

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900 00/2


3787 HTRA HB 321 - HB 342

663



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Date

HB

321

Introduced: 3/25/85
Referred: Transportation
and Judiciary

1 IN THE HOUSE

BY COTTEN AND MARROU

2

HOUSE BILL NO. 321

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the title to property abutting
7 certain highways in the state; and providing for an
8 effective date."

9

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

10

* Section 1. AS 09.45 is amended by adding a new section to read:

11

Sec. 09.45.015. PRESUMPTION IN CERTAIN CASES. (a) If a person

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in possession of real property holds title that is derived from a

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patent from the United States and if the land had been subject to the

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Act of August 1, 1956 (70 Stat. 898) and to PLO 1613 of the Secretary

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of the Interior (April 7, 1958), unless the patent from the United

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the land abutting the highway as a part of the estate conveyed in the

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patent.

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(b) A person claiming an interest in land that relies on the Act

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of August 1, 1956 and PLO 1613 of the Secretary of the Interior bears

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the burden of proof of showing that the patent from the United States

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did not convey the land abutting the highway as a part of the estate

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conveyed in the patent.

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* Sec. 2. AS 19.05 is amended by adding a new section to read:

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Sec. 19.05.112. AUTHORITY TO CONDEMN OR ACQUIRE CLAIMS TO

1 PRIVATE PROPERTY NECESSARY TO RESOLVE TITLE PROBLEMS. (a) When the
2 commissioner formally declares that it is in the best interests of the
3 state to resolve title problems, to permit access to an otherwise
4 isolated parcel, to consolidate land ownership, or to resolve other
5 problems determined by the commissioner to be not in the public inter-
6 est, the department may condemn or acquire land that was subject to
7 the Act of August 1, 1956 (70 Stat. 898) and to PLO 1613 of the Secre-
8 tary of the Interior (April 7, 1958) and that was formerly within a
9 right-of-way for highway purposes

10 (1) if the land within the right-of-way was conveyed by the
11 U.S. Bureau of Land Management to a person who was not at the time of
12 the conveyance the owner of the land otherwise abutting the highway;

13 (2) if the original patent from the United States described
14 the land, except for the land subject to the Act of August 1, 1956 and
15 to PLO 1613 of the Secretary of the Interior, as abutting on the
16 highway; and

17 (3) if the owner of the land otherwise abutting the highway
18 and the predecessors in interest of the owner of the land has ex-
19 ercised dominion and control over the entire parcel of land since the
20 original conveyance from the United States.

21 (b) The commissioner shall consider the action permitted under
22 (a) of this section on the request of the original grantee of the land
23 or the successor in interest of the original grantee of the property
24 who has exercised dominion and control over the entire parcel of land
25 since the original conveyance from the United States and on the deter-
26 mination of the commissioner that adverse claims against the land have
27 or will adversely affect the use of the land, access to the land, or
28 other considerations of the public interest.

29 (c) The commissioner may not use the authority granted under (a)

1 of this section to vacate a highway right-of-way. The commissioner
2 may reserve a right-of-way determined by the commissioner to be in the
3 public interest.

4 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).

To Legal CS for HB 181

HB 321 527-631-733

April 27, 1985 - out of ordinary
Drop CS - change bill title & section 1.

Section 1 states that a patent for land that was patented before 4/7/58 and that, at the time a patent was issued, appears one of the highway reservations stated in section 1 of PLO 1613 of the Secretary of Interior, is presumed to have conveyed in & up to the center-line of the highway subject to any highway easement created by PLO 1613.

The number of cases in litigation involving land adjoining a highway reservation created by PLO 661 or highway easement created by PLO 1613 is on the person who claims that a patent did not convey an interest in land up to the center-line of the highway.

Introduced: 3/25/85
Referred: Transportation
and Judiciary

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12 in possession of real property holds title that is derived from a
13 patent from the United States and if the land had been subject to the
14 Act of August 1, 1956 (70 Stat. 898) and to PLO 1613 of the Secretary
15 of the Interior (April 7, 1958), unless the patent from the United
16 States stated that the land conveyed was subject to the Act of
17 August 1, 1956 and PLO 1613 of the Secretary of the Interior, it is
18 presumed that the land conveyed was not subject to the restrictions
19 stated in the Act of August 1, 1956 and in PLO 1613 of the Secretary
20 of the Interior and that the patent from the United States conveyed
21 the land abutting the highway as a part of the estate conveyed in the
22 patent.

23 (b) A person claiming an interest in land that relies on the Act
24 of August 1, 1956 and PLO 1613 of the Secretary of the Interior bears
25 the burden of proof of showing that the patent from the United States
26 did not convey the land abutting the highway as a part of the estate
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7 the Act of August 1, 1956 (70 Stat. 898) and to PLO 1613 of the Secre-
8 tary of the Interior (April 7, 1958) and that was formerly wit.in a
9 right-of-way for highway purposes

10 (1) if the land within the right-of-way was conveyed by the
11 U.S. Bureau of Land Management to a person who was not at the time of
12 the conveyance the owner of the land otherwise abutting the highway;

13 (2) if the original patent from the United States described
14 the land, except for the land subject to the Act of August 1, 1956 and
15 to PLO 1613 of the Secretary of the Interior, as abutting on the
16 highway; and

17 (3) if the owner of the land otherwise abutting the highway
18 and the predecessors in interest of the owner of the land has ex-
19 exercised dominion and control over the entire parcel of land since the
20 original conveyance from the United States.

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28 other considerations of the public interest.

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3 { public interest.

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5 10.070(c).

Offered: 4/12/85
Referred: Judiciary and
Finance

Original sponsors: Cotten and Marrou

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 321 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to the burden of proof in litigation
7 arising out of patents issued for land that adjoins
8 highway reservations created by PLO 601 and to the
9 authority of the state to condemn or acquire claims
10 to private property that are necessary to resolve
11 title problems arising out of the conversion of PLO
12 601 highway reservations to highway easements by PLO
13 1613; and providing for an effective date."

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17 land that was patented before April 7, 1958, and that, at the time a
18 patent was issued, adjoined one of the highway reservations listed in
19 section 1 of PLO 1613 of the Secretary of the Interior (April 7,
20 1958), is presumed to have conveyed land up to the center-line of the
21 highway subject to any highway reservation created by PLO 601 and any
22 highway easement created by PLO 1613.

23 (b) The burden of proof in litigation involving land adjoining a
24 highway reservation created by PLO 601 or a highway easement created
25 by PLO 1613 is on the person who claims that a patent did not convey
26 an interest in land up to the center-line of the highway.

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3 isolated parcel, to consolidate land ownership, or to resolve other
4 problems determined by the commissioner to be not in the public inter-
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6 the Act of August 1, 1956 (70 Stat. 898) and to PLO 1613 of the Secre-
7 tary of the Interior (April 7, 1958) and that was formerly within a
8 right-of-way for highway purposes

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10 U.S. Bureau of Land Management to a person who was not at the time of
11 the conveyance the owner of the land otherwise abutting the highway;

12 (2) if the original patent from the United States described
13 the land, except for the land subject to the Act of August 1, 1956 and
14 to PLO 1613 of the Secretary of the Interior, as abutting on the
15 highway; and

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17 and the predecessors in interest of the owner of the land has ex-
18 exercised dominion and control over the entire parcel of land since the
19 original conveyance from the United States.

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COMPARISON OF HB 321 WITH CSHB 321(TRSP)

10 April 1985

Page-Line	HB 321	HB 321 Analysis & Comments	CSHB 321(TRSP)	CSHB 321(TRSP) Analysis & Comments
Page 1, Title (lines 6-8 for HB 321; lines 6-13 for CSHB 321(TRSP))	"An Act relating to the title to property abutting certain highways in the state; and providing for an effective date."		"An Act relating to the burden of proof in litigation arising out of patents issued for land that adjoins highway reservations created by PLO 601 and to the authority of the state to condemn or acquire claims to private property that are necessary to resolve title problems arising out of the conversion of PLO 601 highway reservation to highway easements by PLO 1613; and providing for an effective date."	
Page 1, Section 1 (lines 11-27 of HB 321; lines 16-26 of CSHB 321(TRSP))	Sec. 09.45.015. PRESUMPTION IN CERTAIN CASES. (a) If a person in possession of real property holds title that is derived from a patent from the United States and if the land had been subject to the Act of August 1, 1956 (70 Stat. 898) and to PLO 1613 of the Secretary of the Interior (April 7, 1958), unless the patent from the United States stated		Sec. 09.45.015. PRESUMPTION IN CERTAIN CASES. (a) The patent for land that was patented before April 7, 1958, and that, at the time the patent was issued, adjoined one of the highway reservations listed in section 1 of PLO 1613 of the Secretary of the Interior (April 7, 1958), is presumed to have conveyed land up to the center-line of the	

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Page-Line

HB 321

HB 321
Analysis & Comments

CSHB 321(TRSP)

CSHB 321(TRSP)
Analysis & Comments

that the land conveyed was subject to the Act of August 1, 1956 and in PLO 1613 of the Secretary of the Interior, it is presumed that the land conveyed was not subject to the restrictions stated in the Act of August 1, 1956 and in PLO 1613 of the Secretary of the Interior and that the patent from the United States conveyed the land abutting the highway as a part of the estate conveyed in the patent.

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highway subject to any highway reservation created by PLO 601 and any highway easement created by PLO 1613.

(b) The burden of proof in litigation involving land adjoining a highway reservation created by PLO 601 or a highway easement created by PLO 1613 is on the person who claims that a patent did not convey an interest in land up the the center-line of the highway.

Original sponsors: Cotten and Marrou

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may reserve a right-of-way determined by the commissioner to be in the public interest.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-10.070(c).

INTRODUCTION OF BILLS (House)(cont'd)

Physical Agents

HOUSE BILL NO. 319, by Reps. Pourcnot, Gruenberg, Koponen, Davis and Coll. Identical to Senate Bill 253, page 507.

Introduced March 25 and referred to Labor & Commerce, Health, Education & Social Services, Finance.

Hospital Inspections & Investigations

HOUSE BILL NO. 320, by Reps. Koponen, Sund, Davis, Collins, Hanley and Coll. Identical to the Health, Education & Social Services substitute for Senate Bill 45, page 435. Would require the Department of Health & Social Services to make annual inspections and investigations of hospital facilities. Would also allow the Department to accept accreditation by the Joint Commission on the Accreditation of Hospitals in lieu of its own inspections. Does not provide effective date (takes effect 90 days after Governor signs bill).

Introduced March 25 and referred to Health, Education & Social Services, Finance.

Old Glenn Hwy Property Titles

HOUSE BILL NO. 321, by Reps. Cotten and Marrou. Would give property owners along the Old Glenn Highway title to the strips of land between their land and the highway. According to an article Rep. Cotten wrote for the Chugiak-Eagle River Star, "The first section of this bill presumes that the title should go to the current landowner, not the original landowner, as the Bureau of Land Management has determined. If another person claims an interest in the highway parcel it places the burden of proof on him or her to show that the title was not conveyed to the original landowner. The second section of the bill gives the state the authority to condemn land or acquire claims in order to convey the parcel to the abutting landowner who has been trapped in the current legal quagmire." Note: the bill amends AS 09.45 (Actions Relating to Real Property), and AS 19.05 (Highways and Ferries Administration). Provides Act takes effect immediately.

Introduced March 25 and referred to Transportation, Judiciary.

Use of AK Bar Members' Fingerprints (allowing)

HOUSE BILL NO. 322, by the Judiciary Committee. Amends the Alaska Integrated Bar Act (AS 08.08) by adding a new section to read: "Notwithstanding any other provision of this chapter, the Board of Governors may use information obtained from the fingerprinting of a member of the Alaska Bar Association in an official investigation and disciplinary proceeding concerning the conduct of the member of the association." Does not provide effective date (takes effect 90 days after Governor signs bill).

Introduced March 25 and referred to Judiciary.

Pelican Land Grant

HOUSE BILL NO. 323, by Rep. Grussendorf. Would grant the City of Pelican 10 acres of state land. The "Findings" section states: "It is the finding of the legislature in enacting sec. 2 of this Act that the City of Pelican is uniquely lacking in available private land. The legislature further finds that unlike other Alaskan municipalities, the City of Pelican has received no general grant land entitlement ... despite earlier assurances from

REPRESENTATIVE
BEN GRUSSENDORF

P. O. Box 928
SITKA, ALASKA 99835
(907) 747-8458

RULES COMMITTEE
LEGISLATIVE COUNCIL

DISTRICT 3
ELFIN COVE
PELICAN
PORT ALEXANDER
SITKA
TENAKEE

Alaska State Legislature



House of Representatives
SPEAKER OF THE HOUSE

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3824
(907) 465-3720

MEMORANDUM

TO: Rep. Bette Cato, Chairman
House Transportation Committee

FROM: Rep. Ben Grussendorf
Speaker of the House

DATE: April 2, 1985

RE: Priority legislation

The following legislation that is in your committee has been identified as a priority of either the House Majority Caucus as a whole, or of an individual majority member. As we are approaching the 80th legislative day, I would like you to keep the following list in mind as you prepare your weekly committee schedules.

Thank-you.

HB 321 relating to title to property abutting certain highways

REPRESENTATIVE
SAM COTTEN
DISTRICT 15



APR 2 1985

P.O. BOX 296, EAGLE RIVER, AK 99577
POUCH V, JUNEAU, AK 99811

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

MEMORANDUM

FROM: Rep. Sam Cotten

DATE: April 2, 1985

TO: Rep. Bette Cato, Chairman
House Committee on
Transportation

RE: Requesting a committee hearing
for HB 321, on right-of-way
problems related to PLO 1613

House Bill 321 aims to resolve right-of-way problems plaguing Chugiak-area residents living along the Old Glenn Highway; it also affects similarly situated residents living on other Alaska highways. The problem stems from the federal government awarding ownership of a narrow strip of land in front of their lots to someone else.

The situation dates back almost 30 years when the Act of August 1, 1956 and Public Land Order 1613 (in 1958) allowed people to purchase highway lots and file for patents to the abutting highway easements. The intent of the law was to award the highway easement to the abutting landowner. However, after a decades-long delay, BLM has only recently started issuing these patents. In doing so, BLM has decided to award the patents to the original applicants, who, in many cases, no longer live there, rather than the abutting landowners. (In some cases the original applicants have died, in other cases the land has changed hands several times.) This administrative delay by BLM has meant that current highway residents face the situation of having someone else claim ownership to the highway easement they thought they owned. This clearly contradicts the intent of the law.

The situation has caused much distress and confusion among Chugiak area residents in particular. Many of these residents have appealed BLM's decision to the Interior Board of Land Appeals and at least one case is in court. All cases are pending.

House Bill 321 aims to accomplish the same goals as PLO 1613: to give abutting landowners title to the highway easement.

The first section of this bill presumes that the title should go to the current abutting landowner, who may or may not be the original applicant. If another person claims an interest in the highway parcel it places the burden of proof on him or her to show that the title was not conveyed to the original landowner.

The second section of the bill gives the state the authority to condemn land or acquire claims in order to convey the parcel to the abutting landowner.

BREAKUP BLUES: While most of us rejoiced with the arrival of warm weather in recent days, the resulting runoff was creating headaches for local road maintenance crews. Photo at left is of "Chandalar Lake" at the corner of Chandalar and Baronoff streets

in Eagle River; at right, Kim Hall and Ted Arnold fight glaciation along Eagle River Road. The road board met Monday to wrestle with these and other problems, and decided which roads will be upgraded this summer. See stories on pages 6 and 7. STAR PHOTOS BY SHERRI SPANGLER

THE

Chugiak - Eagle River

INDEPENDENT WEEKLY

Star



Volume XV, Number 13

March 28, 1985

32 Pages

50¢

Cotten bill would solve Old Glenn problem

By ED BENNETT
Of The Star Staff

Eagle River Rep. Sam Cotten this week introduced a bill aimed at resolving the right-of-way problem along the Old Glenn Highway which has resulted in the federal government giving a narrow strip of land in residents' front yards to different people.

The problem goes back over 20 years, when the federal government created a program allowing people living along the highway to file for patent of the land under the highway. Many people applied for the land, but it took the Bureau of Land

Management until last year to actually hand it over — and the agency said it would give the land to the original filers, even if they were dead and even though the land had often changed hands several times.

The current landowners have appealed the BLM's decision to the Interior Board of Land Appeals, and at least one landowner has taken the matter to state court.

Cotten's bill would assist people in two ways, according to his aide, Frank Mielke. First, in cases where the highway frontage had been patented to someone

else, and the land had then been sold, the original person would have to prove the highway frontage was not included in the purchase. "It shifts the burden of proof," Mielke said. He said existing law requires the reverse — that current owners must prove the frontage was included.

The second feature of the bill would give the state the right to condemn the highway frontage and then sell it back to the current owner. Mielke said the state currently is not allowed to do so, but that a precedent in Hawaii, which survived a test before the U.S. Supreme Court, does allow

condemnations that benefit individuals.

Mielke said that since most of the highway frontage is within a highway easement, it has very little value, about \$100 per lot, according to the BLM. Thus, the current owners could buy back the land for \$100, its current fair market value. "It would prevent people from extorting money from the current owners," Mielke said.

Mielke said Rep. Cotten has also taken two steps to speed up action on the problem at the federal level. First, he asked the Interior Board of Land Appeals

to expedite actions on the appeals by the landowners; and secondly, he asked U.S. Sen. Ted Stevens to attempt shifting the jurisdiction over the appeals from the board to the U.S. Secretary of the Interior. Mielke said the secretary could make a decision faster than the board, but doubted whether the outcome would be any different.

Mielke said Cotten's bill, House Bill 321, will probably be referred to the Transportation and Judiciary committees. He said there was a chance it could become law in the six weeks remaining in this year's session:

MEA meets tonight; Staudenmaier back in court

By ED BENNETT
Of The Star Staff

The Matanuska Electric Association board of directors was scheduled to try for a third time tonight (Thursday) to decide

of the Member Advisory Committee.

The board then attempted to meet last Friday, but Staudenmaier refused to sign a waiver of the meeting notice requirement,

Kempell on hand. Scott said the board was leaning toward identifying all Staudenmaier-backed measures as such on the ballot.

The board is expected to take final action on the petitions at tonight's meeting, scheduled for

earlier said it would handle mailings itself after reviewing and approving all materials submitted by board candidates who wanted to communicate with members. But it changed that policy March 19, deciding candidates could

manager to refuse to release the list if he believes it will be used improperly, and get a court to decide the matter.

In other action March 19, the board removed Eagle River resident Lee Hingst from the elec-

Property owners plan for appeal over land

by Nancy Killoran
Times Eagle River Bureau

Chuglak — Property owners along the Old Glenn Highway may band together to appeal a Bureau of Land Management decision to take away their frontage and access rights to the road.

The 69 people who own property fronting the Old Glenn Highway between Fire Lake and the North Peters Creek Glenn Highway interchange are being urged to attend a strategy meeting at 6:30 p.m. Tuesday at the Mini City Hall in Eagle River.

"Some of us have been in touch with the BLM Appeal Board in Arlington, Va., and people there tell us the board will not act on individual cases," said Ed Burlew, one of the landowners. "They're going to make a blanket decision by sampling our various appeals and we have to decide if we should file a legal group appeal."

Burlew, former state Rep. John Liska and Pat Bailey are organizing the meeting to decide the next course of action in a long-standing land dispute with the BLM.

The problem started back in 1958 when the BLM issued an order designed to assure access to federal highways in Alaska to the people who lived along them. But in the case of a portion of the Old Glenn Highway the land order will have the opposite effect — it will block access to the highway.

Property owners long have as-

sumed they owned the highway easements, but an administrative backlog at BLM delayed awarding the easement patents until recently. Many of the original owners in 1958 applied for patents 20 years ago.

BLM has determined that the original owners — or the first people who filed — are the ones who get the land.

Many of those original homesteaders have subdivided along the highway, some have died, some companies that originally owned the land are now defunct. Now the current property owners have been told they do not own a strip of land between their property and the highway.

In some cases the strip is 50 feet wide, in other cases it is 150 feet. Without that frontage strip homeowners and businesses have no legal access to the highway.

Burlew's case is just one of many individual problems. He is the original owner for two parcels of land and has been advised that his patent for the easement to the center of the highway is on the way. He owns yet another parcel adjacent to the approved patents. That parcel was originally owned by a company that is now out of business.

"To get my patent I must win this appeal of the BLM decision," said Burlew. "If the Board of Appeals rules in my favor, the BLM will cut a patent in my name. If not I will have to go to

See Appeal, page B-3

Appeal

Continued from page B-1

court in Alaska to sue for my title; this could cost thousands of dollars in attorney and legal fees, in addition to lost time. It's a mess and it could be a very expensive one."

Other property owners face similar dilemmas. Jerry Lashbrook could lose the land that half his house is built on. Liska could lose land directly in front of his front door. Bailey's front yard could be owned by a previous owner who now lives in New Mexico.

"If the Board of Appeals is going to make a blanket decision we need to pull ourselves together to speak with a common goal," said Bailey. "We need the patents to go to the current landowners."

Anchorage Times
Feb. 1985

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 321
 Title: An Act Relating to Title
to Property
 Sponsor: Cotten and Marrou
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (inousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		115	115	115	115	115
200 TRAVEL		20	20	20	20	20
300 CONTRACTUAL		2,020	2,020	2,020	2,020	2,020
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		400	400	400	400	400
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		2,555	2,555	2,555	2,555	2,555

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		2,555	2,555	2,555	2,555	2,555
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached analysis

Prepared By: Milton H. Lentz Phone: 465-2985
 Division: Standards and Technical Services Date: April 11, 1985

Approved by Commissioner: *Cliff May* Date: 4/12/85
 Agency: Dept. of Transportation & Public Facilities

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

7/1/84

BASIS FOR FISCAL IMPACT

Due to the cost in manpower and time, it was not practical to conduct a detailed analysis of the impact of House Bill No. 321 and there are no available figures to determine the number of actual parcels affected by this bill. We therefore have assumed there are approximately 2,000 parcels of highways lots that would be affected. Our assumption is based on the fact that approximately 950-miles of the state's road system include PLO 1613. Again, we have assumed that it would not be unreasonable to include 2+ parcels per mile of road. Cost figures are based on historical cost per parcel. These estimated costs per year are broken down on a per-parcel basis as follows:

Personal Services (100) - 3 positions

Grade 20 -	\$ 50,000/yr.
Grade 18 -	45,000/yr.
Grade 10 -	<u>20,000/yr.</u>
	\$115,000/yr.

* includes management, negotiatons, clerical, etc.
(4 months/region)

Travel (200)

\$ 50 per parcel x 400 parcels/yr. - \$ 20,000/yr.

Acquisition (600)

\$1,000 per parcel x 400 parcels/yr. - \$400,000/yr

Contractual (300)

Title search and survey -	\$ 300/parcel
Appraisal and review -	250/parcel
Attorney fee and court cost -	<u>4,500/parcel**</u>
	\$5,050 x 400 parcels
	= \$2,020,000

** Not including trial, if required

Although the actual cost cannot be identified on a year-to-year basis, the fiscal note covers a period through FY 90. The estimated fiscal impact on the State is estimated to be in excess of twelve million dollars. It should be noted the fiscal impact indicates the worse case analysis. The potential for an impact of the magnitude stated in the fiscal note is possible and believed reasonable.

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Due to the cost in manpower and time, it was not practical to conduct a detailed analysis of the impact of House Bill No. 321 and there are no available figures to determine the number of actual parcels affected by this bill. We therefore have assumed there are approximately 2,000 parcels of highways lots that would be affected. Our assumption is based on the fact that approximately 950-miles of the state's road system include PLO 1613. Again, we have assumed that it would not be unreasonable to include 2+ parcels per mile of road. Cost figures are based on historical cost per parcel. These estimated costs per year are broken down on a per-parcel basis as follows:

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Dept. of Transportation & Public Facilities

Position Paper

BILL NO: House Bill No. 321

APPROVED:

R. J. Khan
R. J. Khan
Commissioner

TITLE: An Act relating to the title to property abutting certain highways in the State; & providing for an effective date

DATE:

4/12/85

The Department of Transportation and Public Facilities cannot support House Bill 321 as written. It is our understanding that HB 321 is intended to resolve a problem created by the revocation of Public Land Order 601 by Public Land Order 1613 issued on April 7, 1985. PLO 1613 creates highway easements for the following roads: Alaska Highway, Richardson Highway, Glenn Highway, Haines Highway, Seward-Anchorage Highway, Spenard Highway and the Fairbanks-College Highway. The problem arose because PLO 1613 converted the road withdrawals created by PLO 601 to road easements. This conversion freed up a narrow strip of land adjoining the highway created by PLO 601 for disposal by the Bureau of Land Management. BLM then sold off these strips (called highway lots) to the adjoining owners.

Section 2 of HB 321 grants DOT&PF, under certain circumstances, the authority to condemn in fee private lands that are subject to PLO 1613 easements. The practical effect of this section would be to allow DOT&PF to condemn the PLO 1613 easement (formerly a PLO 601 withdrawal). The unwritten intent of Section 2 is apparently to have DOT&PF then sell off this condemned easement to the abutting owner, thus resolving the ownership dispute.

DOT&PF is aware of the title problems created by the conversion of PLO 601 withdrawals to easements under PLO 1613, and the subsequent sales at highway lots by BLM. Our position has been carefully considered in view of the greatest public interest: (a) there is doubt we can condemn private property to convey to another private ownership (b) there already are two existing procedures resolving these title problems between owners - Appeal to BLM and the court system, and (c) the fiscal impact at resolving ownership disputes would be significant.

It is our recommendation that these private ownership disputes be settled in a court of law on a case-by-case basis.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 321
 Title: An Act Relating to Title
to Property
 Sponsor: Cotten and Marrou
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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200 TRAVEL		20	20	20	20	20
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400 SUPPLIES						
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TOTAL OPERATING		2,555	2,555	2,555	2,555	2,555

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		2,555	2,555	2,555	2,555	2,555
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached analysis

Prepared By: Milton H. Lentz
 Division: Standards and Technical Services

Phone: 465-2985
 Date: April 8, 1985

Approved by Commissioner: *Chick King*
 Agency: Dept. of Transportation and Public Facilities

Date: 4/8/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

BASIS FOR FISCAL IMPACT

Due to the cost in manpower and time, it was not practical to conduct a detailed analysis of the impact of House Bill No. 321 and there are no available figures to determine the number of actual parcels affected by this bill. We therefore have assumed that there are approximately 2,000 parcels of highways lots that would be affected. Our assumption is based on the fact that approximately 950 miles of the state's road system include PLO 1613. Again, we have assumed that it would not be unreasonable to include 2+ parcels per mile of road. Cost figures are based on historical cost per parcel. These estimated costs per year are broken down on a per-parcel basis as follows:

Personal Services (100) - 3 positions

Grade 20 -	\$ 50,000/yr.
Grade 18 -	45,000/yr.
Grade 10 -	20,000/yr.
	<u>\$115,000/yr.*</u>

*includes management, negotiations, clerical, etc. (4 months/region)

Travel (200)

\$50 per parcel x 400 parcels/yr. - \$ 20,000/yr.

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Attorney fee and court cost -	4,500/parcel**
	<u>\$5,050 x 400 parcels</u>

= \$2,020,000

Not including trial, if required

Although the actual cost cannot be identified on a year-to-year basis, the fiscal note covers a period through FY '90. The estimated fiscal impact on the State is estimated to be in excess of twelve million dollars.

H.B. 321 differs considerably from Senate Bill No. 141 in that it affects a much smaller segment of the Alaska road system (approximately 950 miles vs. 5,000 miles). S.B. 141 encompasses various PLO's and a Departmental order whereas H.B. 321 only addresses PLO 1613. In addition, S.B. 141 would require eminent domain action on almost the entire highway and road system. Section 1 of H.B. 321 reverses the burden of proof of ownership to the State and in some cases may not require condemnation action. Under Section 2 of this bill some condemnation actions may be required, however, to a much lesser extent than under S.B. 141.



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: House Bill No. 321

APPROVED: *[Signature]*
P. J. Knapp
Commissioner

TITLE: An Act relating to the title to property abutting certain highways in the State; and providing for an effective date

DATE: 4/8/85

The Department of Transportation and Public Facilities opposes House Bill 321 as written. It is our understanding that HB 321 is intended to resolve a problem created by the revocation of Public Land Order 601 by Public Land Order 1613 issued on April 7, 1958. PLO 1613 creates highway easements for the following roads: Alaska Highway, Richardson Highway, Glerin Highway, Haines Highway, Seward-Anchorage Highway, Spenard Highway and the Fairbanks-College Highway. The problem arose because PLO 1613 converted the road withdrawals created by PLO 601 to road easements. This conversion freed up a narrow strip of land adjoining the highway created by PLO 601 for disposal by the Bureau of Land Management. BLM then sold off these strips (called highway lots) to the adjoining owners.

Section 1 of this bill says that unless a patent specifically states that the land patented is subject to Public Land Order 1613, it is presumed that the land in the patent was conveyed absent of public road easements created by PLO 1613. This puts the burden of proof on the person who is claiming the land that the land was in fact subject to a PLO 1613 easement.

Section 2 of HB 321 grants DOT&PF, under certain circumstances, the authority to condemn in fee private lands that are subject to PLO 1613 easements. The practical effect of this section would be to allow DOT&PF to condemn the PLO 1613 easement (formerly a PLO 601 withdrawal). The unwritten intent of Section 2 is apparently to have DOT&PF then sell off this condemned easement to the abutting owner, thus resolving the ownership dispute.

The practical effect of Sections 1 and 2 of HB 321 will most likely be that DOT&PF will be required to initiate court action every time it claims a PLO 1613 easement. This follows from the fact that Section 1 creates a presumption that no PLO 1613 easement exists. It is unclear how Section 1 will resolve the underlying problem the bill is supposed to address.

It must be further pointed out that, should a court action be required to prove the valid existence of an easement each time DOT&PF utilizes a PLO 1613 road easement and another separate court action is required to resolve an ownership dispute, the expense of these proceedings will be significant.

It would appear that this bill is in effect a variation of S.B. 141 which would put the State in the position of rejustifying its claim to all public highway easements.

For further information call Susan Fleischhauer at 465-3900.

HB 317

of Social Worker Examiners: and providing for an effective date."

was read the first time and referred to Labor & Commerce, Health, Education & Social Services and Finance Committees.

HB 318

HOUSE BILL NO. 318 by Szymanski, entitled:

"An Act relating to rights of injured state employees."

was read the first time and referred to Labor & Commerce and Finance Committees.

HB 319

HOUSE BILL NO. 319 by Pourchot, Gruenberg, Koponen, Davis and Goll, entitled:

"An Act relating to physical agents."

was read the first time and referred to Labor & Commerce, Health, Education & Social Services and Finance Committees.

HB 320

HOUSE BILL NO. 320 by Koponen, Sund, Davis, Collins, Hanley and Goll, entitled:

"An Act relating to hospital inspections and investigations by the Department of Health and Social Services."

was read the first time and referred to Health, Education & Social Services and Finance Committees.

HB 321

HOUSE BILL NO. 321 by Cotten and Marrou entitled:

"An Act relating to the title to property abutting certain highways in the state; and providing for an effective date."

was read the first time and referred to Transportation and Judiciary Committees.

HB 322

HOUSE BILL NO. 322 by the Judiciary Committee, entitled:

"An Act relating to the use of information from fingerprints of members of the Alaska Bar Association."

was read the first time and referred to Judiciary Committee.

HB 323

HOUSE BILL NO. 323 by Grussendorf, entitled:

"An Act relating to a grant of state land to the City of Pelican; and providing for an effective date."

was read the first time and referred to Resources and Finance Committees.

HB 324

HOUSE BILL NO. 324 by the Rules Committee by request of the Governor, entitled:

"An Act establishing the Jim-Swan Lakes Recreation Area; and providing for an effective date."

was read the first time and referred to Resources and Finance Committees.

A zero fiscal note with analysis was attached and appears in House Journal Supplement No. 34.

The Governor's transmittal letter dated March 25, 1985 appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to establish the Jim-Swan Lakes State Recreation Area.

This bill would place approximately 7,500 acres of land east of Palmer, near the Knik River, in state recreation area classification. About 1,000 acres of the land are presently owned by the Eklutna Village Corporation. This area is managed by the state under the provisions of the North Anchorage Land Agreement. The Eklutna Village Corporation supports the designation of this land as a state recreation area.

HB 281

The Resources Committee has considered HOUSE BILL NO. 281 (relating to trapping cabin permits), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 281 (Resources) (same title) and reports it back as follows: Shultz (Co-chair), Herrmann, Cato, Jenkins, Pearce, Thompson, Sund, Wallis and M.W. Miller recommend do pass. A zero fiscal note was attached.

HB 281 was referred to the Rules Committee for placement on the calendar.

HB 294

The Judiciary Committee has considered HOUSE BILL NO. 294 (preferential hire of Alaskans; effective date) and reports it back as follows: M.M. Miller (Chairman), Clocksin, Sund, Gruenberg, Taylor and Phillips recommend do pass.

HB 294 was referred to the Finance Committee.

HB 307

The Judiciary Committee has considered HOUSE BILL NO. 307 (extending the termination date of the Alaska Code Revision Commission and amending the statute relating to its responsibilities; effective date) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor and Clocksin recommend do pass; Phillips has no recommendation. A fiscal note was attached.

HB 307 was referred to the Finance Committee.

The fiscal note appears in House Journal Supplement No. 47.

HB 321

The Transportation Committee has considered HOUSE BILL NO. 321 (relating to the title to property abutting certain highways in the state; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 321 (Transportation):

"An Act relating to the burden of proof in litigation arising out of patents issued for land that adjoins highway reservations created by PLO 601 and to the authority of the state to condemn or acquire claims to private property that are necessary to resolve title problems arising out of the conversion of PLO 601 highway reservations to highway easements by PLO 1613; and providing for an effective date."

HB 93

The Resources Committee has considered HOUSE BILL NO. 93 (establishing a system of recreation rivers; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 93 (Resources):

"An Act establishing a system of special use rivers; and providing for an effective date."

and reports it back as follows: Cato recommends do pass; Shultz (Co-chair), Pearce and M.W. Miller have no recommendation; Wallis signed "Do not pass unless amend title"; Herrmann signed "Do Not Pass w/current title"; Jenkins signed "Do Not Pass without amendment"; Sund signed "Do not pass unless title amended"; Thompson signed "This bill went from bad to worse! Do not pass!". A fiscal note was attached.

HB 93 was referred to the Finance Committee.

The fiscal note appears in House Journal Supplement No. 47.

HB 193

The Resources Committee has considered HOUSE BILL NO. 193 (establishing an agricultural product incentive program), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 193 (Resources):

"An Act allowing agricultural production credits; and providing for an effective date."

and reports it back as follows: Shultz (Co-chair), Herrmann, Cato, Sund, Thompson and M.W. Miller recommend do pass; Jenkins, Pearce and Wallis have no recommendation. A fiscal note was attached.

HB 193 was referred to the Finance Committee.

The fiscal note appears in House Journal Supplement No. 47.

SSHB 280

The Finance Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 280 (creating the Anchor River and Fritz Creek Critical Habitat Area), recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 280 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Rieger, Cotten and Szymanski recommend do pass; Frank and Binkley have no recommendation.

SSHB 280 was referred to the Rules Committee for placement on the calendar.

HB 321

and reports it back as follows: Cato (Chairman), Marrou, Herrmann, Pignalberi and Shultz recommend do pass; Furnace and Davis have no recommendation. A fiscal note was attached.

The Speaker added a referral to the Finance Committee to follow the Judiciary Committee referral. HB 321 was referred to the Judiciary Committee.

The fiscal note appears in House Journal Supplement No. 47.

INTRODUCTION OF CITATIONS

The following citation was received:

In Memoriam - Edmund Knutsen
by Representatives Navarre and Marrou
and Senator P. Fischer

The citation was referred to the Rules Committee for placement on the calendar.

INTRODUCTION. FIRST READING AND REFERENCEOF HOUSE RESOLUTIONSHCR 30

HOUSE CONCURRENT RESOLUTION NO. 30 by Clocksin, Pignalberi, Pettyjohn, Furnace, Phillips, Jenkins, Hanley, Gruenberg, Cotten, Rieger, Pourchot, Szymanski, Collins, Pearce, Uehling, Boucher and Martin:

Relating to disaster relief funds for Anchorage.

was read the first time and referred to the Health, Education & Social Services and Finance Committees.

HJR 35

HOUSE JOINT RESOLUTION NO. 35 by Clocksin, Navarre and Gruenberg:

Urging the United States Olympic Committee to select Anchorage as the United States nominee for the site of the 1992 Winter Olympic Games.

was read the first time and referred to the State Affairs Committee.

INTRODUCTION, FIRST READING AND REFERENCE
OF HOUSE BILLS

HB 368

HOUSE BILL NO. 368 by Gruenr . j and Pignalberi, entitled:

"An Act adopting the Uniform Comparative Fault Act; and amending Alaska Rules of Civil Procedure 7, 49, 52 and 58."

was read the first time and referred to the Judiciary and Finance Committees.

HB 369

HOUSE BILL NO. 369 by Pignalberi, entitled:

"An Act making a special appropriation to the economic development fund of the Alaska Industrial Development Authority, transferring and appropriating certain loans to the economic development fund and the commercial fishing revolving loan fund; and providing for an effective date."

was read the first time and referred to the Transportation Committee, the House Special Committee on State Loans and the Finance Committee.

HB 370

HOUSE BILL NO. 370 by Pignalberi, entitled:

"An Act relating to the authorization of bonds or notes for the DeLong Mountain transportation project, establishing conditions under which the bonds or notes may be issued; and providing for an effective date."

was read the first time and referred to the Transportation Committee, the House Special Committee on State Loans and the Finance Committee.

HB 371

HOUSE BILL NO. 371 by Marrou, entitled:

"An Act relating to medical treatment for the terminally ill."

was read the first time and referred to the Health, Education & Social Services, Judiciary and Finance Committees.

HB 321

and reports it back as follows: Cato (Chairman), Marrou, Herrmann, Pignalberi and Shultz recommend do pass; Furnace and Davis have no recommendation. A fiscal note was attached.

The Speaker added a referral to the Finance Committee to follow the Judiciary Committee referral. HB 321 was referred to the Judiciary Committee.

The fiscal note appears in House Journal Supplement No. 47.

INTRODUCTION OF CITATIONS

The following citation was received:

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by Representatives Navarre and Marrou
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Urging the United States Olympic Committee to select Anchorage as the United States nominee for the site of the 1992 Winter Olympic Games.

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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST

FISCAL DETAIL

Bill/Resolution No.: CSHB 324 Trsp
Title: An Act Relating to Title
to Property

Agency Affected: DOT&PF
Program Category Affected: _____

Sponsor: Cotton and Marrou

BRU, Program or Subprogram(s) Affected: _____

Requestor: _____

Date of Request: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		115	115	115	115	115
200 TRAVEL		20	20	20	20	20
300 CONTRACTUAL		2,020	2,020	2,020	2,020	2,020
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		400	400	400	400	400
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		2,555	2,555	2,555	2,555	2,555

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		2,555	2,555	2,555	2,555	2,555
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached analysis

Prepared By: Milton H. Lontz

Phone: 465-2985

Division: Standards and Technical Services

Date: April 11, 1985

Approved by Commissioner: [Signature]

Date: 4/12/85

Agency: Dept. of Transportation & Public Facilities

CSHB 321(Trsp) Page 2 of 2
BASIS FOR FISCAL IMPACT

Due to the cost in manpower and time, it was not practical to conduct a detailed analysis of the impact of House Bill No. 321 and there are no available figures to determine the number of actual parcels affected by this bill. We therefore have assumed there are approximately 2,000 parcels of highways lots that would be affected. Our assumption is based on the fact that approximately 950-miles of the state's road system include PLO 1613. Again, we have assumed that it would not be unreasonable to include 2+ parcels per mile of road. Cost figures are based on historical cost per parcel. These estimated costs per year are broken down on a per-parcel basis as follows:

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COMMITTEE REPORT
HOUSE

(7)

FURTHER: JUDICIARY

3/25/85

Date: 11 APRIL 1985

The Committee on TRANSPORTATION has had HB 321

"An Act relating to the title to property abutting certain highways in the state; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 321 (725) same title
 new title
- and recommends it do pass
- AND attaches a "Letter of Intent" New Fiscal Note Sept 47
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

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[Signature]

[Signature]
CHAIRMAN

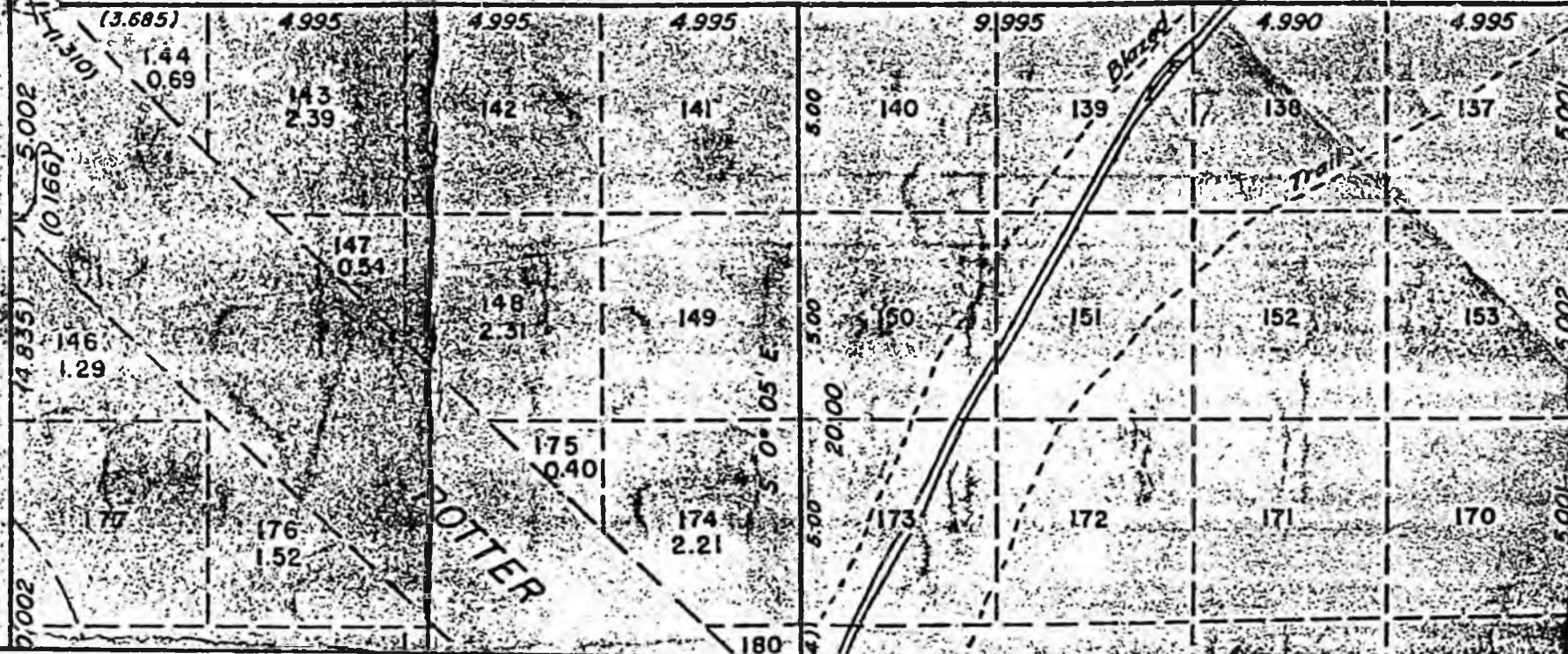
THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

OWNSHIP 12 NORTH, RANGE 3 WEST, OF THE SEWARD MERIDIAN, ALASKA
DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS
IN TWO SHEETS

SW 1/4, Sec. 33

EAST 39.96



HB 228

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 228 (relating to retirement benefits for part-time teachers) and reports it back as follows: Gruenberg and Koponen (Co-Chairs), Taylor and Hurley recommend do pass; Thompson and Hanley recommend do not pass.

HB 228 was referred to the Finance Committee.

HB 319

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 319 (relating to physical agents), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 319 (Labor & Commerce) (page 923) and reports it back as follows: Koponen and Gruenberg (Co-Chairs), Thompson, Hanley and Hurley recommend do pass; Taylor has no recommendation.

HB 319 was referred to the Finance Committee.

HB 321

The Judiciary Committee has considered HOUSE BILL NO. 321 (relating to the title to property abutting certain highways in the state; effective date) and reports it back as follows: M.M. Miller (Chairman), Sund and Phillips recommend do pass; Clocksin, Gruenberg and Taylor have no recommendation.

HB 321 was referred to the Finance Committee.

HB 343

The Community & Regional Affairs Committee has considered HOUSE BILL NO. 343 (relating to general obligation bonds issued by a municipality) and reports it back as follows: Goll (Chairman), Furnace and Marrou recommend do pass; Phillips, Koponen and Gruenberg have no recommendation; Wallis signed "Do Not Pass - Redundant". A zero fiscal note was attached.

HB 343 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

The following citation was received:

In Memoriam - Arnold Muldoon

by Representatives Furnace, Pignalberi,
Cotten and Phillips; and Senators Kelly
and Halford

The citation was referred to the Rules Committee for
placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCE

OF HOUSE BILLS

HB 405

HOUSE BILL NO. 405 by Wallis, entitled:

"An Act authorizing the expenditure of
more than \$1,000,000 from the disaster
relief fund for flood disasters; and
providing for an effective date."

was read the first time and referred to the State Affairs
and Finance Committees.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 4

HOUSE BILL NO. 4 (relating to debt of the state, its
agencies, and municipalities; effective date) was read the
second time with the House Special Committee on State Loans
report (page 640) and the Finance Committee report (page
836).

Representative Clocksin moved and asked unanimous consent
that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4 (Loans)
(same title) be adopted in lieu of the original bill.
There being no objection, it was so ordered.

CSHB 4 (Loans)

Amendment No. 1 by Sund:

Page 1, line 27:

delete "electronic media"

insert "teleconference"



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

10/31/89
Date

H B

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HOUSE JOURNAL SUPPLEMENT

April 17, 1986

No. 118

HB 342

file

Page 1 of 2

REQUEST

Bill/Resolution No: HB 342 (1)
 Title: An Act Repealing Taxes on Motor Fuel
 Sponsor: Mauro
 Requestor: Transportation and Finance
 Date of Request: April 11, 1986

Revision Date 4/11/86

FISCAL DETAIL

Agency Affected: Department of Revenue
 BRU: Audit Division

Components:
Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
<u>OPERATING</u>						
100 PERSONAL SERVICES	-0-	[33.1]	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	[3.3]	-0-	-0-	-0-	-0-
400 SUPPLIES	-0-	[.1]	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
800 MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<u>TOTAL OPERATING</u>	-0-	[37.0]	-0-	-0-	-0-	-0-
<u>CAPITAL</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>REVENUE</u>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	[37.0]	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<u>TOTAL</u>	-0-	[37.0]	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	[1]	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: Please see attached.

Prepared By: Steven E. Kettel
 Division: Audit Division

Phone: 665-2320
 Date: April 11, 1986

Approved by Commissioner: [Signature]
 Agency: Revenue

Date: 6/11/86

Analysis for HE 342: (1) Page 2 of 2

Principal note is assuming that the law will become effective June 30, 1986.

If enacted, operating expenses within the Audit Division would decrease as follows:

Personal Services \$33.1: One full time Tax Examiner II position would be eliminated if the motor fuel tax program was abolished.

Contractual \$3.8: The Audit Division incurs annual expenses for forms design and publication, postage; and in drafting and promulgating regulations.

Supplies \$.1: To handle necessary supplies used by incumbent position for processing returns, etc.

HB 342

REQUEST

Bill/Resolution No: HC 342 (2)
 Title: An Act Repealing Taxes on Motor Fuels
 Sponsor: Marrou
 Requestor: Transportation/Finance
 Date of Request: April 10, 1986

FISCAL DETAIL

Agency Affected: Revenue
 SRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Millions of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	(35.1)	(35.2)	(35.7)	(35.7)	(35.7)	(35.7)

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Bill repeals taxes on 3 categories of fuel - aviation, highway and marine.

Prepared By: David Tonkovich
 Division: Revenue Research
 Approved by Commissioner: William B. Stedee
 Agency: Department of Revenue

Phone: 465-2173
 Date: April 14, 1986
 Date: April 14, 1986

Revision Date: 2/20/86

REQUEST

Bill/Resolution No.: HB 482
 Title: Protection of Natural Rangelands

 Sponsor: Representative Fuller
 Requestor: House Resources
 Date of Request: 2/17/86

FISCAL DETAIL

Agency Affected: Natural Resources
 BRU: Land-Water Management
Agriculture Management

 Components: Public Use/Agriculture
Management

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact to the department is anticipated. Identification of rangelands will occur during the department's regular area planning process. The department assumes that eventual designation of state grazing preserves will not require additional activity for fire protection or preserve management. The department currently issues grazing leases and permits for activity on state land. This permitting and leasing activity would be employed in state grazing preserves.

Prepared by: Michael E. Vediner Phone: 465-2400
 Division: Land & Water Management Date: 2/20/86

Approved by Commissioner: Thomas D. Arnold, Deputy Date: 2/24/86
 Agency: Natural Resources

COMMITTEE REPORT
HOUSE

4/19

(7)

FURTHER: FINANCE

3/29/85

Date: _____

The Committee on TRANSPORTATION has had HB 342

"An Act repealing taxes on motor fuels."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ 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

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Bill Smith

ALM

Mr. [unclear]

Mike [unclear]

[Signature]

CHAIRMAN

HB 338

HOUSE BILL NO. 338 by Thompson, entitled:

"An Act establishing a state lottery."

was read the first time and referred to the Labor & Commerce, Judiciary and Finance Committees.

HB 339

HOUSE BILL NO. 339 by Marrou, entitled:

"An Act relating to state oil and gas property tax credit limitations; and providing for an effective date."

was read the first time and referred to the House Special Committee on Oil & Gas and the Community & Regional Affairs and Finance Committees.

HB 340

HOUSE BILL NO. 340 by Marrou, entitled:

"An Act repealing a continuing appropriation for power cost equalization; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs, Labor & Commerce, and Finance Committees.

HB 341

HOUSE BILL NO. 341 by Marrou, entitled:

"An Act relating to nominations for state office by petition."

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 342

HOUSE BILL NO. 342 by Marrou, entitled:

"An Act repealing taxes on motor fuels."

was read the first time and referred to the Transportation and Finance Committees.

HB 343

HOUSE BILL NO. 343 by Marrou, entitled:

"An Act relating to general obligation bonds issued by a municipality."

was read the first time and referred to the Community & Regional Affairs, Judiciary and Finance Committees.

HB 344

HOUSE BILL NO. 344 by Marrou, entitled:

"An Act relating to elections."

was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

CONSIDERATION OF THE DAILY CALENDARTHIRD READING OF SENATE BILLSCSSB 152(Res)

Representative Pignalberi brought up reconsideration of COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 152 (Resources) (relating to extension and renewal of certain sales of state royalty oil; effective date).

CSSB 152(Res) was read the third time.

The question to be reconsidered: "Shall CSSB 152(Res) pass the House?" The roll was taken with the following result:

CSSB 152(RES) RECONSIDERATION

Yeas:	33	Adams, Binkley, Boucher, Cato, Clocksin, Collins, Davis, Duncan, Frank, Fuller, Gruenberg, Grussendorf, Herrmann, Hurley, Jenkins, Koponen, Larson, Marrou, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Sund, Taylor, Thompson, Uehling, Wallis
Nays:	6	Cetten, Furnace, Goll, Hanley, Martin, Szymanski
Excused:	1	Shultz
Absent:	0	

Navarre changed from "nay" to "yea".

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game



Andre Marrou
Representative

District 5

Kena	Sterling
Soldotna	Anchor Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Sinukluk	Clam Gulch

April 17, 1986

To: Chairman Bette Cato, and Members of the House Transportation Committee
From: Andre Marrou, Representative 

Subject: HB 342, Repeal Motor Fuel Tax, AS 43.40

This bill will save Alaskan consumers \$37,000,000 per year.

Fuel prices will immediately go down by:

8c per gallon for car, pickup and truck gasoline;
4c per gallon for airplane gasoline;
2½c per gallon for jet fuel (airplane and helicopter);
5c per gallon for marine fuel (boats and ships).

The high cost of transportation is a major impediment to the commerce of this State. The motor fuel tax is a direct contributor to the high cost of transportation. Injecting \$37,000,000 back into our private economy will bring the price of transportation down further and stimulate our economy. This will increase our opportunities for business with the rest of the country.

A Juneau Representative regularly complains about the high cost of gasoline. We recently passed HCR 36 asking the Governor to investigate the high cost of air travel in the State. Tourism and marine industries are greatly affected by fuel prices.

Passing this legislation would go a long way towards solving these problems.

Please support HB 418.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date 4/11/86

REQUEST

Bill/Resolution No: HB 342
 Title: An Act Repealing Taxes on Motor Fuel
 Sponsor: Marrou
 Requestor: Transportation and Finance
 Date of Request: April 11, 1986

FISCAL DETAIL

Agency Affected: Department of Revenue
 BRU: Audit Division
 Components:
Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
<u>OPERATING</u>						
100 PERSONAL SERVICES	-0-	[33.1]	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	[3.8]	-0-	-0-	-0-	-0-
400 SUPPLIES	-0-	[.1]	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
800 MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<u>TOTAL OPERATING</u>	-0-	[37.0]	-0-	-0-	-0-	-0-
<u>CAPITAL</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>REVENUE</u>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	[37.0]	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<u>TOTAL</u>	-0-	[37.0]	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	[1]	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: Please see attached.

Prepared By: Steven E. Kettel
 Division: Audit Division

Phone: 465-2320
 Date: April 11, 1986

Approved by Commissioner: Mary W. Mendenhall
 Agency: Revenue

Date: April 11, 1986

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Analysis for HB 342:

Fiscal note is assuming that the law will become effective June 30, 1986.

If enacted, operating expenses within the Audit Division would decrease as follows:

Personal Services \$33.1: One full time Tax Examiner II position would be eliminated if the motor fuel tax program was abolished.

Contractual \$3.8: The Audit Division incurs annual expenses for forms design and publication, postage; and in drafting and promulgating regulations.

Supplies \$.1: To handle necessary supplies used by incumbent position for processing returns, etc.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No: HB 342
Title: An Act Repealing Taxes on Motor Fuels

Sponsor: Marrou
Requestor: Transportation/Finance
Date of Request: April 10, 1986

FISCAL DETAIL

Agency Affected: Revenue
BRU: _____

Component: _____

EXPENDITURES/REVENUES: (Millions of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	(35.1)	(35.2)	(35.7)	(35.7)	(35.7)	(35.7)

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Bill repeals taxes on 3 categories of fuel - aviation, highway and marine.

Prepared By: David Tonkovich
Division: Revenue Research

Phone: 465-2173
Date: April 14, 1986

Approved by Commissioner: [Signature]
Agency: Department of Revenue

Date: April 14, 1986

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

SECTIONS WITHIN CHAPTER 70

- 30 RETURN ON NONHIGHWAY USE
- 35 OTHER REFUNDS + CREDITS
- 50 REFUND CLAIM BY AFFIDAVIT
- 60 SEPARATE INVOICES
- 70 REFUND WARRANT
- 80 EXAMINATION RECORD
- 85 PRESERVATION OF RECORDS
- 100 DEFINITIONS

STATION - DUBUQUE
 1934 143-20-101

143-20-610 DOCUMENTS

STATION SEC. 40-40-101
 WATCH LINE

TAX ON TRANSFERS OR CONSUMPTION OF MOTOR FUEL AND EXPENDITURE OF FUEL ETC.

(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 BY THE LAST DAY OF EACH SUCCEEDING MONTH. EVERY USER SHALL LIKEWISE REMIT THE TAX ACCRUED ON MOTOR FUEL ACTUALLY USED BY THE USER 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, MAY 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 SHOWING ALL FUEL WHICH THE DEALER OR USER HAS DISTRIBUTED OR USED DURING THE MONTH.

- (D) REPEALED, SEC. 3 CH 166 SLA 1976.E
- (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 FUEL, 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 IN THE DEPARTMENT OF TRANSPORTATION AND PUBLIC
FACILITIES AND IN OR IN CONNECTION WITH AVAILABLE FUNDS FOR
HIGHWAY CONSTRUCTION OR MAINTENANCE OF HIGHWAY CONSTRUCTION OR
HIGHWAY MAINTENANCE. FUNDS INCLUDED IN THE PROGRAM PROVIDED FOR
IN THIS SECTION, INCLUDING APPROPRIATE APPROPRIATIONS AND ALL OTHER
FACILITIES AND ACQUISITION OF RIGHTS-OF-WAY OF STATEWAYS AND
OTHER HIGHWAY UITS INCLUDING SURVEY, ADMINISTRATION AND
RELATED MATTERS. ALL DEPARTMENTS OF THE STATE GOVERNMENT
AUTHORIZED TO SPEND FUNDS COLLECTED FROM TAXES IMPOSED BY THIS
CHAPTER SHALL, WHEN FEASIBLE, ALL CONSTRUCTION OR
RECONSTRUCTION PROJECTS OR CONTRACTS UNDER THE PROJECTS HAVE BEEN
ADVANCED BY COMPETITIVE BIDS, EXCEPT WHEN, WHEN PRACTICABLE,
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 ENGINEER'S
FORCE, THE COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES
MAY CONTRACT WITH PROFESSIONAL DESIGNERS AND CONTRACTORS FOR
THE WORK. THE COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES
MAY FROM TIME TO TIME CONTRACT WITH PROFESSIONAL ENGINEERS FROM
AVAILABLE FOR THE WORK THE CONTRACTS SHALL BE ENTERED INTO ON A
NEGOTIATED BASIS.

(10) 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 MOTOR FUEL TAX ACCOUNT TO THE GENERAL FUND.

(11) WITHIN 90 DAYS AFTER THE LEGISLATURE CONVENES THE
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES 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 THIS CHAPTER FOR THE YEAR
FOLLOWING THE REJOURNMENT OF EACH REGULAR SESSION OF THE
LEGISLATURE.

(12) THE PROCEEDS FROM THE TAX ON MOTOR FUEL USED IN SNOW
VEHICLES ANY, UNLESS A TAX REFUND IS APPLIED FOR UNDER AS
43.46.040, OTHER INTERNAL COMBUSTION ENGINES NOT USED IN OR IN
CONJUNCTION WITH A MOTOR VEHICLE LICENSED TO BE OPERATED ON
PUBLIC ROADS SHALL BE DEPOSITED IN A SPECIAL NONPUBLIC HIGHWAY UIT
ACCOUNT IN THE GENERAL FUND. THE LEGISLATURE MAY APPROPRIATE
FROM THIS ACCOUNT TO THE DEPARTMENT OF TRANSPORTATION AND PUBLIC
FACILITIES FOR TRAIL STAKING AND SHELTER CONSTRUCTION AND
MAINTENANCE.

(13) THE TAX ON THE TRANSFER OR CONSUMPTION OF MOTOR FUEL
PROVIDED FOR IN THIS SECTION DOES NOT APPLY TO LIQUIDATED
PETROLEUM OIL.

(14) 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 WAS SOLD OR WILL BE PURCHASED OR RECEIVED IS NOT
INTENDED TO BE USED 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. A
CERTIFICATE OF USE IS NOT REQUIRED FOR FUEL FOR ANY DOMESTIC

PURPOSE IS A SERIES OF MULTIPLE UNIT PRIVATE SELLING, FINANCIAL
SUPPORT GROUPS, OR SIMILAR WHICH IS AT LEAST 50 PERCENT HELD BY
INDIVIDUALS WHOSE TOTAL INVESTMENT IN ALL SUCH GROUPS DOES NOT EXCEED \$25,000.00. EXCEPT CERTIFICATION OF
THESE GROUPS UNDER AN INVESTMENT PLAN WILL BE DETERMINED BY THE
DEPARTMENT. THE DEPARTMENT SHALL RETAIN A COPY OF EACH CERTIFICATE
IF ONE OBTAINED UNDER THIS INVESTMENT PLAN OR MINORITY OR SUBSTANTIAL
INTEREST BY THE DEPARTMENT. THE FORM OF A CERTIFICATE OF REGISTRATION
AS REQUIRED BY REGULATION ISSUED BY THE DEPARTMENT.

END OF DOCUMENT

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date 4-2-85

REQUEST

Bill/Resolution No: HB 342
 Title: An Act Repealing Taxes on Motor Fuel
 Sponsor: Marrou
 Requestor: Transportation & Finance
 Date of Request: March 30, 1985

FISCAL DETAIL

Agency Affected: Department of Revenue
 Program Category Affected: Collection and Management
 BRU, Program of Subprogram(s) Affected: Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-0-	[33.1]	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	[3.8]	-0-	-0-	-0-	-0-
400 SUPPLIES	-0-	[.1]	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
800 MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	[37.0]	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	[37.0]	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	[37.0]	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	[1]	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: Please see attached.

Prepared By: Martin J. Richard, Director
 Division: Audit Division

Phone: 465-2320

Date: April 2, 1985

Approved by Commissioner: Mary P. Stedahl
 Agency: Revenue

Date: 4/2/85

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Analysis for HB 342:

Fiscal note is assuming that the law will become effective June 30, 1985.

If enacted, operating expenses within the Audit Division would decrease as follows:

Personal Services \$33.1: One full time Tax Examiner II position would be eliminated if the motor fuel tax program was abolished.

Contractual \$3.8: The Audit Division incurs annual expenses for forms design and publication, postage; and in drafting and promulgating regulations.

Supplies \$.1: To handle necessary supplies used by incumbent position for processing returns etc.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST
Bill/Resolution No: HB 342
Title: An Act Repealing Taxes on
Motor Fuels
Sponsor: Marrou
Requestor: House Transportation
Date of Request: March 30, 1985

FISCAL DETAIL
Agency Affected: REVENUE
Program Category Affected:
BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	(34,800)	(34,900)	(35,000)	(35,000)	(35,000)

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

1. Assumes bill takes effect at the beginning of FY 86.
2. Assumes continuation of present rate structure.
3. Forecasted figures based on March 1985 Revenue Forecast.

Prepared By: David Tonkovich BT
 Division: Revenue Research Section

Phone: 465-2173
 Date: April 1, 1985

Approved by Commissioner: [Signature]
 Agency: Revenue

Date: 4/3/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
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