.010(1) is amended to read:

(1) If a dealer has a reasonable belief at the time of sale or transfer that fuel that is sold or transferred is not to be used as motor fuel, the dealer need not collect the motor fuel tax. If the tax is not collected, the dealer shall obtain a certificate of use from the buyer or transferee stating that the fuel that has been or will be purchased or received is not intended for use as motor fuel. The Department of Revenue may not collect the motor fuel tax from a dealer for fuel for which a certificate of

use has been properly obtained under this subsection. A Certificate of use is not required for fuel used to heat a private residence or for fuel which is at least 10% alcohol by volume. An annual certificate of use is required for all other exemptions, as listed under AS 43.40.100(2), except sub-paragraph (K) where certificate of use needs will be determined by the Department of Revenue. The dealer shall retain a copy of each certificate of use obtained under this subsection for examination or audit on request by the Department of Revenue. The form of a certificate of use may be prescribed by regulation adopted by the Department of Revenue.

AS 43.40.035(a) is amended to read:

(a) A person who resells fuel on which the tax under AS 43.40.010(a) or (b) was previously paid is entitled to a credit or refund of the tax if (1) the resold fuel is not motor fuel and the requirements prescribed by AS 43.40-.010(L) have been fulfilled [A CERTIFICATE OF USE IS ACQUIRED UNDER AS 43.40.010(1)]; or (2) the amount of tax previously paid exceeds the tax due on the resale. The amount of the credit or refund under this section is equal to the amount of tax previously paid on the resold fuel less the amount of tax prescribed by AS 43.40.010(a) or (b).

AS 43.40.100 IS AMENDED TO INCLUDE:

(L) fuel used in stationary power plants that generate
electrical energy for commercial enterprises;

STATE OF ALASKA
THE LEGISLATURE


POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 11, 1983

SUBJECT: Motor fuel tax provisions
(HB 335)

TO: Representative Bette Cato 
Chairman, House Transportation Committee

FROM: Richard C. Folta
Legislative Counsel

In response to your request on the above referenced bill, I would suggest the following:

(1) On page 2, line 3, "a private residence" could be deleted and the words "a residential housing accommodation, defined in AS 34.06.050(3)" could be inserted. I believe this change would clarify what is meant.

(2) AS 43.40.010(a) and (b) could be amended by adding a new paragraph (4) as follows:

(a) (4) The tax on diesel fuel used in vehicles defined in AS 28.10.011(1) and (7) is two cents a gallon.

(b) (4) The tax on diesel fuel used in vehicles defined in AS 28.10.011(1) and (7) is two cents a gallon.

(3) AS 43.40.100 could be amended by adding a new section to read:

(L) fuel used in stationary power plants of 100 KW or less that generate electrical power for commercial enterprises not for resale.

HB 335
Statutes Affected

(1) ** (AS 34.06.050 (3) "residential housing accommodations" means a single or multiple unit private dwelling, including mobile homes, or a structure on the land that may be leased for any term of one week or longer, other condition of tenancy, that is used for dwelling purposes.)

(2) ** (AS 28.100.011. Vehicles subject to registration. Every vehicle in the state shall be registered under this chapter except when the vehicle is

(1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;

(7) driven or parked only on private property;)

**existing statute

HB 335
CONCEPTUAL AMENDMENTS

Amendment 1

AS. 43.40.100 is amended to read:

(I) fuel used in stationary power plants that generate electrical energy which is not for resale.

Amendment 2

AS 43.40.010 is amended by adding after (a) and (b), a new subsection (4)

(4) the tax on diesel fuel used in vehicles as specified in AS 28.100.011 (1) and (7) is two cents a gallon

** (AS 28.100.011. Vehicles subject to registration. Every vehicle in the state shall be registered under this chapter except when the vehicle is

(1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;

(7) driven or parked only on private property;)

Amendment 3

Page 2, Line 3 delete "private residence" and insert residential housing accommodations as defined in AS 34.06.050 (3).

** (AS 34.06.050 (3) "residential housing accommodations" means a single or multiple unit private dwelling, including mobile homes, or a structure on the land that may be leased for any term of one week or longer, other condition of tenancy, that is used for dwelling purposes.)

**existing statute

Amendment 1

AS. 43.40.100 is amended to read:

(L) fuel used in stationary power plants that generate electrical energy for commercial enterprises.

Amendment 2

AS.. 43.40.010 is amended by adding after (a) and (b), a new subsection (4)

(4) the tax on diesel fuel used in unlicensed or farm equipment is two cents a gallon

Amendment 3

Page 2, Line 3 delete "private residence" and insert "all residential units"

COMMITTEE REPORT

HOUSE

FINANCE

(9)

FURTHER:

4/7/83

Date: 4/12/83

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 335

An Act amending motor fuel tax provisions; and providing for an effective date.

under consideration and reports it back as follows:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[X] replace with CS for HB 335 [] same title [] new title

and recommends _____

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation [] Zero Fiscal Note Attached

[X] referred to the Finance Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

M.W. Miller Do Pass

[Signature]

M.W. Miller Vice-Chairman

CHAIRMAN

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No: HB 335
Title: Amending Motor Fuel Tax
Sponsor: Transportation Committee
Requestor: Transportation Committee

II. FISCAL DETAIL

Agency Affected: Department of Revenue
Program Category Affected: Rev Coll & Mgmt
BRU, Program of Subprogram(s) Affected: Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	(60.0)	(48.0)	(48.0)	(48.0)	(48.0)

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Robert R. Kessel
Division: Audit Division

Phone: 465-2320
Date: April 11, 1983

Approved by Commissioner: [Signature]
Department: KAUPON

Date: 4/11/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

IV. Analysis

It is assumed in this fiscal note that about 100 dealers per month would take advantage of the 1% deductible allowance to cover the accounting expense of filing timely monthly tax returns.

It is also assumed that the average monthly deduction would be about \$40.00 per month.

Although the bill is retroactive to April 1, 1983, we assume that the refunding for the period April 1 through June 30, 1983 would not occur until FY84 and that is why the FY84 impact is greater than subsequent years.

I. REQUEST

Bill/Resolution No: CS HB 335
 Title: Amending Motor Fuel Tax
 Sponsor: Transportation Committee
 Requestor: House Finance

II. FISCAL DETAIL

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 Program Category Affected: Rev Coll & Mgmt
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200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700/ GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	(60.0)	(48.0)	(48.0)	(48.0)	(48.0)

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Robert R. Kessel
 Division: Audit Division

Phone: 465-2320
 Date: April 15, 1983

Approved by Commissioner: [Signature]
 Department: REV

Date: 4/18/83

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H B

3 4 9

Alaska

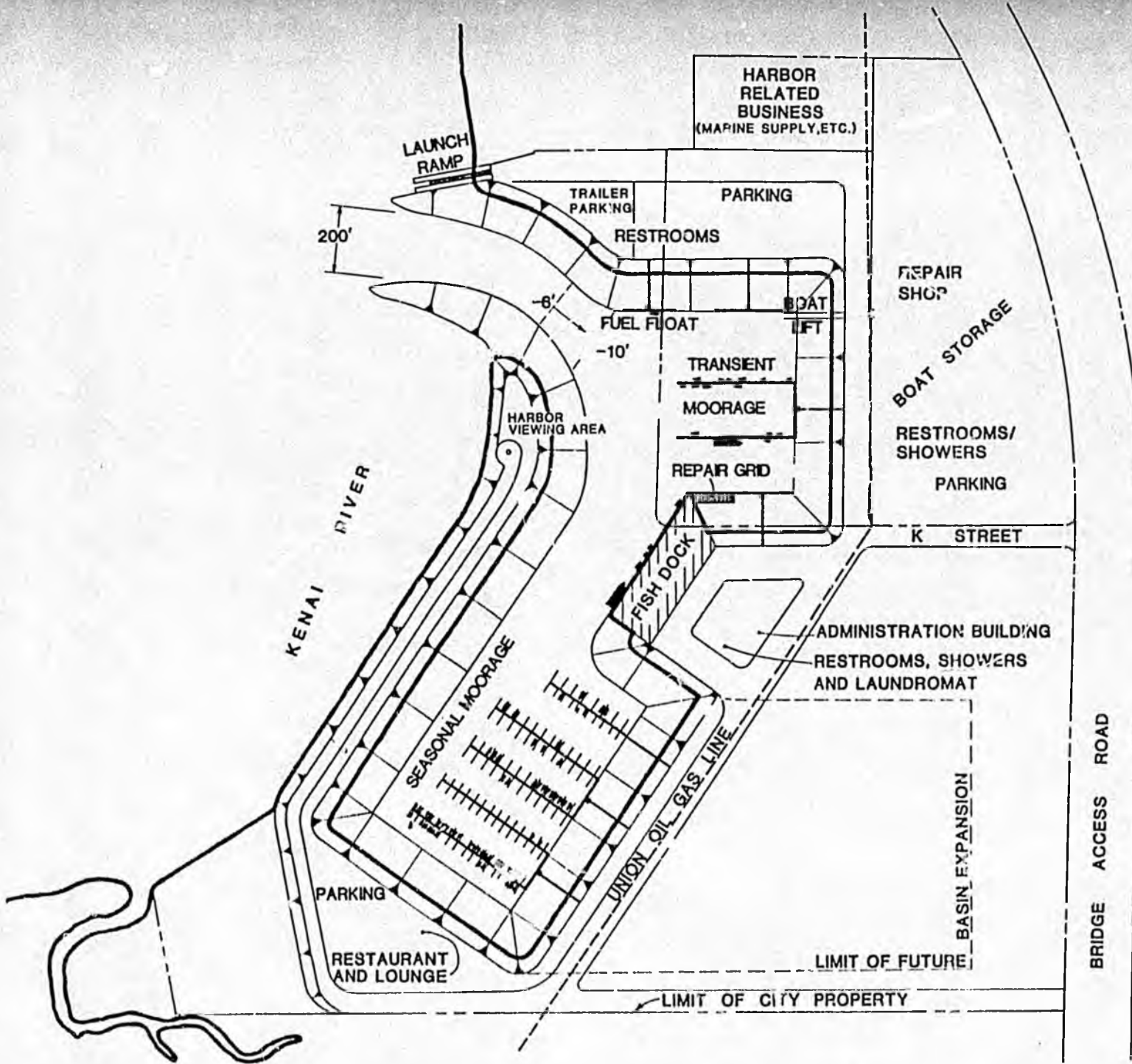
City of Kenai
called - John Williams
will be here tomorrow
to testify on the
Kenai Harbor will
coming in tonight -
staying at the
Baranof

Status of studies, engineering and/or design
initial stages of small boat harbor -
so will fit into design

Funds to accommodate harbor bulkhead, dock &
fueling facilities - under const?
const. begins?

Out-of-town witnesses?

All ready to go?



**CITY OF KENAI
SMALL BOAT HARBOR**

ALTERNATE NO. 2

FIGURE 4-3

TAMS ENGINEERS
A PROFESSIONAL CORPORATION

SMALL BOAT HARBOR CONCEPTUAL ALTERNATIVES

SPEACH BEFORE
THE
HOUSE TRANSPORTATION COMMITTEE
MARCH 14th. 1984

CHAIRMAN CATO AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE. THANK YOU FOR ASKING ME HERE TODAY TO SPEAK TO YOU ON MATTERS CONCERNING THE FUNDING OF WORK RELATING TO THE CONSTRUCTION OF HARBOR FACILITIES IN THE KENAI RIVER FOR THE CITY OF KENAI.

THE LOWER KENAI RIVER HAS SERVED AS A SHELTERED HARBOR AND PROCESSING BASE FOR ONE OF THE LARGEST COMMERCIAL FISHERIES IN THE STATE OF ALASKA FOR NEARLY 80 YEARS. CURRENTLY NEARLY 700 LICENSED BOATS LIST KENAI AS THEIR HOME PORT, AND AT THE PEAK OF THE SALMON SEASON SEVERAL HUNDRED LOCAL AND NON-RESIDENT VESSELS ARE MOORED IN THE MAIN CHANNEL OF THE LOWER RIVER WAITING FOR FISHERIES OPENINGS.

IN SPITE OF THE INTENSE BOATING ACTIVITY THERE ARE CURRENTLY NO HARBOR FACILITIES IN THE LOWER RIVER AVAILABLE FOR USE BY THE BOATING PUBLIC. ALTHOUGH SOME OF THE MAJOR PROCESSORS PROVIDE SERVICES FOR THE FISHERMAN SELLING THEIR CATCHES TO THEM, THERE ARE NO PUBLICLY ACCESSIBLE FACILITIES FOR MOORAGE, FUELING, REPAIRS OR OTHER SERVICES THAT ONE WOULD EXPECT IN A COMMUNITY WHERE THE COMMERCIAL FISHERY IS A MAJOR SOURCE OF JOBS AND INCOMES.

A NUMBER OF STUDIES BY THE CORP OF ENGINEERS, THE STATE OF ALASKA, AND OTHERS HAVE BEEN UNDERTAKEN IN THE PAST SEVERAL YEARS TO REVIEW THE FEASIBILITY OF PROVIDING A SMALL BOAT HARBOR FOR KENAI. A RECURRING THEME RESULTING FROM THESE STUDIES IS THAT A HARBOR IS NEEDED TO SERVE THE COMMERCIAL AND RECREATIONAL BOATERS IN THE UPPER COOK INLET AND KENAI RIVER. MAJOR REASONS ADVANCED FOR DEVELOPING THE HARBOR INCLUDED; EXCESSIVE CONGESTION AND NAVIGATIONAL DELAYS AND HAZARDS IN THE RIVER, LIMITED ACCESS TO PRIVATE DOCKS RESULTING IN LONG DELAYS PREVENTING RAPID OFF-LOADING OF FISH, DAMAGE TO VESSELS NESTED IN THE RIVER DUE TO STRONG TIDAL AND WIND INFLUENCE, DANGER IN LITERING SUPPLIES AND PERSONEL BACK AND FORTH BETWEEN BOATS AND SHORE, THE LACK OF A PROTECTED AND COAST GUARD APPROVED MARINE FUELING TERMINAL, AND THE POTENTIAL FOR GROWTH OF A LOCAL MARINE SERVICE AND SUPPLY INDUSTRY RESULTING IN A POSITIVE ECONOMIC STIMULUS TO THE REGION.

EACH OF THE PREVIOUS STUDIES HAS CONCLUDED THAT THERE IS A NEED FOR A PROTECTED HARBOR, AND HAS INDICATED THAT A HARBOR COULD BE DESIGNED AND BUILT USING EXISTING TECHNOLOGY. THE MAJOR OBSTACLE TO CONSTRUCTION AND OPERATION OF A FACILITY HAS BEEN THE CONCLUSION THAT HEAVY SILT LOAD IN THE ESTUARY WOULD NECESSITATE AN EXCESSIVELY BURDENSOME MAINTENANCE DREDGING PROGRAM. AS A RESULT VERY LITTLE HAS BEEN ACCOMPLISHED IN THE PAST TO OBTAIN FUNDING AND CONSTRUCT A HARBOR.

THERE HAVE BEEN MANY OPINIONS VOICED AS TO THE CORRECTNESS OF PAST STUDIES AND MANY ASPECTS OF THE STUDIES HAVE BEEN QUESTIONED BECAUSE OF THE NON SCIENTIFIC APPROACH THAT HAD BEEN

USED. FOR EXAMPLE THE UNITED STATES CORP OF ENGINEERS ONCE PRODUCED A STUDY INDICATING TWICE AS MUCH SILTING IN THE RIVER AS WE HAVE RECENTLY CONCLUDED ACTUALLY TAKES PLACE. OUR CONCLUSION IS BASED UPON LENGTHLY PHYSICAL SAMPLING AND PROFESSIONAL COMPUTER MODELING BY A LEADING COMPUTER MODELING LABRATORY. BEACUSE OF THESE MANY DESCREPENCYS IN REPORTING AND THE VARIY OF DIFFERENT OPINIONS AS TO THE POSSIBILITIES, FORMER MAYOR VINCENT O'RILEY, WHO HAS BEEN APPOINTED S MOST OF YOU KNOW, TO A POSITION IN JUNEAU BY GOVERNOR SHEFFIELD, APPOINTE? THE PRESENT HARBOR COMMISSION TO FULLY INVESTIGATE THE ENTIRE MATTER OF A HARBOR FACILITY FOR THE CITY OF KENAI.

THE HARBOR COMMISSION FIRST CONVEINED UNDER CHAIRMAN ROBERT PETERKIN ON MARCH 21ST. 1979. I WAS ELECTED VICE CHAIRMAN OF THE COMMISSION AND SERVED UNDER CHAIRMAN PETERKIN UNTILL FEBRUARY 1982 WHEN MR PETERKIN RESIGNED BECAUSE OF PERSONEL REASONS AND AT THAT TIME I ASSUMED THE CHAIRMANSHIP AND HAVE

SERVED EVERY SINCE.

DURING A RECENT SENATE SUB COMMITTEE HEARING ON SB417, A BILL TO CREATE A CONSERVATION CORRIDOR 1/4 MILE WIDE ON EACH SIDE OF THE KENAI RIVER ALL THE WAY TO THE MOUTH OF THE RIVER, IT WAS STATED THAT ONE REALLY KNEW MUCH ABOUT THE KENAI RIVER. MEMBERS OF THE COMMITTEE, I CAN ASSURE YOU THAT THE CITY OF KENAI KNOWS MORE ABOUT OUR PORTION OF THE KENAI RIVER THAN ANY OTHER AGENCY OR GOVERNMENT GROUP IN THE ENTIRE UNITED STATES OF AMERICA. IN ORDER TO INSURE THAT ANY HARBOR BUILT WOULD MEET ALL REQUIREMENTS OF GOOD ENGINEERING, SOUND FISCAL MANAGEMENT AND LONG RANGE PLANNING THE CITY OF KENAI UNDERTOOK A LONG SERIES OF STUDIES THAT WERE FUNDED BY THE STATE OF ALASKA. WE HAVE WORKED FOR FIVE YEARS TO PRODUCE THE MOST COMPREHENSIVE STUDIES EVER COMPLETED ON OUR PORTION OF THE KENAI RIVER.

IT IS OUR BELIEF THAT THE CONSTRUCTION OF A HARBOR FACILITY WILL RELIEVE THE CONGISTION WITHIN THE RIVER THAT IS CREATED EACH SEASON WITH HUNDREDS OF BOATS MOORED EVERY WAY POSSIBLE IN THE MAIN CHANNEL. IN ADDITION THE CONSTRUCTION OF A COAST GUARD APPROVED FUELING FACILITY WILL PREVENT COSTLY DAMAGE TO THE RIVER ENVIRONMENT IN THE EVENT OF FUEL SPILLS.

FOR ALL OF YOU WHO HAVE LIVED WITH THE HIGH COST OF FREIGHT AS LONG AS I HAVE IN ALASKA YOU WILL RECOGNIZE THE BENIFIT OF DIRECT BARGE SHIPMENT TO ANY POINT IN ALASKA ACCESSABLE BY WATER. BY CONSTRUCTING A HARBOR WE WILL RID THE RIVER OF DANGEROUS HAZZARDS TO NAVAGATION. AFTER HAVING ACCOMPLISHED THIS TASKTHE CITY CAN PROCEED TO PARTICIPATE IN THE DEVELOPEMENT OF BARGE OFFLOADING FACILITIES THAT WILL BE USED BY COMPANIES NOW HESITTANT TO CALL AT THE PORT OF KENAI BECAUSE OF THE HAZZARDS OF ATTEMPTING TO DOCK A BARGE IN AMONGST A SWARM OF SMALL FISHING CRAFT. ADDITIONAL FREIGHT FACILITIES WILL CONTRIBUTE TO THE GROWTH OF THE AREA IN A VERY POSITIVE MANNER AND WILL BE A MAJOR BENIFIT TO ALL THE CITIZENS OF THE AREA AND THUS THE PROJECT BECOMES BENIFICAL TO ALL AND NOT JUST TO A SELECT GROUP.

DURING THE LEGISLATIVE SESSION OF 1980, THE HARBOR COMMISSION

WORKED WITH OUR LEGISLATIVE DELEGATION AND OBTAINED A GRANT OF \$500,000.00 TO DO A COMPLETE STUDY OF THE KENAI RIVER AREA WITHIN THE CITY AND TO DEVELOPE A PLAN FOR A HARBOR. WE WERE ALSO CHARGED WITH THE RESPONSIBILITY OF COMPLETING A STUDY OF THE BLUFF ERROSION PROBLEM ALONG THE RIVER BANK IN THE OLDER PART OF KENAI. THIS SUDY WAS COMPLETED AND COPIES OF THE REPORT ARE AVAILABLE FROM THE CITY HALL.

IN FEBRUARY 1981 WE ENTERED INTO A CONTRACT WITH THE ENGINEERING FIRM OF CH2M HILL THE CONTRACT CALLED FOR SITE DETERMINATION STUDIES AND SOILS INVESTAGATIONS. THESE STUDIES WERE COMPLETED IN FEBRUARY OF 1982.

LATER THAT YEAR WE BEGAN A SERIES OF CONTRACTED WITH OUR PRESENT ENGINEERING FIRM, TIBBITS, ABBOTT, MC CARTHY, AND STRATTON WHO CAME WELL RECOMMENDED AND ARE A WORLD WIDE FIRM WITH SPECIALTYS IN HARBOR DESIGN. THE CONTRACTS ENTERED INTO INCLUDED A COMPLETE SILT AND SEDIMENTATION STUDY, THE BLUFF ERROSION STUDY, THE DESIGN OF ALTERNATIVE MARINE FACILITIES INCLUDING THE NEW BOAT RAMP, AND MOST RECENTLY THE FINANCIAL ANALYSIS AND CONCEPTUAL DESIGN STUDY.

DURING THE INTERVINING YEARS THE HARBOR COMMISSION HAS SECURED ADDITIONAL FUNDS FROM THE STATE TO CONTINUE THE ENGINEERING AND TO CONSTRUCT SOME INTERM FACILITIES. WE WERE SUCCESSUFUL IN OBTAINING \$700,000.00 FROM THE 1974 PORT FACILITIES GRANT THAT WAS BONDED BY THE PEOPLE OF THE STATE OF ALASKA, AND LATER DUE TO EFFORTS BY OUR LEGISLATIVE DELEGATION AND CITY ADMINISTRATION, WE ALSO RECEIVED AN ADDITIONAL \$300,000.00 FOR CONSTRUCTION OF THE BOAT RAMP. IN TOTAL WE HAVE RECEIVED SOME \$1,515,000.00 OF THAT AMMOUNT WE HAVE SPENT APROXIMITLY \$830,200.00 DOLLARS AND HAVE REMAINING IN OUR ACCOUNTS SOME \$684,790.00

THE STUDIES ARE NOW COMPLETE AND WE HAVE OBTAINED A CONSIDERABLE AMOUNT OF INFORMATION FROM THEM. FOR EXAMPLE WE HAVE LEARNED THAT THERE ARE 1346 REGISTERED UNITS IN THE GILLNET FISHERY IN COOK INLET. THE COMERCIAL FISHING FLEET BASED IN THE LOWER KENAI RIVER INCLUDED SOME 680 VESSELS REGISTERED IN KENAI AND ANOTHER 255 REGISTERED IN SOLDOTNA INCLUDING 335 BOATS IN EXCESS OF 26 FEET LONG.

THESE BOATS ARE ENGAGED IN FISHERIES OTHER THAN SALOMON AND INCLUDE HALIBUT, BOTTOM FISH AND THE SPORT FISHERY.

THE STUDY FURTHER INDICATED THAT AT PRESENT THE USERS OF THE HARBOR FACILITY WOULD FOLLOW A MIX OF 257 PERMANANT AND 187 TRANSIENT MOORINGS. HISTORY OF ALL SMALL BOAT HARBORS INDICATE THAT WHERE SPACE IS AVAILABLE, BOATS WILL BE MOORED. PRESENTLY THERE WAITING LISTS AT ALL OF THE SMALL BOAT HARBORS IN SOUTH CENTRAL AND SOUTH EASTERN ALASKA. BOATS REGISTERED TO KENAI RESIDENTS ARE NOW MOORED AS FAR AWAY AS SELDOVIA.

THESE FIGUERS ALONG WITH THE TRANSIEANT FIGUERS INDICATE A NEED FOR A HARBOR LARGE ENOUGH TO HANDLE UP TO 440 VESSELS. AND THAT THE HARBOR SHOULD HAVE AVAILABLE FOR THE VESSEL OPERATORS RESTROOMS AND SHOWERS, BILGE AND SANITARY FACILITIES

FOR BOATS, DOCKSIDE UTILITIES, AND NET AND GEAR STORAGE YARD. WE MAY EXPECT TO SEE PRIVATE ENTERPRISE BE INVOLVED IN BOAT REPAIR FACILITIES, MARINE SUPPLY RETAILERS, RESTAURANTS, LOUNGE AND SNACK BAR, LAUNDROMAT, AND OVERNIGHT AND LONGER TERM RECREATIONAL VEHICLE AND TRAILER CAMPING.

IN ADDITION TO THESE FACILITIES THAT WOULD DEVELOPE IF A HARBOR WERE AVAILABLE IT WAS ALSO FOUND THAT THERE IS A GROWING MOVEMENT BY FISHERMEN TO OPERATE AS INDEPENDANT OPERATORS OR TO FORM CO-OPERATIVES WHICH IS A BREAK IN THE TRADITIONAL LINK BETWEEN PROCESSOR AND THE FISHERMAN. WHERE ALTERNATIVE FACILITIES ARE PROVIDED FISHERMEN CAN SELL DIRECTLY TO CASH BUYERS AND MAKE ARRANGMENTS FOR THEIR OWN MOORAGE AND SUPPORT SERVICES THUS ELIMINATING THAT BURDEN FROM BEING THE RESPONSIBILITY OF THE PROCESSOR.

CONSIDERATIONS WITHIN THE STUDY CONCLUDE THAT A HARBOR DESIGN OF THE TYPE MOST SUITABLE FOR OUR PURPOSES WOULD REQUIRE THE ACQUISITION OF SOME ADJOINING PROPERTY. IN ADDITION THE DESIGN ALSO PRECLUDES THE NEED TO MOVE A HIGH PRESSURE GAS MAIN PRESENTLY LOCATED ON CITY PROPERTY. THE SAVINGS IN NOT MOVING THE GAS LINE MORE THAN OFFSET THE COST OF THE PROPERTY NEEDED TO BE ACQUIRED.

THE STUDY ALSO INDICATED THAT THE DESIGN MUST INCLUDE A CLOSURE TYPE ENTRANCE TO THE HARBOR. THIS CLOSURE SYSTEM WILL PREVENT UP TO 50% OF THE SILT FROM ENTERING THE HARBOR. SINCE AS MUCH AS \$190,000.00 IS EXPECTED TO BE SPENT ON AN ANNUAL BASIS FOR DREDGING, THE CLOSURE SYSTEM IS ALMOST A MANDATORY FEATURE. THE CLOSURE WOULD BE IN PLACE FROM LATE OCTOBER UNTILL SOME TIME IN APRIL GIVE OR TAKE A WEEK OR TWO. WITH THIS DESIGN INCORPORATED THE HARBOR CAN EXPECT TO GENERATE IN THE NEIGHBORHOOD OF \$391,000.00 PER YEAR IN INCOME TO THE CITY AND IS EXPECTED TO COST THE CITY APROXIMITLY \$365,000.00 TO OPERATE OF WHICH \$115,000.00 WILL BE IN PAYROLL TO DIRECT EMPLOYEES OF THE HARBOR. THE REST WILL BE FOR DREDGING, REPAIRS AND MAINTENANCE WHICH WILL ALSO BE VERY LABOR INTENSIVE. THE PRIMARY OBJECTIVE OF THE DESIGN IS THAT THE HARBOR BE ABLE TO SUPPORT ITS SELF AFTER IT IS CONSTRUCTED.

UP TILL NOW I HAVE ATTEMPTED TO BRING YOU UP TO DATE ON WHAT WE HAVE DONE WITH PAST FUNDING AND WHERE WE ARE IN THE OVERAL PLAN OF THE HARBOR FACILITIES. I WILL NOW FILL YOU IN ON THE DETAILS OF OUR PRESENT REQUEST FOR FUNDING. I WOULD LIKE TO POINT OUT THE FACT THAT ALL OF THE FUNDS THAT HAVE THUS FAR BEEN SPENT WERE SPENT IN SUCH A MANNER AS TO GAIN THE MAXIMUM AMOUNT OF INFORMATION POSSIBLE FOR THE CITY OF KENAI. NONE OF THE FUNDS WERE RELAGATED TO ANY OTHER PROJECT AND ALL CONTRACTS ENTERED INTO ARE NOW COMPLETE.

RECOGNIZING THAT A HARBOR IS A COSTLY ITEM AND ALSO RECOGNIZING THAT THERE ARE A GREAT MANY NEEDS TO BE FILLED IN THE STATE WE ARE NOT YET PREPARED TO REQUEST FULL FUNDING FOR THE MAIN HARBOR PROJECT. WE ARE HERE TODAY TO ASK THAT THE LEGISLATURE CONTINUE FUNDING IN INCFEMENTAL STEPS AS IT HAS IN THE PAST THREE SESSIONS. OUR REQUEST BEFORE YOU IS IN THE AMOUNT OF 1.9 MILLION DOLLARS. IT IS THE INTENTION OF THE CITY

OF KENAI TO USE THE 1.9 MILLION DOLLARS TO FUND THE CONSTRUCTION OF SOME INTERIUM FACILITIES THAT WILL CONSIST OF A TURNING BASIN, FUEL FACILITIES, REPAIR GRID AND OFF LOADING FACILITIES. ALL OF THE FAILIITIES TO BE CONSTRUCTED WILL BE ENGINEERED IN SUCH A MANNER AS TO BE USABLE IN THE FUTURE AS PART OF THE OVERALL HARBOR FACILITIES. OUR PRIMARY OBJECTIVE IN REQUESTING THIS FUNDING NOW IS TO ALLOW CONSTRUCTION INITALLY A FACILITY THAT WILL TEST ALL OF THE THEORIES THAT HAVE BEEN PROPOUNDED BY THE ENGINEERING FIRMS AND CONSULTANTS. BY CONSTRUCTING A MINI FACILITY WE CAN TEST THE SILTATION LOADS, TRAFFIC PATTERNS, USE FACTORS AND EQUIPMENT TO INSURE THAT ALL WILL FUNCTION AS PREDICTED BY THE MATHMATICAL MODEL AND COMPUTER PREDICTIONS. BY APROACHING THE PROBLEM IN THIS MANNER WE HOPE TO SAVE MANY MILLIONS OF DOLLARS IN THE FUTURE.

THE FUNDING REQUESTED TODAY WILL BE USED FOR THE CONSTRUCTION OF THE FACILITIES DETAILED ABOVE. BASIC ENGINEERING AND SITE PLANNING HAVE ALREADY BEEN COMPLETED. SOILS ANALYSIS HAVE TAKEN PLACE AND THE GROUND WORK FOR IMPLIMENTING THE PROGRAM HAS BEEN PREPAIRED WE ONLY AWAIT THE ACTUAL FUNDING AND ACTUAL CONSTRUCTION COULD BEGIN THIS SEASON.

EARLIER I MENTIONED THAT IT IS THE INTENTION OF THE CITY TO PURCHASE ADDITIONAL LANDS TO ACCOMODATE THE FUTURE CONSTRUCTION OF THE MAJOR HARBOR FACILITY. I WOULD LIKE AT THIS TIME TO OFFER FOR YOUR CONSIDERATION AN ADDITIONAL REQUEST IN THE AMOUNT OF \$600,000.00 TO FUND THAT LAND ADUSITION. WHILE THIS AMOUNT HAS NOT PREVIOUSLY BEEN REQUESTED I AM SURE THAT YOU WILL AGREE THE REQUEST IS CONSISTANT WITH GOOD PLANNING AND WILL IN THE FUTURE BE A MAJOR ASSET TO THE CITY OF KENAI. THE ADDITIONAL FUNDING WILL BRING THE AMOUNT REQUESTED TO 2.5 MILLION. I AM SURE YOU WILL ALL AGREE THAT LAND INVESTMENT IS A PRUDENT USE OF MONEY IN LIGHT OF THE ASTRONCMICAL PRICESSES RECENTLY PAID FOR VARIOUS PARCELS PURCHACED IN SEVERAL LOCATIONS THROUGHOUT THE STATE. THE PARCEL IN QUESTION IS 37 ACRES IN SIZE AND CONSISTS OF PRIME COMERCIAL AND INDUSTRIAL LANDS IN THE HEART OF THE HARBOR AREA.

ONE OTHER VERY IMPORTANT POINT TO MAKE IS THAT THE HARBOR IS CONSIDERED A REGIONAL PROJECT BY THE CITY IN THAT IS IS EXPECTED TO SERVE A WIDE DEMOGRAFIC AND GEDGRAPHIC AREA. SINCE THE LOCATION IS SO IDEALY SITUATED , BOAT OPERATORS FROM STERLING TO NORTH KENAI AND FROM SOLDOTNA TO KASELOFF ARE EXPECTED TO BE ITS ULTIMATE USERS. BECAUSE OF THE REGIONAL ASPECT OF THE PROJECT, THE CITY HAS ASKED THAT IT BE CONSIDERED UNDER A SPECIAL CATAGORY OF PUBLIC WORKS PROJECTS AND THAT ANY FUNDS CONSIDERED FOR THE CITY OF KENAI NOT BE CONSIDERED IN THE SAME CATAGORY BUT SHOULD BE CONSIDERED SEPERATELY FOR FUNDING PURPOSES.

THANK YOU MEMBERS OF THE COMMITTEE FOR BEING SO PATIENT DURING MY PRESENTATION. I WOULD LIKE TO TAKE JUST A FEW MOMENTS TO RECAP WHAT HAS BEEN SAID AND THEN ALLOW OTHERS TO BRING THEIR THOUGHTS ON THE SUBJECT TO YOU.

IN RECAPING I WOULD SAY;

#1....THE HARBOR FACILITIES OF THE CITY OF KENAI ARE REGIONAL IN NATURE IN THAT THEY SERVE ALL AREAS OF THE CENTRAL PENINSULA.

#2....FUNDING IN THE AMOUNT OF 2.5 MILLION WILL ENABLE THE CITY TO PURCHASE THE NEEDED ADDITIONAL LAND TO PROCEED WITH A COMPLETE HARBOR FACILITY AT A LATER DATE.

#3....ENGINEERING HAS BEEN COMPLETED FOR THE CONSTRUCTION OF THE INTERIUM HARBOR FACILITIES AND CONSTRUCTION CAN START AS SOON AS FUNDING IS COMPLETED AND BIDS ARE LET.

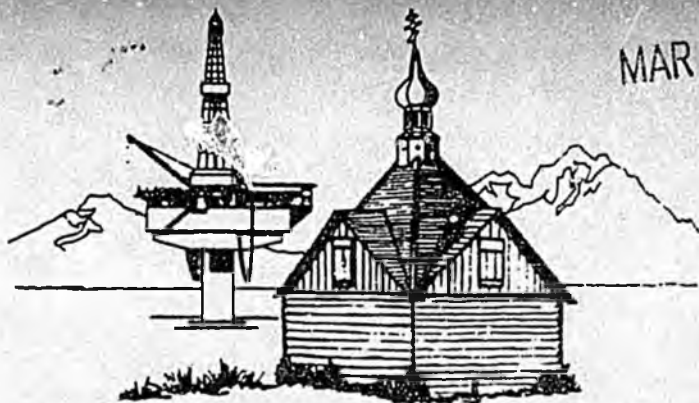
#4....THE STATE OF ALASKA HAS FUNDED THE PROJECT IN THE AMOUNT OF 1.25 MILLION DOLLARS SO FAR AND RECOGNIZES THE NEED FOR IMPROVED TRANSPORTATION FACILITIES IN THE AREA.

#5....THESE FACILITIES WHEN COMPLETED WILL BENIFIT THE ENTIRE CROSS SECTIONAL GROUP OF CITIZENS IN THE CENTRAL PENINSULA AREA BY ALLOWING ADDITIONAL TRANSPORTATION FACILITIES TO BE DEVELOPED THUS ADDING TO A MORE STABLE FUTURE ECONOMY.

MEMBERS OF THE COMMITTEE, I THANK YOU FOR YOUR TIME AND I WISH TO EXPRESS MY APPRICIATION ON BEHALF OF THE CITY OF KENAI FOR HAVING BEEN ALLOWED THE OPORTUNITY TO BRING THIS IMPORTANT PROJECT TO YOUR ATTENTION. I RESPECTFULLY URGE YOUR SUPPORT IN FUNDING THE AMOUNT REQUESTED.

THANK YOU;

MAR 5 1984



CITY OF KENAI
"Oil Capital of Alaska"

210 FIDALGO KENAI, ALASKA 99611
TELEPHONE 283-7535

February 28, 1984

The Honorable Bette Cato, Chairman
House Transportation Committee
Pouch V
Juneau, Alaska 99811

Dear Chairman Cato,

You have in your committee House Bill No. 349 sponsored by Representative Hugh Malone and introduced during the last session of the Alaska General Assembly. House Bill No. 349 carries a price tag of \$1.9 million dollars and is for constructing a harbor bulkhead, a docking facility, fueling facilities and public restroom facilities on the Kenai River to service the fishing fleet in Cook Inlet.

This facility will service 500 - 600 commercial fishing vessels providing fish to 14 area processing plants. At the present time there are no public facilities for loading or unloading either fish or freight in the Kenai River or in the mouth of the Kenai River in Cook Inlet.

To give you a little background, Kenai has been trying to build a small boat harbor for 25 years. Kenai is probably the largest fishing and fish processing area in the State of Alaska that has no harbor facilities. As a consequence, there are no public docking facilities and no fueling facilities. Therefore, the fisherman must establish ties with one of the local processing plants in order to have fuel made available for themselves and to permit them to off-load their fish.

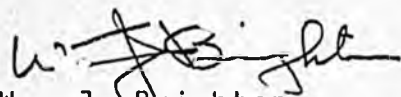
The City has expended several hundred thousand dollars in doing studies, engineering, and/or design in trying to accomplish a small boat harbor primarily for the fishing fleet in northern Cook Inlet. House Bill No. 349 is a measure that will permit reasonable access to the fishing and/or pleasure boating public in the Kenai area. It is a project that can stand alone or will be compatible and represents the initial stages of a small boat harbor for Kenai.

The public, at a special election in the City of Kenai, voted overwhelmingly to support the efforts of the City to acquire funding for a small boat harbor on the Kenai River. We are not at this time requesting funds for a small boat harbor, only funds to accommodate the harbor bulkhead, the dock and fueling facilities for our fishing fleet.

If there is any way possible that you feel you could hold a public hearing on House Bill No. 349, the City Council and the fisherman from this area would be extremely appreciative. If you could hold a public hearing and there was enough time between the announcement and the public hearing to permit several people from Kenai to come to Juneau to testify on House Bill No. 349, I can guarantee you there will be representatives from municipal government, the fishing industry, the processing industry and the Harbor Commission from the City of Kenai.

This facility is important not only to the City of Kenai but to the State of Alaska in that it would be an amenity encouraging and helping the commerce of this State.

Sincerely,



Wm. J. Brighton
City Manager

cc: Governor Bill Sheffield
Representative Mike Miller
Representative Mitch Abood
Representative Robert Bettisworth
Representative Mike Davis
Representative Joe Flood
Representative Adelheid Herrmann
Representative Jack McBride
Representative Mike Szymanski
Senator Don Gilman
Senator Paul Fischer
Representative Milo Fritz
Representative Hugh Malone

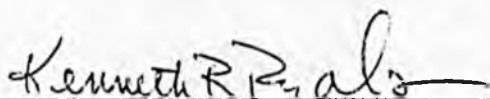
WJB/kh

POSITION PAPER

HB 349

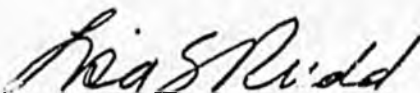
"An Act making a special appropriation for payment as a grant to the City of Kenai for construction of a harbor bulkhead and boat ramp; and providing for effective date."

This bill provides for payment of \$1,750,000 General Funds under A.S. 37.05.315, by the Department of Administration. Historically, the Department has not "held back" any portion of any grant under A.S. 37.05.315 for administrative costs, including the legislated audit function. We have found efficiency measures in other areas that permit us to devote some operating staff resources to the administrative tasks of the Municipal grants program. One more grant, such as proposed by this bill, will not over-burden our resources, but one hundred will. If the number of grants under A.S. 37.05.315 becomes significant, additional operating costs by the Department will need to be budgeted by the Legislature to ensure that the full value of the grant reaches the intended recipient.



Kenneth R. Ryals
Director
Division of Administration
Department of Administrative
Services

3/8/84
Date



Commissioner Lisa Rudd
Department of Administration

3/8/84
Date

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____, 1984
Page 1 of 1

REQUEST

Bill/Resolution No.: HB 349
Title: Grant for City of Kenai for Boat Ramp and Bulkhead.
Sponsor: Malone and Fritz
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: _____
BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL	0	1,750.0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	1,750.0	0	0		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS: N/A

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Christine L. Dooley
Division: Administrative Services

Phone: 465-4418
Date: March 7, 1984

Approved by Commissioner: Lisa Rudd
Agency: DEPARTMENT OF ADMINISTRATION

Date: March 7, 1984

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

HB

361

STATE OF ALASKA
FISCAL NOTE

I. REQUEST

Bill/Resolution No.: HB 361
Title: Akutan, Nelson Lagoon, Pilot Pt,
Port Heiden Docks
Sponsor: Herrmann
Requestor: Herrmann

II. FISCAL DETAIL

Agency Affected: DOT&PF
Program Category Affected: _____
BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING		-0-	-0-			
CAPITAL		1,578.0	-0-			
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,578.0	-0-			
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

II. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

This was not provided by the requestor.

IV. ANALYSIS: Attached

Prepared by: William R. Snell, Director Phone: 266-1440
Division: Central Region Planning & Programming Date: 4/28/83
Approved by Commissioner: David W. Haugen Date: 5/3/83
Department: Deputy Commissioner, Central Region

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Fiscal Note for HB 361 (cont'd)

Analysis

The funding at Akutan will be sufficient to locate and develop a preliminary design of an Akutan dock.

Nelson Lagoon, Pilot Point, and Port Heiden all experience shallow water and strong tides. The proposed feasibility study will determine location and preliminary design parameters and conceptual dock layouts would be provided, as well as firm design costs and construction cost estimates. A more detailed design effort would be the next appropriate step if the projects prove feasible.

The funding for Levelock dock expansion and the design and construction of Newhalen/Iliamna dock facilities will be grants to communities through DCR&A. These projects will have no fiscal impact on DOT&PF's capital or operating budgets.

H B

390

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE:

May 23, 1983

Ms. Sarah Robinson
Representative Lacher's Office
Pouch V
Juneau, Alaska 99811

Dear Ms. Robinson:

Several important questions need to be addressed in legislation to create a scenic highway system, as proposed in HB 390 and 391.

What qualities define a scenic highway
(definition of purpose)?

Does a scenic highway incorporate adjacent lands?

What are management standards for scenic highways
and adjacent lands?

Which agency will manage the system?

Other questions pertain to the discussion leading up to legislation. Will designation affect road maintenance or federal highway funding? Should the Legislature designate scenic highways? What are the experiences of other states in creating and managing scenic highways?

At this point it would be difficult for the Administration to evaluate the proposed system. I suggest that Legislative staff and members of the Administration work together to provide more definition. This cooperation could best be accomplished during the interim, as we have discussed. Perhaps it would be appropriate to hold the bills in Committee while we work on them.

Ms. Sarah Robinson

-2-

May 23, 1983

Thanks for your attention.

Sincerely,



John Bates
~~Deputy Commissioner~~
Department of Transportation
and Public Facilities

Ned Fryer, sp. asst.

Robert D. Arnold
Deputy Commissioner
Department of Natural
Resources

cc: Steve Soenksen, House Transportation Committee
Judith Anderegg, Senator Kerttula's office

Alaska State Legislature

REPRESENTATIVE
BARBARA LACHER
P.O. BOX 478
PALMER, ALASKA 99645
9071376-4215



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
9071465-4894

House of Representatives

MEMORANDUM

TO: House Transportation Committee Members

FROM: Representative Barbara Lacher

DATE: May 17, 1983

SUBJECT: HB 390, HB 391

House Bill 390 is the enabling legislation for the designation of State scenic highways. House Bill 391 makes a special appropriation to the Department of Transportation and Public Facilities to study the Glenn Highway between Palmer and Glenallen for scenic highway designation.

HISTORY:

The Sheep Mountain Coalition, a group of local citizens who live in the Glenn Highway area, organized two years ago and contacted the Department of Natural Resources with a concern over the effect of the land disposal program in the area. The Department of Natural Resource's intention to realign the Highway was also a concern voiced by the Sheep Mountain Coalition at that time. The Coalition requested that the State develop a land use plan for the area. Talk emerged at this time for a scenic highway plan.

The State's response to this request emerged in the form of the Susitna Basin Plan. This plan was, in part, cooperative with the Matanuska-Susitna Borough. The Susitna Basin Plan is not as yet adopted, although it has been approved by the Mat-Su Borough. Public hearings are still being held on this plan which addresses a wider regional plan than the Glenn Highway area. The plan addresses issues including tourism, year-round recreational use, land disposals, timber and mineral use, scenic preservation, and a trail system.

The Sheep Mountain Coalition then approached Representative Pat Carney, last Session, with the request that he introduce legislation to establish a recreation area along the Glenn Highway, in the Sheep Mountain area. Carney sponsored this legislation but it died in committee, as the political climate was not good for the creation of another state park. In particular there was serious objection to the restrictions on land use that the proposed park would mandate.

The Coalition then reassessed its position and shifted towards the current legislation which proposes a public use area in the scenic highway bill. The current proposal would not disallow timber or mining use of designated areas. In fact the designation of a scenic highway does not mandate restrictions of any of the other categories of land use, it simply restricts their location in relation to the valued visual resource of the area so designated. This current legislation would also require less active management than a state park.

The Division of Parks of the Department of Natural Resources supports this current plan and do not foresee any major conflict between the proposed legislation and the final form of the Susitna Basin Plan.

SUSITNA BASIN PLAN:

The four alternatives proposed in the Susitna Basin Plan are germane to a discussion of this legislation. The first alternative proposes a higher density land disposal with more lands in private ownership. This alternative plan provides for a protective corridor along the Glenn Highway. The second alternative is a moderation of the first, with fewer land disposals, fewer areas designated for woodlots, and generally more protected trails and lakes. The third, or the "green" alternative places a greater emphasis on forestry, mining, recreation, scenic protection, an increase in the number of trails, and wider trail corridors. The fourth alternative plan is similar to the third except that a stronger emphasis on economic development, especially in the area of tourism and its support industries is included. This alternative plan places tourism as a first priority, but also permits restricted logging and mining. Emphasis is placed in this proposal for both winter and summer recreation, with a number of cross-country ski trails designated in addition to the more familiar summer recreational uses.

LOCAL SUPPORT:

Petitions have been circulated, and a recent public meeting at the Glacier Elementary School demonstrated very strong support for the Susitna Basin Plan, especially alternatives three and four. The Sheep Mountain Coalition also holds this view, as well as the Mat-Su Borough. Strong local opinion centers on the need for both visual resources and protected trails. The scenic highway legislation proposed is in keeping with the interests of the residents of the area, as well as the Borough as a whole.

SCENIC HIGHWAY STUDIES:

The Department of Natural Resources has conducted two studies for scenic highway feasibility. These are the Parks Scenic Highway study completed four years ago, and the Denali Scenic Highway study completed this year. The DNR has informed the sponsor of this legislation that the Glenn Highway is a prime candidate for a designated scenic highway in Alaska. Passage of this legislation would permit the State to designate all three of these highways as scenic highways, if the Administration so desired.

I. REQUEST
 Bill/Resolution No.: HB 390
 Title: Designation of Scenic Highways

II. FISCAL DETAIL
 Agency Affected: DOT&PF
 Program Category Affected: _____

Sponsor: Lacher
 Requestor: _____

BRU, Program of Subprogram(s) Affected:
Planning and Maintenance & Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		37.0	74.0	77.7	81.6	85.7
200 TRAVEL		13.0	25.5	12.6	13.2	13.9
300 CONTRACTUAL		7.0	14.0	*Unknown	*Unknown	*Unknown
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, LTC.						
	Minimum impact given. See analysis in Sec. IV					
TOTAL OPERATING	-0-	57.0	113.5	90.3	94.8	99.5
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	57.0	113.5	90.3	94.8	99.6
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: Not identified by the sponsor.
 *[NOTE: "Unknown" means that it is impossible to predict how much it will cost the state to make highways meet scenic standards, erect signs and upgrade maintenance facilities and equipment to meet scenic standards, because we do not have standards yet, and do not know how many miles will be designated as scenic, or where they will be located.]

IV. ANALYSIS: See Attached for Analysis.

Prepared By: Paula Ramsey *Paula Ramsey* Phone: 465-4060
 Division: Standards and Statewide Programs Date: May 23, 1983
 Approved by Commissioner: *Gay Secor* Date: 5/23/83
 Department: Transportation and Public Facilities

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different for Sponsor)

IV. ANALYSIS

Designation and maintenance of scenic highways will have a fiscal impact on the DOT&PF beyond the figures given in Section I. Accordingly, the present fiscal note should be regarded as an underestimate, including only the minimal costs which we can predict -- primarily, the costs for the Scenic Resources Expert.

The DOT&PF suggests however, that the bill not require the Department to hire the Scenic Resources staff person. In our projection of ongoing need for such expertise, we do not anticipate that the program will require a full time permanent staff member. The Department could more efficiently contract with one or more consultants and train current DOT&PF employees for both the design and planning, and maintenance and operations functions necessary for the program.

We also suggest that the bill specify particular coordinative actions to insure fulfilling the intent of the legislation. First, the Department of Natural Resources (DNR) should be explicitly involved in establishing regulations for the development of state lands adjoining scenic highways, consistent with the intent of the scenic highways program. Second, the DNR should be required to send to all pertinent federal agencies an official notification of highways designated as state scenic highways. The notification should also request that such federal agencies as the Bureau of Land Management, Department of Agriculture, and National Park Service adopt procedures which would conform to the general guidelines established for state scenic highways. Moreover, if the scenic highways bill is passed by the legislature, the DOT&PF would request a delay in implementing the program until the U.S. Congress has acted on the Denali Scenic Highway Study.

In further consideration of the fiscal impact of this bill, it should be understood that the cost of constructing highways will increase over time, such that the amount of construction which can be done with the same money will decrease. It should also be understood that the regulations we develop will have to conform to Federal Highway Administration (FHWA) Standards to the extent that will allow us to continue leveraging the maximum amount of FHWA funds for highway construction.

The cost estimates in Section I reflect only the following:

	<u>FY 85</u>
<u>Personal Services</u>	
(Scenic Resources Expert)	74,000
<u>Travel</u>	
(for Scenic Resources Staff)	12,000
(for 15 public meetings on regs at \$300 air fare & per diem each, for 2 staff and 1 secretary)	13,500
Subtotal	\$ 25,500

Contractual

Minimal costs for signing, and Maintenance and Operations		Unknown*
Secretarial transcription for 18 public meetings at \$500 each	9,000	
Dept. Law Review of regs establishing standards	5,000	
Subtotal		<u>14,000</u>
TOTAL FY 85		\$113,500 PLUS

FY 84 estimates represent six months of personnel and supporting costs. Personal services cost for a Scenic Resources Expert, and that employee's estimated travel for inspection and design purposes are inflated at 5% per annum. The second part of the estimated travel cost is for regional staff to travel to the sites of the public hearings required for adoption of regulations as mandated in the bill.

The estimate of twelve public meetings statewide is provided as a conservative estimate, based on a review of the minimal number of hub communities located on the highways most likely to be designated as scenic.

The estimated contractual cost for secretarial services to transcribe meeting tapes was derived by scaling down the average cost for this service following hearings on the proposed time zone changes. We assumed eighteen total public hearings. Travel costs for the public meetings assume two Department staff and one contract secretary traveling at an average air fare of \$220 round-trip and one day's per diem at \$80.

The final contractual cost, for the Department of Law to review regulations proposed by the Department, is also a rough estimate. This figure could be as low as \$3,000 or could be much higher.

It is anticipated that much of the work involved in establishing standards and adopting regulations can be accomplished within the normal functions of the Department. Additional costs would arise in conducting studies for determining scenic highways; however, those costs are anticipated to be funded by the legislation that would also request the scenic studies be done (e.g. HB 391).

* "Unknown" means that the substantial fiscal impact this bill will have on DOT&PF for maintenance and operations to meet scenic standards cannot be predicted.

HB

3911

STATE OF ALASKA
FISCAL NOTE

I. REQUEST

Bill/Resolution No.: SB 284/HB 391
 Title: Glenn Hwy Scenic Designation
 Sponsor: Kerttula/Lacher
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	-0-	2.7	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						

II. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared by: William R. Snell, Director Phone: 266-1440
 Division: Central Region Planning & Programming Date: 5/16/83

Approved by Commissioner: David W. Haugen Date: _____
 Department: Deputy Commissioner, Central Region

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

H B

3 9 9

COMMITTEE REPORT
HOUSE

3/27
~~3/23~~

(9)

FURTHER:

5/5/83

Date: 5/5/83

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 399

"An Act naming A and C streets in Anchorage Wickersham Boulevard and Eisenhower Boulevard."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 399 (transportation) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature] - No Rec.

[Signature] - Do Not Pass

[Signature] - Do NOT PASS

[Signature] - Shouldn't name streets

M.W. Miller - No Rec.

[Signature] - Do NOT PASS

[Signature] - Name streets around the windows of local businesses

[Signature]
CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 399
Title: Naming "A" Street
Eisenhower Blvd.
Sponsor: Haves & Martin
Requestor: House Transportation
Date of Request: March 22, 1984

FISCAL DETAIL

Agency Affected: DOT&PF
Program Category Affected: D&C
BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL		15.0				
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1.5				
FEDERAL FUNDS		13.5				
OTHER						
TOTAL		15.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: William R. Snell Phone: 266-1462
Division: Planning - Central Region Date: March 23, 1984

Approved by Commissioner: R. J. Knapp Date: March 27, 1984
Agency: Transportation & Public Facilities

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

Analysis - CSHB 399

Naming "A" Street Eisenhower Blvd.

1. Analysis of the fiscal impact on existing programs.

The Department of Transportation of Public Facilities has completed the design work for the A-C Couplet and the project is ready to bid.

The fiscal impact would be accommodated through a construction charge order.

2. Analysis of fiscal impact of new programs or activities.

No impact.

3. Analysis of cost estimate:

The cost of street signs is dependent upon the square footage of the signs. There are three types of signs that will be used as part of the A-C Couplet project: Street name signs, overhead signs, and advanced notice street signs. The square footage of the total signs for "A" Street were pulled from the project plans. The square footage for similar signs for the name "Eisenhower Boulevard" was estimated. The difference in square footage for the two names was multiplied by the cost per square foot (approximately \$40).

Cost Estimate: \$15,000.00

The Department can absorb this cost; however, the Commissioner is reviewing the cost per square foot for the signs.

Department of Transportation & Public Facilities

CS HB 399

An Act naming "A" Street in Anchorage
to Eisenhower Boulevard and designating
the Eisenhower Corridor

Background

Names of many north-south aligned roads in Anchorage conform to an alphabetical sequence, for example, roads west of "A" Street are known as "B" Street, "C" Street, "D" Street, etc. Roads east of "A" Street use proper names in alphabetical sequence such as Barrow, Cordova, Denali, Eagle, etc. These names, in combination with the numerical names (3rd, 4th, 5th Avenues, etc.) used for east-west streets, have been helpful for the public in finding the physical location of a specific address.

Legislative Authority

Alaska Statute 19.10.085 gives the Legislature the authority to name highways constructed by the Department of Transportation and Public Facilities (DOT&PF).

Analysis

Portions of "A" Street (such as 4th to 9th Avenues) were built by the Municipality of Anchorage. Because the statutes give the Legislature the power to name highways constructed by the DOT&PF, there may be a question on the Legislature's authority to rename the street.

The Municipality of Anchorage (MOA) prefers not to rename the street. The Zoning and Platting Manager for the MOA stated that the assembly voted not to approve a resolution renaming the streets; however, the assembly did pass a resolution encouraging the naming of the Eisenhower Corridor. The Zoning and Platting Manager also stated that the name Wickersham would duplicate an existing street name and that the U.S. Post Office would not deliver mail to a Wickersham address if there were two streets of the same name.

There would be a cost increase of approximately \$15,000 to the A-C Couplet project as a result of a name change. Street name sign costs are based on the square footage of the signs - the larger the name, the greater the square footage.

Conclusion/Recommendations

1. Because the MOA and the State have constructed different sections of "A" Street, there may be a question of Legislative authority in renaming the street. A legal review may be appropriate.

2. The MOA prefers not to rename the street. Even though the A-C Couplet will be a part of the State Highway System, the DOT&PF recommends local concurrence before legislative action.
3. The Department concurs with the MOA's support in naming the Eisenhower Corridor.

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

POUCH Z
JUNEAU, ALASKA 99811
PHONE: (907) 465-3900

OFFICE OF THE COMMISSIONER

January 10, 1984

Re: Fiscal Note Transmittal

Distribution

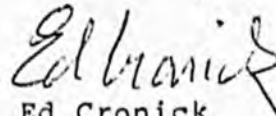
The Department of Transportation and Public Facilities hereby transmits the fiscal note and supporting documentation for the legislation identified below. This transmittal supersedes all previous distributions.

Bill No.: HB 399

Title : "...A Street/C Street Rename..."

Sponsor : Hayes, Martin

Sincerely,



Ed Cronick
Legislative Liaison
Department of Transportation
& Public Facilities

DISTRIBUTION:

Legislative Finance
Legislative Sponsor
Requestor - ~~House of Representatives~~
Office of Management and Budget - Lisa Emerson
Impacted Agency(ies) Attn: Legislative Liaison - N.A.
Regional Directors of Administrative Services - J. Merrill
Regional Director P&P - R. Snell

STATE OF ALASKA
FISCAL NOTE

Revision Date: 11/30/83

I. REQUEST

Bill/Resolution No.: HB 399
 Title: A Street/C Street Rename
 Sponsor: Haves & Martin
 Requestor: House Transportation
 Date of Request: 10/1/83

II. FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: Maintenance and Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Speci Source)						
TOTAL						

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						
TOTAL						

II. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified in bill.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared by: William R. Snell, Director Phone: 266-1462
 Division: Central Region Planning & Programming Date: 11/30/83
 Approved by Commissioner: David W. Hauoen Date: 11/30/83
 Department: Deputy Commissioner, Central Region

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

9/14/83

1. An analysis of the fiscal impact on existing programs: No impact.
 2. An analysis of the fiscal impact on new programs or activities: No impact.
 3. An analysis of how the figures in the Fiscal Note were derived: Capital costs for sign material could be incorporated into the schedule federal-aid project.
 4. Additional information necessary to explain the Fiscal Note: The Department has no objection since the change would cause only a minimal increase in maintenance costs; however, we recommend assessing public sentiment first.
- * Capital costs for sign material could be incorporated into the schedule federal-aid project.