

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672  
5150 HTRA HB 150 - HB 156 722

HB

150

STATE OF ALASKA  
THE LEGISLATURE

FOUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Transportation*

*4/6/88*



Official Business

# Alaska State Legislature

House of Representatives

House Transportation Committee

P.O. Box V  
Juneau, Alaska  
99811

Phone:  
(907) 465-4859

April 6, 1988

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## COMMITTEE CALENDAR:

HB 150: "An Act relating to taking a propelled vehicle of another."

SB 463: "An Act relating to unused airline tickets."

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

a folder on HB 150 that includes:

- item #1: HB 150
- #2: fiscal note - Dept. of Public Safety
- #3: petition of support
- #4: statutes

a folder on SB 463 that includes:

- item #1: SB 463
- #2: a statement from Sen. Josephson
- #3: fiscal note - Department of Revenue
- #4: statutes
- #5: support statements - Mark Air  
Reeve Aleutian Airways
- #6: opposition statement - National Association  
of Unclaimed Property Administrators

FISCAL NOTE

REQUEST

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: "An Act relating to taking a  
propelled vehicle of another." BRU: Alaska State Troopers  
 Sponsor: Rep. Taylor, Zawacki, et al Components: Criminal Investigation  
 Requestor: House Transportation Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan  
 Division: Alaska State Troopers

Phone: 269-5691  
 Date: 3/30/88

Approved by Commissioner: Arthur English  
 Agency: Public Safety

Date: 3/30/88

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

February 26, 1988

Representative Robin Taylor  
P.O. Box V (MS-3100)  
Juneau, Alaska 99811

Dear Representative Taylor:

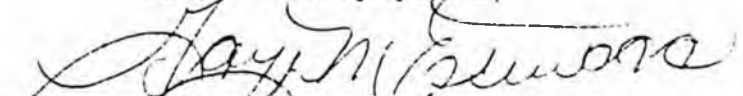
Enclosed please find copies of the petition that has been circulating in Petersburg. The citizens of Petersburg would like the Legislature to change the Laws regarding Stolen Vehicles. We feel that a person who steals a vehicle, be it an automobile, boat, or airplane; should be prosecuted as having committed a Felony, rather than Criminal Mischief. The fact that we live on an island is immaterial, and should not make a difference in the level of punishment for stealing a vehicle.

Only you, as our elected representative, can author a Bill to change the Law. So we are formally requesting you to do this.

If I can be of any assistance to you in doing this, please feel free to contact me.

We still have petitions out, in Petersburg, but it appears that we have 100% of the adult population in favor of the above change; AND we also have the endorsement of the Petersburg City Council.

Respectfully yours,



Gayle M. Eastwood

enc:

cc: Governor Cowper  
Senator Jones  
Representative Sund

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

Please put Street address.

NAME	ADDRESS
Delinda Clayton	Petersburg Alaska Box 882 Petersburg AK 99833 #9 Beach St.
Vera W. W. W.	" " " " " " " "
Sharon Hunter	Box 1002 PSC
James D. Koedel	POB 1440 Petersburg AK 99833 James Roe
Jennie Conroy	Box 1378 Petersburg AK 99833 Fernie Cassi
Mark & Ryan	POB 1021 Petersburg AK 99833-1021
Lynn Berk	Box 547 Petersburg AK 99833
Karen Gresh	Box 332 400 1st Ave N Petersburg AK
Deborah Smith	Box 315 105 55th St Petersburg AK 99833
Mary Joce Kerby	Box 1113 1004 N Nordic Dr Petersburg AK 99833
Veresia Stupe	200 Sandy Beach Road Petersburg AK 99833
Stann Miller	301A Market Highway PSC AK 99833
Waren Severson	Box 1502 PSC AK 99833
Debra J. Carroll	Box 374 384 177th Ave N PSC AK 99833
Feresa Goodwin	Box 1565 PSC AK 99833
Beverly Hammond	Box 733 200 Franklin St PSC AK 99833
Paula Sue Goodwin	200 2nd St Petersburg AK 99833
Michael J. Mosewski	Box 1134 Petersburg AK 99833 Michael Mosewski
William Post	Box 1010 Petersburg AK 99833
Eric Rosell	Box 1114 708 Middle Highway Petersburg
Ellen Roth	Box 1008 311 F. S. Nordic Dr Petersburg AK 99833
Victoria McDonald	Box 556 103 Lewis Lane Petersburg AK 99833
MARGARET ROGERS	Box 553 602 IRA ST. Petersburg AK 99833
Lynne Wigstrom	Box 1010 1113A Wabunie Petersburg AK 99833
Bilalaka R. Taylor	Box 16 706 N Nordic Dr Petersburg AK 99833
Martha (Barnes)	1121 1010 N Nordic Dr Petersburg AK 99833
KATHY CHANEY	1276 1105B N NORDIC DR. Petersburg AK 99833
David E. Helmick	PO Box 913 Paper's handling Petersburg AK 99833
Bill & Louise Bell	PO Box 1474 Petersburg Alaska
Wally & Doreen	706 Odin P. Ave. General Delivery
Cecilia Johnson	PO 1404 Petersburg
Gene Bink	Box 67 Petersburg Alaska
John & Linda J. J. J.	PO Box 1052 Petersburg AK 99833
Gene & Margaret	Tuna Burger Box 573 Petersburg Alaska 70 HUNTERFORD Hill
Kay Beam	321 Market Highway Petersburg AK 99833 (Box 1618)
Karen Jo White	Box 246 Petersburg AK 99833
Kathy A. Wood	Box 742 PSC AK 99833
Jeffrey Neveu	Box 1086 541 Muth Highway Petersburg AK 99833 Jeffrey
Jack Aho	Box 1272 103 Cornelius Ed Petersburg AK 99833 Jack
Yndeth Lilienberger	Box 564 285 Market Highway Petersburg AK 99833
W. W. W.	Box 105 PSC AK
Mark Small	Holland Bay AK
Darcy Caples	Box 524 PSC AK 99833 (205 PSC)
May Tati	Box 1403 P. 76 Road Road - Petersburg

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS	
Dave N. Ohmer	413 Sandy Beach Road	Dave Oh
Buta Power	Box 427	Petersburg
Wendell Gibson	301 Sandy Beach Road - Box 372	Petersburg, Alaska
James G. King	314 Southside	Petersburg
William Frech	110 HARBOR WAY BOX 545	W. J. Henderson
John Neumann	1125	
W. E. Johnson	Box 1655	
Spencer Murphy	Box 1701	
JERRY HEGAN	P.O. Box 435	
R.H. Sherman	P.O. Box 59	3489
Fay Willard	Box 941	AK
Jim Dan Rye	Box 1751	AK
Helen Dean	Box 689	503 Nordic Dr. Peter O'Car
Walter W. Smith	Box 1002	
Walter W. Smith	P.O. Box 35	Mitigations AF
John Smith	P.O. Box 1091	Petersburg
Charles J. P. O. O.	P.O. Box 38	117B Valkyrie St. Petersburg, AK
W. J. O. O.	P.O. Box 501	Petersburg, AK
David Wood	Box 782	AK
Paul Pieper	Box 836	Petersburg
John Miller	Box 32	AK
John Miller	Box 1524	AK
John Miller	Box 417	Petersburg, AK
John Miller	Box 978	AK
John Miller	Box 1225	AK 99833
John Miller	Box 544	CITY
John Miller	Box 1746	CITY
John Miller	Box 3	P.S.G.
John Miller	P.O. Box 1725	P.S.G.
John Miller	Box 816	P.S.G.
John Miller	Box 76	P.S.G. x Dennis Clark
John Miller	Box 788	P.S.G. Robert Erickson
John Miller	Box 1767	P.S.G.
John Miller	Box 404	P.S.G.
John Miller	Box 662	P.S.G.
John Miller	Box 1264	P.S.G.
John Miller	Box 396	PETERSBURG, AK
John Miller	" 1628	
John Miller	" 1628	
John Miller	" 264	P.S.G. AK Tom Matney
John Miller	Box 1505	P.S.G. AK
John Miller	Box 1553	P.S.G. AK

# Theft

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS
✓ Ken Taylor	Box 1637 Petersburg AK
✓ R. Christensen	Box 824 Petersburg AK
✓ J. Olson	Box 814, Psc, AK
✓ B. Welde	Box 875 Psc, AK
1024 ✓ Jerry C. Baynes	Box 521 PSC AK
1021 ✓ Fredrick Christensen	Box 521 Petersburg AK
1022 ✓ Marilyn Mikkelsen - Mikkelsen	Box 1036, PSC, AK
1023 ✓ Steve E. Karlynn O'Neil	Box 912, Psc, AK
1024 ✓ W. Earl Mikkelsen	Box 990 Petersburg, AK
1025 ✓ James Commeyan	Box 730 Psc, AK
1026 ✓ John R. Odgaard	Box 162 Psc, AK
1027 ✓ John E. ( )	P.O. B. 1063 PSC
1030 ✓ Curtis Olson	Box 231, Petersburg, AK
✓ George Voght	Box 615 PSC
✓ ( )	Box 484 Petersburg AK
✓ ( )	City Petersburg AK
✓ ( )	Box 155
✓ ( )	P.O. 707 Petersburg, Alaska
✓ ( )	P.O. Box 581 Petersburg, Alaska
✓ ( )	P.O. Box 1336 Psc, AK
✓ ( )	P.O. Box 1343 Petersburg AK
✓ Cathy Robinson	P.O. Box 1056 Petersburg AK
✓ Carl N. Burt	P.O. Box 1113 Petersburg, AK
✓ ( )	P.O. Box 277 PSC AK
✓ ( )	Box 452 Petersburg, Alaska
1037 ✓ ( )	Box 770 PSC AK
1038 ✓ ( )	Box AK
1039 ✓ ( )	Box 481 Petersburg
✓ Christine & Yvonne Murreff	Box 253 PSC
1041 ✓ DAVID SPODOWSKI	Box 1711
✓ ( )	Box 1371 Psc, AK
✓ ( )	Box 1252 Psc, AK
✓ ( )	Box 1125 Psc, AK
1044 ✓ Heather Child	Box 1083 Psc, AK
✓ ( )	Box 1557 PSC AK
✓ ( )	Box 1187 Psc, AK
1045 ✓ ( )	Box 4901
1046 ✓ ( )	Box 1531 Psc, AK
1047 ✓ ( )	Box 352
✓ ( )	Box 504 " "
1048 ✓ ( )	Box 1701 " "
1049 ✓ ( )	Box 1701 " "
1050 ✓ ( )	Box 803 Petersburg Alaska

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS	
Thomas J. Carroll	711 W. Grand St. Petersburg	
W. H. G. G. G.	116 W. Main St. Petersburg	
Arthur A. Bantz	405 Haugen Dr. Petersburg	
Robert E. Bantz	405 Haugen Dr. Petersburg	
Franklin W. G. G.	723 W. Main St. Petersburg	
Richard G. G.	361 E. Main St. Petersburg	
Clark Mondak	P.O. 716 Petersburg	
My Wife	P.O. 271 City	
Tom J. G. G.	74 200 2nd St Box 622 City	
Gudine Martin	1306 Wrenell Box 285 Petersburg	
R. G. G. G.	Dr. Box 1675 Petersburg	
Maria J. G. G.	P.O. Box 815 Petersburg	
Wanda E. G. G.	P.O. Box 1718 Petersburg	
Howard L. G. G.	P.O. Box 821 Petersburg	
Alvin G. G.	Box 747 Petersburg	
Wm. G. G.	Box 74 P.O.	
Elizabeth J. G. G.	Box 1093 P.O.	
Julie D. G. G.	Box 1043 Petersburg, Ark.	
Ann E. G. G.	Box 730 Petersburg, Ark.	
Dr. A. G. G.	Central Delivery D-BUR	
John G. G.	Box 710 Petersburg	
Richard P. G. G.	Box 685 Petersburg	
1110 Rene MacDonald	Box 1434 Petersburg	
Pat Waller	Box 575 Petersburg	
John G. G.	Box 495 Petersburg	
Margaret Slack	P.O. Box 273 Petersburg	
John G. G.	P.O. Box 443 Petersburg	
John G. G.	P.O. Box 190 Petersburg	
John G. G.	P.O. Box 1003 Petersburg	
John G. G.	P.O. Box 427 Petersburg	
John G. G.	P.O. Box 119 Petersburg	
John G. G.	Box 1235 Petersburg	
Theresa G. G.	Box 1516 Petersburg	
John G. G.	Box 1111 Petersburg	
John G. G.	Box 51 Petersburg	
John G. G.	Box 1082 Petersburg	
John G. G.	Box 1082 Petersburg	
John G. G.	Box 1327 Petersburg	
John G. G.	Box 187 Petersburg	
John G. G.	Box 643 Petersburg	
John G. G.	Box 1516 Petersburg	
John G. G.	Box 930 801 From Petersburg	

Kathy Handrup Box 77 City  
 Kent Road Box 174 City  
 Dasher Reid PO Box 174 City

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NAME	ADDRESS
Grant H. Trank 113	Box 1333 400 2nd Ave. N. Petersburg AK 99833
HARLES M. ROSEK 113	Box 1440 Psg. AK. 99833
Robert W. Lusk	Box 881 Psg. AK 99833
Ed Weisenburger	Box 86 Psg AK. 99833
Diana Malin	Box 152 Psg AK 99833
Archie MacIntyre	Box 1224 Psg. AK 99833
Robert McCallister	Box 1724 Psg. AK 99833
Miss [unclear]	Box 1353 Psg AK 99833
Michael [unclear]	Box 1411 Psg AK 99833
[unclear]	Box 271 " " "
[unclear]	Box 285 Psg AK 99833
[unclear]	Box 1413 Psg AK 99833
[unclear]	Box 610 Psg AK 99833
[unclear]	Box 481 Psg AK 99833
[unclear]	Box 843 Psg AK 99833
[unclear]	Box 385 Psg AK 99833
[unclear]	Box 1658 Psg AK 99833
[unclear]	Box 97 " " 99833
[unclear]	Box 1033 " " "
[unclear]	Box 325 " " "
Christine J. [unclear]	Box 253 Psg. AK 99833
[unclear]	Box 279 Psg AK 99833
[unclear]	Box 125 " " "
[unclear]	Box 1477 Psg AK "
[unclear]	Box 363 Psg AK 99833
[unclear]	Box 163 Psg AK 99833
[unclear]	Box 373 Psg "
[unclear]	1256 Town
[unclear]	Box 173 Psg ALASKA 99833
[unclear]	181
[unclear]	Box 458 Psg AK 99833
[unclear]	Box 1655 Psg AK 99833
[unclear]	Box 1315 Psg AK 99833
[unclear]	Box 745 Psg AK 99833
[unclear]	Box 145 Psg AK 99833
[unclear]	Box 1778 Psg AK 99833
[unclear]	Box 1006 Psg "
[unclear]	Box 1773 Psg "
[unclear]	Box 1555 Psg "
[unclear]	Box 823 Psg "
[unclear]	Box 479 Psg "

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NAME	ADDRESS	ADDRESS
113 Courtney Lyons	Box 189	#14 Nagels Petersburg AK
113 Daniel J. Dzurc	Box 907	Petersburg AK
113 John [unclear]		
113 Mary [unclear]	Box 1468	Petersburg AK
113 [unclear]	Box 246	PS AK
113 [unclear]	Box 87	PS AK
113 [unclear]	Box 1473	PS AK
113 [unclear]	Box 898	" "
113 Michael R. Peterson	Box 65	Petersburg AK 99833
113 [unclear]	Box 1722	Petersburg AK 99833
113 [unclear]	"	" " "
114 [unclear]	Box 331	Petersburg AK 99833
114 [unclear]	Box 1026	Petersburg AK 99833
114 [unclear]	Box 75	Petersburg AK 99833
114 [unclear]	Box 1364	Petersburg AK 99833
114 [unclear]	Box 68	PS AK 99833
114 [unclear]	Box 1053	PS AK
114 [unclear]	378	PS
114 [unclear]	Box 1418	PS 99833
114 [unclear]	PO 365	PS 99833
114 [unclear]	PO 1025	PS 99833
114 [unclear]	P.O. Box 512	PS AK 99833
114 [unclear]	P.O. Box 1638	PS AK 99833
114 [unclear]	Box 1524	PS AK 99833
114 [unclear]	Box 1005	PS AK 99833
114 [unclear]	Box 761	Petersburg AK 99833
114 [unclear]	Box 1555	Petersburg AK 99833
114 [unclear]	Box 133	PS AK 99833
114 [unclear]	Box 1024	PS AK 99833
114 [unclear]	Box 690	Petersburg AK 99833
114 [unclear]	Box 423	PS AK 99833
114 [unclear]	Box 363	PS AK 99833
114 [unclear]	Box 267	PS AK 99833
114 [unclear]	Box 20	" " "
114 [unclear]	Box 134	" " "
114 [unclear]	Box 910	" " "
114 [unclear]	Box 925	PS AK
114 [unclear]	Box 233	PS AK
114 [unclear]	Box 102	PS AK 99833
114 [unclear]	Box 641	PS AK
114 [unclear]	365	PS AK
1150 MIKE COOPER	Box 177	PS AK 99833
William E. [unclear]	Petersburg AK Del.	STEAL A CAR GO TO JAIL

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS
JAMES STOLPE	200 SANDY BEACH RD
Susan Hutzler	501 HAUGEN DR. Box 258
Donald Beck	Box 341 825 P
John Koso	Box 716 800 318 <sup>th</sup> ST CITE
Louise Green	P.O. 7562 451 M. K. F. Hwy
Wendy (Industrie)	Box 786 14 S. 3 <sup>rd</sup> St.
W.C. Brown	Box 725 Psk. AK
Art Buchwell	Box 819 Dsg AK
Jack M. Brown	Box 1290 Dsg AK
Armas Lucas	Box 1161 Psk AK
Mitchell L. Eide	Box 15 Psk AK
Armas A. Anderson	Box 1454 JAFK AK
Ernie Johnson	Box 1292 Psk AK
Young McCallough	Box 707 Psg AK
Clayton A. ...	Box 1006 Psk AK
Mike Sullivan	Box 1704 Psg AK
James ...	Box 1326 Psk AK
...	Box 752 Psk
Rick M. Fleming - Rick Fleming	Box 1092 - Petersburg AK 99833
Tom STEPHEN	Box 584 Psg, AK 99833
Joseph M. Hubbard	P.O. Box 1566 Psk AK 99833
Beth Rhoden	Box 426 - Psk AK 99833
Anna Lou SADLER	Box 1463 Psg AK 99833
Tracy & Alex Reid	Box 1107 Petersburg AK 99833
Dean ...	Box 257 Petersburg AK 99833
...	Box 730 Psg AK 99833
...	Box 75 Petersburg AK 99833
...	Box 141 PETERSBURG AK 99833
1169 1706 Denny	Box 1230 11
John W. ...	7 1/2 mi M.K.F. Hwy
Wendy ...	Box 1312 Psk AK 99833
Charles ...	Box 424 Psk AK
1105 Bruce ...	Box 1424 Psk AK 99833
1160 ...	Box 952 Psg AK 99833
1166 ...	1306 Wiscell Ave - Box 295 Petersburg
1167 Dennis Rogers	207 Wiscell Ave. Box 502 Petersburg, AK
1168 ...	Box 414 Petersburg AK 99833
...	Box 402 Petersburg
...	Box 1173 Petersburg AK
1169 R. D. McCay	Box 161 Psk AK 99833
1170 Steve ...	Box 1174 Psk AK
1171 BERHARD HILLER	Box 1361 Psk AK
1172 MIKE DEAN	Box 689 Psk AK 523 S. ...

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NAME	ADDRESS		
✓ Sic Mathison	Rox 1460	Petersburg, Alaska	99822
✓ Edith Mathison	Box 229	"	"
✓ James A. Myer	Bx 507	"	"
✓ Casper Veslin	P.O. Box 1530	Petersburg AK	
✓ Edna Eide	Box 114	"	"
✓ Martin Myrnes	P.O. Box 947	"	"
✓ Edna Eide	Box 274	"	"
✓ Edna Eide	Box 830	Petersburg Alaska	998
✓ Wes Abbott	Box 185	Petersburg AK	99833
✓ David H. Clayton	Box 852	Petersburg AK	99833
✓ Marilyn B. Clark	Box 882	PETERSBURG AK	99833
✓ Jack Eide	Box 1765	PETERSBURG AK	99833
✓ John Eide	General Delivery	Petersburg AK	99833
✓ Brenda A. Hubbard	Box 981	Petersburg AK	99833
✓ James A. Hubbard	Box 981	Petersburg AK	99833
✓ Bird Shepherd	Box 647	Petersburg AK	
✓ George P. Vachon	Box 615	PSG	
✓ William Christy	Box 1520	PSG	
✓ Jack H. Willis	Box 202	PSG	
✓ Howard Johnson	" 507	"	"
✓ Roy Johnson	Box 552	PSG	
✓ Dale Ross	Box 532	PSG	
✓ Ray Johnson	Box 504	PSG	
✓ Don Johnson	Box 875	PSG	
✓ L. Ann Taylor	Box 1267	KU AK	
✓ Cheryl Johnson	Box 991	Petersburg	
✓ John Winters	Box 152	PETERSBURG AK	
✓ Mike Winters	"	"	"
✓ Stan Mathison	Box 513	PSG	
✓ Nancy Mathison	"	PSG	
✓ William A. Price	Gen. Del.	Petersburg AK	99833
✓ Andy Johnson	Box 16	"	"
✓ George H. Dole	Box 1303	"	"
✓ Charles Johnson	143	"	"
✓ William Bond	Box 561	"	"
✓ Mrs. Howard	72	"	"
✓ Mrs. Johnson	Box 1580	"	"
✓ Tom Johnson	Box 659	"	"
✓ Cindy Johnson	Box 689	"	"
✓ Mrs. Johnson	Box 803	"	"
✓ Mrs. Johnson	571	"	"

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NAME

ADDRESS

NAME	ADDRESS	
<i>Robert Martens</i>	<i>Box 623</i>	<i>PSG.</i>
<i>Robert M. Hunt</i>	<i>Box 446</i>	
<i>William M. Kussel</i>	<i>Box 155</i>	
<i>Wesley Jones</i>	<i>Box 206</i>	<i>Petersburg</i>
<i>Constance L. Condit</i>	<i>1580</i>	<i>7460</i>
<i>Mary Christensen</i>	<i>Box 1</i>	<i>PSG</i>
<i>Brenda Hart</i>	<i>Box 1562</i>	<i>PSG</i>
<i>Robert M. ...</i>	<i>Box 1302</i>	<i>PSG, AK</i>
<i>Robert M. ...</i>	<i>Box 25</i>	<i>PSG, AK</i>
<i>Robert M. ...</i>	<i>Box 923</i>	<i>PSG, AK</i>
<i>Robert M. ...</i>	<i>Box 135</i>	<i>PSG, AK</i>
<i>Robert M. ...</i>	<i>Gen Del</i>	<i>PSG, AK</i>
<i>GLARE PAINTER</i>	<i>P.O. Box 1147</i>	<i>PSG, AK</i>
<i>ONE ELLYATE</i>	<i>P.O. Box 509</i>	<i>PSG</i>
<i>Wanda ...</i>	<i>Box 130</i>	<i>Petersburg City</i>
<i>Wanda ...</i>	<i>Box 123</i>	<i>Petersburg City</i>
<i>Wanda ...</i>	<i>Box 1161</i>	<i>PSG, AK 99833</i>
<i>Wanda ...</i>	<i>P.O. Box 1451</i>	<i>PSG, AK 99833</i>
<i>Wanda ...</i>	<i>Box 530</i>	<i>City</i>
<i>Wanda ...</i>	<i>Box 873</i>	<i>City</i>
<i>Wanda ...</i>	<i>Box 681</i>	<i>Petersburg City</i>
<i>Wanda ...</i>	<i>Box 1423</i>	<i>City</i>
<i>Wanda ...</i>	<i>Gen Del</i>	<i>City</i>
<i>Wanda ...</i>	<i>Box 174</i>	<i>City</i>
<i>Wanda ...</i>	<i>Box 174</i>	<i>City</i>
<i>Wanda ...</i>	<i>432</i>	<i>"</i>
<i>Wanda ...</i>	<i>264</i>	<i>"</i>
<i>Wanda ...</i>	<i>830</i>	<i>"</i>
<i>Wanda ...</i>	<i>Box 1145</i>	<i>PSG</i>
<i>Wanda ...</i>	<i>Box 166</i>	<i>PSG</i>
<i>Wanda ...</i>	<i>Box 938</i>	<i>PSG</i>
<i>Wanda ...</i>	<i>Box 131</i>	<i>PSG</i>
<i>Wanda ...</i>	<i>Box 1007</i>	<i>PSG</i>
<i>Wanda ...</i>	<i>Box 1325</i>	<i>PSG</i>
<i>Wanda ...</i>	<i>Box 1273</i>	<i>Petersburg</i>
<i>Wanda ...</i>	<i>Box 1044</i>	<i>Petersburg</i>
<i>Wanda ...</i>	<i>Box 1243</i>	<i>Petersburg</i>
<i>Wanda ...</i>	<i>Box 446</i>	<i>"</i>
<i>Wanda ...</i>	<i>Box 62</i>	<i>Petersburg</i>
<i>Wanda ...</i>	<i>Box 275</i>	<i>Petersburg</i>
<i>Wanda ...</i>	<i>Box 1185</i>	<i>Petersburg</i>

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME PRINT	SIGNATURE	STREET ADDRESS	BOX #
✓ Chris Velentine	<i>Chris Velentine</i>	P.O. Box 1146	PSG
✓ Jeanne Wheat	<i>Jeanne Wheat</i>	Box 1230	PSG
✓ Toni Wheat	<i>Toni Wheat</i>	Box 1270	PSG
✓ Marge Fick	<i>Marge Fick</i>	Box 181	PSG
✓ Jack Gunge	<i>Jack Gunge</i>	Box 238	PSG
✓ Edward Bayanski	<i>Edward Bayanski</i>	Box 1418	PSG
✓ Pamela Wurst	<i>Pamela Wurst</i>	Box 104	PSG
✓ Billie Taylor	<i>Billie Taylor</i>	Box 1267	PSG
✓ Susan Hestford	<i>Susan Hestford</i>	Box 1757	PSG
✓ H.C. GILLILAND	<i>H.C. Gilliland</i>	Box 107	PSG
✓ Jola Milser	<i>Jola Milser</i>	Box 1287	PSG
✓ Faye Knis	<i>Faye Knis</i>	Box 263	PSG
✓ Beryl E. Luhn	<i>Beryl E. Luhn</i>	188 Miller Highway	Peterburg
✓ MARK WEAVER	<i>Mark Weaver</i>	Box 1181	PETERSBURG
✓ Barbara Odgaard	<i>Barbara Odgaard</i>	Box 511	"
✓ Ruth Sandvik	<i>Ruth Sandvik</i>	Box 526	"
✓ Betty McNeer	<i>Betty McNeer</i>	Box 1586	PSG
✓ Shelley Hjort	<i>Shelley Hjort</i>	Box 1364	PSG
✓ Joy JANSSEN	<i>Joy Jansen</i>	Box 631	8035 Nordic Dr. PS, AK 998
✓ Colleen Stetten	<i>Colleen Stetten</i>	Box 1671	PSG
✓ RICHARD J. WALSH	<i>Richard Walsh</i>	Box 1480	PSG
✓ Cynthia Bitten	<i>Cynthia Bitten</i>	Box 693	PSG
✓ Laura G. Conpton	<i>Laura G. Conpton</i>	Box 943	Peterburg
✓ Doreen Gubenschick	<i>Doreen Gubenschick</i>	Box 775	Peterburg
✓ Alice Langworth	<i>Alice Langworth</i>	Box 328	PSG AK
✓ Ken W. Gussow	<i>Ken W. Gussow</i>	Box 643	PSG AK
✓ Kenneth H. Elmorie	<i>Kenneth H. Elmorie</i>	306 Nordic Dr. No. 1	Peterburg AK Box
✓ Tina M. CURTIS	<i>Tina M. Curtis</i>	P.O. Box 878	PETERSBURG AK 99833 907-772-3995
✓ William P. Sharp	<i>William P. Sharp</i>	Box 227	FE 99833 907-772-4448
✓ Horace - HEAVARD	<i>Horace - HEAVARD</i>		

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NAME	ADDRESS		
✓ DON KENIGS	Don Kenigs P.O. Box 674	200 ST. PETERSBURG, AK	99833
Mr. He S. KALESTAD	304 304 Sande Beach		99833
Maryl A. Phillips	P.O. Box 1289	200 S 2ND ST., PETERSBURG	99833
✓ Mary Philbin	11 Tutuilla P.O. Box 414	110 N 3RD	99833
✓ Kim McEadyen	Kim McEadyen	592 129 Kings Rd.	99833
Miriam Hubbard	Miriam Hubbard Box 981	105 S Nordic Drive	99833
✓ Ally Amruss	Ally Amruss Box 1332	Petersburg, AK	99833
✓ Phillip M. Aikens	Phillip M. Aikens Box 1054	371 Mt. Kof Hwy	99833
✓ Edw. E. Whites	P.O. Box 157	Petersburg AK	99833
✓ Lynn Hilbert	Lynn Hilbert Box 893	Petersburg AK	99833
✓ Karen Cornelius	Karen Cornelius P.O. Box 1727	Petersburg, AK	99833
✓ Ruth Dawson	Ruth Dawson P.O. Box 206	Petersburg, AK	99833
✓ W. K. Kense Smith	Box 702	Petersburg, AK	99833
✓ Sylvia Janson	Box 802	Petersburg, AK	99833
✓ Peter Petrus	Box 309	Petersburg, AK	99833
✓ Bob Jones	Box 1234	Petersburg, AK	99833
✓ Margaret Hill	Box 265	Petersburg, AK	99833
✓ Bob White	P.O. Box 1507	Petersburg, AK	99833
✓ Herb Lerner	Box 1354	Petersburg, AK	99833
✓ Margaret Rust	Margaret Rust Box 962	Petersburg, AK	99833
✓ Charles & Alex Reed	Box 1187	Petersburg, AK	99833
✓ Roy & Sandra Sandler	Box 1674	Petersburg, AK	99833
✓ Christina Morrison	Box 754	Petersburg, AK	99833
✓ Vivian F. Heasley	Vivian F. Heasley Box 604	Petersburg, AK	99833
✓ Carl A. Woody	Carl A. Woody Gen. Del.	Petersburg, AK	99833
✓ Ruth A. Weir	Box 1181	Petersburg, AK	99833
✓ Zenith A. Brown	Box 771	Petersburg, AK	99833
✓ John H. Lee	Box 514	Petersburg, AK	99833
✓ John H. Lee	Box 991	Petersburg, AK	99833
✓ James H. Hill	Box 236	Petersburg, AK	99833
✓ Curtis Frage	Curtis Frage Box 691	Petersburg, AK	99833
✓ Thomas McKeown	Box 326	Petersburg, AK	99833
✓ Michael R. Heasley	Michael R. Heasley P.O. Box 604	Petersburg, AK	99833
✓ Ethel Dancer	Ethel Dancer Box 1734	Petersburg, AK	99833
✓ Allison Strauss	Allison Strauss Box 967	Petersburg, AK	99833
✓ Vicki Reed			
✓ Art Adair	Box 1163	Petersburg, AK	99833
✓ Patricia H. Weber	Box 97	Petersburg, AK	99833
✓ Kelly H. Keener	Box 968	Petersburg, AK	99833
✓ Judy Scherberg	Box 864	Petersburg, AK	99833
✓ Lew Brantley	Box 838	Petersburg, AK	99833
✓ Dawn Burkhardt	Box 1530	Petersburg, AK	99833

Alan P. Eubank

Box 234 City

Thomas W. Rockwell

Box 1305

Petersburg

Louis M. ...

Box 601

Petersburg

City

*Kenny Starr*

*Box 142*

*Petersburg*

*7853*

Darry E. Bracken Box 1201 705 Sandy Beach Road  
JEAN A. CURRY 572 209 " " " P.S. 10

Ma Tynes Box 583 ✓

Margaret Dunkin Box 1267 917 Utrungell

Bath Hammer BK 194 104 S. Sinclair Alley, P.S. AK 99833

Betty Thomassen 304 608 206 20 2nd P.S. AK 99833

Bob Bennett Box 916 mi 4. m. off Hwy P.S., Ak. 99833

# HOUSE COMMITTEE REPORT

(7)

Date referred: 3/9/88

FURTHER REFERRALS: Judiciary

DATE: 4-6-88

The Transportation Committee has considered SSHB 150

"An Act relating to taking a propelled vehicle of another."

### RECOMMENDS:

- |   |  |
|---|--|
| <input type="checkbox"/> replace with _____                         | <input type="checkbox"/> the <u>same</u> title |
| <input type="checkbox"/> attached amendment(s)                      | <input type="checkbox"/> a <u>new</u> title    |
| <input checked="" type="checkbox"/> do pass                         |  |
| <input type="checkbox"/> do not pass                                |  |
| <input type="checkbox"/> no recommendation                          |  |
| <input type="checkbox"/> individual recommendations                 |  |
| <input type="checkbox"/> additional referral to the _____ Committee |  |

ADOPTS:  \_\_\_\_\_ letter of intent

### ATTACHES NEW FISCAL NOTE(S):

- |   |   |
|---|---|
| <input type="checkbox"/> fiscal impact                      | <input type="checkbox"/> same as previous fiscal note published _____             |
| <input checked="" type="checkbox"/> <u>zero</u> fiscal note |   |
| <input type="checkbox"/> <u>zero</u> with analysis          | <input type="checkbox"/> same as previous <u>zero</u> fiscal note published _____ |

### SIGNING DO PASS:

Butler Axt  
Mike Miller  
Bill Hulse  
Wm. Koza  
J. A. Bond

### SIGNING OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Butler Axt  
Chairman's signature



Official Business

**COMMITTEE:**

House Transportation Committee

**DATE:** April 6, 1988

**SIGN-IN**

**Subject of meeting:**

\* HB 150: "An Act relating to taking a propelled vehicle of another."

SB 463: "An Act relating to unused airline tickets."

**NAME** Please include title **ADDRESS** Please use full address. Please include zip. **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY?**

NAME Please include title	ADDRESS Please use full address. Please include zip.	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
✓ Mike Cerkovnik	UP Finance and Controller PO Box 196769 Anchorage AK 99502	243-1444	Mark Air	Sb 463
✓ Steve Klett	DOR P.O. Box 514 JUN.	465-2320	Dept. Revenue	Sb 463
Sen. Josephson				SB 463
Stephanie Joannides	Law - PO Box K	5-3428	Dept of Law	HB 150 ✓
✓ Reed Stoops	Box 1211 Juneau	6-3340	AA CA	SB 463

\* indicates first public hearing

HB

155

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Transportation:*

*3-9-87*

*3-23-87*

# Alaska State Legislature



## House of Representatives

### Committee on Transportation

Rep. Bette Cato, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

March 23, 1987

FOR TODAY'S MEETING YOU HAVE:

-----  
A FOLDER ON HB 155 THAT INCLUDES:

- \* a copy of HB 155
- \* a copy of the House Committee Report signed by the House Committee on Community & Regional Affairs
- \* a fiscal note & position paper from DOT/PF
- \* a fiscal note & position paper from the Dept. of Community & Regional Affairs
- \* a copy of the statutes impacted by HB 155
- \* a sectional analysis from Legal Services
- \* a bill worksheet
- \* a letter of support from the Alaska Rural Electric Cooperative Association
- \* a letter from the Alaska Municipal League
- \* misc. other letters

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version : HB 155  
Publish Date : 3/6/87

Revision Date: \_\_\_\_\_

Agency Affected: DOT/PF

Title: Utility Relocation on  
Municipal Projects

BRU: \_\_\_\_\_

Sponsor: Cato

Components : \_\_\_\_\_

Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
----------------	------------	------------	------------	------------	------------	------------

<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
----------------	------------	------------	------------	------------	------------	------------

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

Does not impact DOT&PF.

*Theron H. Bond* 3/6/87

Prepared by: Theron H. Bond  
Division: Engineering & Operations Standards

Phone: 465-2957  
Date: 3/6/87

Approved by Commissioner: *Mark D. Noy*  
Agency: \_\_\_\_\_

Date: 3/9/87

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary



Dept. of Transportation & Public Facilities

# ***Position Paper***

**BILL NO:** HB 155

**TITLE:** Utility Relocation on Municipal Projects

**APPROVED:** Mark Hickey *MH*  
Commissioner

**DATE:** 3/9/87

---

The Department of Transportation and Public Facilities supports HB 155.

The legislation would require municipalities to treat utility relocation, incident to municipal road and other project construction, in a manner similar to that currently required for utility relocation on State highway, airport and public facility construction. As the bill is written, it would apply only to utilities regulated under AS 42.05.

5 HB 155

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_  
Revision Date: \_\_\_\_\_  
Title: An Act..change, relocation etc of  
utility facilities incident to construction  
Sponsor: Rep. Cato  
Requestor: House C&RA  
Bill Version: HB 155  
Publish Date: \_\_\_\_\_  
Agency Affected: Community & Regional Affairs  
BRU: Local Government Assistance  
Components: Training & Development

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

\_\_\_\_\_

Prepared by: Barbara Stevenson LGS  
Division: Municipal & Regional Assistance  
Phone: 465-4750  
Date: 3/4/87  
Approved by Commissioner: Ronald G. Humphreys  
Agency: Community & Regional Affairs  
Date: 3-4-87

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

March 6, 1987

POSITION PAPER

RE: HB 155 -- "An Act relating to the change, relocation, or removal of utility facilities incident to the construction of road or other projects by a municipality."

SPONSOR: Representative Cato

Effects of Bill:

Section 1 of the bill simply adds another home rule limitation appropriate for this bill.

Section 2 of the bill designates to municipalities the power to order a utility within a municipal grants right-of-way to be changed, relocated, or removed and provides for the cost of the order to borne by the municipality if the facility is within the municipalities' jurisdiction.

Comments:

The majority of utility facilities are owned and operated by municipalities in rural areas. This bill will place the burden of all costs relating to movement of utilities on the entity requesting the movement.

Because of the costs associated with utility relocation, the Department believes that the proposed legislation would provide the means for municipalities to thoroughly review proposed changes before requiring the movement of utilities. The Department recognizes that this bill may place additional costs on governments, but since the cost is created by the local government, this is not unreasonable. The Department does not oppose this bill.

*David G. Hoffman* By *Doug Griffin*  
 \_\_\_\_\_  
 David G. Hoffman, Commissioner

AS29.10.200 DOCUMENT= 11 OF 11 PAGE = 1 OF 6

CHAPTER = 29.10  
SECTION = 29.10.200  
TITLE = 29  
HEADINGS TITLE 29.  
Municipal Government.  
CHAPTER 10.  
Home Rule Municipalities.  
ARTICLE 2.  
Home Rule Limitations.

CITATION Sec. 29.10.200.

CATCH LINE

LIMITATION OF HOME RULE POWERS.

TEXT Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. These provisions supersede existing and prohibit future home rule enactments that provide otherwise:

- (1) AS 29.05.140 (transition)
- (2) AS 29.06.010 (change of municipal name)
- (3) AS 29.06.040 - 29.06.060 (annexation and detachment)

*ref. in 10. HB115*

AS29.10.200 DOCUMENT= 11 OF 11 PAGE = 4 OF 6

- (38) AS 29.35.500 - 29.35.590 (hazardous materials and wastes)
- (39) AS 29.40.160(a) - (c) (title to vacated areas)
- (40) AS 29.40.200 (subdivisions of state land)
- (41) AS 29.45.010 - 29.45.570 (property taxes)
- (42) AS 29.45.650(c), (d), and (f) (sales and use tax)
- (43) AS 29.45.700(a) (power of levy)
- (44) AS 29.47.200(b) (security for bonds)
- (45) AS 29.47.260 (construction)
- (46) AS 29.60.050(a) (limitation on computation and use of payment)
- (47) AS 29.60.120(a) and (c) (state aid for health facilities and hospitals)
- (48) AS 29.65 (general grant land)

HISTORY (Sec. 6 ch 74 SLA 1985; am secs. 1, 2 ch 38 SLA 1986; am sec. 6 ch 70 SLA 1986; am sec. 12 ch 80 SLA 1986; am sec. 3 ch 108 SLA 1986)

ANNOTATIONS

(49) *New 29.35.075 ref. here.*  
Revisor's notes. - Reorganized in 1986 to maintain the referenced provisions in numerical order.

AS29.35.010 DOCUMENT= 1 OF 46 PAGE = 1 OF 6

CHAPTER = 29.35  
SECTION = 29.35.010  
TITLE = 29  
HEADINGS TITLE 29.  
Municipal Government.  
CHAPTER 35.  
Municipal Powers and Duties.  
ARTICLE 1.  
General Powers.

CITATION Sec. 29.35.010.

CATCH LINE

GENERAL POWERS.

TEXT All municipalities have the following general powers, subject to other provisions of law: -

state may be liable to a contractor by reason of the encroachment.

(c) The cost of change, relocation, or removal necessitated by highway construction is a cost of highway construction to be paid in accordance with AS 19.45.001(4) as follows:

(1) by the department as a cost of highway construction, if the utility facility is installed or authorized under a utility permit or a regulation after the effective date of this Act and is installed in the location specified in the permit;

(2) by the department as a cost of highway construction, if the facility was installed before the effective date of this Act under a utility permit issued on or after July 1, 1960, and is in the location specified in the permit;

(3) by the department as a cost of highway

AS19.25.020 DOCUMENT= 2 OF 22 PAGE = 3 OF 4

construction, if the utility facility was installed before July 1, 1960, or before the road became part of the state highway system;

(4) by the department as a cost of highway construction, if the utility permit that requires the utility to pay the relocation cost was issued more than five years before the contract for the highway construction project was first advertised;

(5) by the utility in all other cases, unless the commissioner finds it is in the public interest for the cost to be paid by the department.

(d) If requested by a municipality, the department shall implement this chapter by requiring to the maximum extent possible location underground of electric power transmission lines within the municipality.

HISTORY (Secs. 2, 3 ch 57 SLA 1961; am sec. 4 ch 106 SLA 1977; am sec. 3 ch 142 SLA 1986)

#### ANNOTATIONS

REVISOR'S NOTES A reference to AS 19.45.001(4) was substituted for a reference to AS 19.05.130(4) in subsection to conform

AS35.25.020 DOCUMENT= 2 OF 2 PAGE = 1 OF 5

CHAPTER = 35.25

SECTION = 35.25.020

TITLE = 35

HEADINGS TITLE 35.

Public Buildings, Works, and Improvements.

CHAPTER 25.

General Provisions.

CITATION Sec. 35.25.020.

CATCH LINE

DEFINITIONS.

TEXT In this title, unless the context requires otherwise,

(1) "construction" or a derivative of the term "construction" means construction, reconstruction, alteration, improvement, or major repair;

(2) "cost of change, relocation, or removal" means the entire cost incurred by the utility properly attributed to the change, relocation, or removal of a facility, less any costs for improvements or upgrading over and above the cost of a functionally equal facility; if a facility is to be relocated and replaced with new equipment, there shall also

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

AS29.10.200 DOCUMENT= 11 OF 11 PAGE = 1 OF 6

CHAPTER = 29.10  
SECTION = 29.10.200  
TITLE = 29

HEADINGS TITLE 29.  
Municipal Government.  
CHAPTER 10.  
Home Rule Municipalities.  
ARTICLE 2.  
Home Rule Limitations.

CITATION Sec. 29.10.200.

CATCH LINE

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TEXT Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. These provisions supersede existing and prohibit future home rule enactments that provide otherwise:

- (1) AS 29.05.140 (transition)
- (2) AS 29.06.010 (change of municipal name)
- (3) AS 29.06.040 - 29.06.060 (annexation and detachment)

*ref. in 10. HB115*

AS29.10.200 DOCUMENT= 11 OF 11 PAGE = 4 OF 6

- (38) AS 29.35.500 - 29.35.590 (hazardous materials and wastes)
- (39) AS 29.40.160(a) - (c) (title to vacated areas)
- (40) AS 29.40.200 (subdivisions of state land)
- (41) AS 29.45.010 - 29.45.570 (property taxes)
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- (43) AS 29.45.700(a) (power of levy)
- (44) AS 29.47.200(b) (security for bonds)
- (45) AS 29.47.260 (construction)
- (46) AS 29.60.050(a) (limitation on computation and use of payment)
- (47) AS 29.60.120(a) and (c) (state aid for health facilities and hospitals)
- (48) AS 29.65 (general grant land)

HISTORY (Sec. 6 ch 74 SLA 1985; am secs. 1, 2 ch 38 SLA 1986; am sec. 6 ch 70 SLA 1986; am sec. 12 ch 80 SLA 1986; am sec. 3 ch 108 SLA 1986)

ANNOTATIONS

*(49) New 29.35.075 ref. here.*

Revisor's notes. - Reorganized in 1986 to maintain the referenced provisions in numerical order.

AS29.35.010 DOCUMENT= 1 OF 46 PAGE = 1 OF 6

CHAPTER = 29.35  
SECTION = 29.35.010  
TITLE = 29

HEADINGS TITLE 29.  
Municipal Government.  
CHAPTER 35.  
Municipal Powers and Duties.  
ARTICLE 1.  
General Powers.

CITATION Sec. 29.35.010.

CATCH LINE

GENERAL POWERS.

TEXT All municipalities have the following general powers, subject to other provisions of law: -

11. municipalities have the following general powers, subject to other provisions of law:

- (1) to establish and prescribe a salary for an elected or appointed municipal official or employee;
- (2) to combine two or more appointive or administrative offices;
- (3) to establish and prescribe the functions of a municipal department, office, or agency;

AS29.35.070 DOCUMENT= 7 OF 46 PAGE = 1 OF 3

CHAPTER = 29.35  
SECTION = 29.35.070  
TITLE = 29  
HEADINGS TITLE 29.  
Municipal Government.  
CHAPTER 35.  
Municipal Powers and Duties.  
ARTICLE 1.  
General Powers.  
CITATION Sec. 29.35.070.

CATCH LINE

PUBLIC UTILITIES.

TEXT (a) The assembly acting for the area outside all cities in the borough and the council acting for the area in a city may regulate, fix, establish, and change the rates and charges imposed for a utility service provided to the municipality or its inhabitants by a utility that is not subject to regulation under AS 42.05 unless that utility is exempted from regulation under AS 42.05.711(a) or (d) - (k).

(b) A municipality may provide for a reasonable deposit for

*Add body of HB115 here*

*29.35.075 RELOCATION OF UTILITY FACIL*

AS19.25.010 DOCUMENT= 1 OF 22 PAGE = 1 OF 2

CHAPTER = 19.25  
SECTION = 19.25.010  
TITLE = 19  
HEADINGS TITLE 19.  
Highways and Ferries.  
CHAPTER 25.  
Protection and Use of State Highways and Roads.  
ARTICLE 1.  
Utilities in Highways.

CITATION Sec. 19.25.010.

CATCH LINE

USE OF RIGHTS-OF-WAY FOR UTILITIES.

TEXT A utility facility may be constructed, placed, or maintained across, along, over, under or within a state right-of-way only in accordance with regulations prescribed by the department and if authorized by a written permit issued by the department.

HISTORY (Sec. 8 art VII title II ch 152 SLA 1957; am sec. 3 ch 106 SLA 1977)

AMENDMENT NOTES

EFFECT OF AMENDMENTS The 1977 amendment rewrote this section.

AS19.25.020 DOCUMENT= 2 OF 22 PAGE = 2 OF 4

removed in accordance with the order, the facility becomes an unauthorized encroachment and may be disposed of in accordance with AS 19.25.240 - 19.25.250. In addition, the owner of the facility shall indemnify the state for any amount for which the state may be liable to a contractor by reason of the

state may be liable to a contractor by reason of the encroachment.

(c) The cost of change, relocation, or removal necessitated by highway construction is a cost of highway construction to be paid in accordance with AS 19.45.001(4) as follows:

(1) by the department as a cost of highway construction, if the utility facility is installed or authorized under a utility permit or a regulation after the effective date of this Act and is installed in the location specified in the permit;

(2) by the department as a cost of highway construction, if the facility was installed before the effective date of this Act under a utility permit issued on or after July 1, 1960, and is in the location specified in the permit;

(3) by the department as a cost of highway

AS19.25.020 DOCUMENT= 2 OF 22 PAGE = 3 OF 4  
construction, if the utility facility was installed before July 1, 1960, or before the road became part of the state highway system;

(4) by the department as a cost of highway construction, if the utility permit that requires the utility to pay the relocation cost was issued more than five years before the contract for the highway construction project was first advertised;

(5) by the utility in all other cases, unless the commissioner finds it is in the public interest for the cost to be paid by the department.

(d) If requested by a municipality, the department shall implement this chapter by requiring to the maximum extent possible location underground of electric power transmission lines within the municipality.

HISTORY (Secs. 2, 3 ch 57 SLA 1961; am sec. 4 ch 106 SLA 1977; am sec. 3 ch 142 SLA 1986)

#### ANNOTATIONS

REVISOR'S NOTES A reference to AS 19.45.001(4) was substituted for a reference to AS 19.05.130(4) in subsection (c) to conform

AS35.25.020 DOCUMENT= 2 OF 2 PAGE = 1 OF 5

CHAPTER = 35.25

SECTION = 35.25.020

TITLE = 35

HEADINGS TITLE 35.

Public Buildings, Works, and Improvements.

CHAPTER 25.

General Provisions.

CITATION Sec. 35.25.020.

CATCH LINE

#### DEFINITIONS.

TEXT In this title, unless the context requires otherwise,

(1) "construction" or a derivative of the term "construction" means construction, reconstruction, alteration, improvement, or major repair;

(2) "cost of change, relocation, or removal" means the entire cost incurred by the utility properly attributed to the change, relocation, or removal of a facility, less any costs for improvements or upgrading over and above the cost of a functionally equal facility; if a facility is to be relocated and replaced with new equipment, there shall also

the change, relocation, or removal of a facility, less any costs for improvements or upgrading over and above the cost of a functionally equal facility; if a facility is to be relocated and replaced with new equipment, there shall also

AS35.25.020 DOCUMENT= 2 OF 2 PAGE = 2 OF 5  
be subtracted from the entire cost any salvage value derived from the old facility;

(3) "department" means the Department of Transportation and Public Facilities;

(4) "encroachment" includes a tower, pole, poleline, pipe, pipeline, driveway, private road, fence, billboard, stand or building, or a structure or object of any kind that is or has been placed in, on, under, or over a portion of a public facility;

(5) "maintenance" means the preservation of each type of facility as nearly as possible in its original condition as constructed, or as improved;

(6) "public building" means a building owned or controlled and held by the state for government or public use;

(7) "public facility" or "public work" means a structure or project constructed or maintained by the department except airports and highways, and includes public buildings, boat harbors, port facilities, dikes, jetties, and breakwaters;

AS35.25.020 DOCUMENT= 2 OF 2 PAGE = 3 OF 5

(8) "utility" includes a corporation, company, individual, or association of individuals, or a lessee, trustee, or court-appointed receiver, that owns, operates, manages, or controls a line, plant, pipeline, or system for furnishing, producing, generating, transmitting, or distributing power, electricity, communications, telecommunications, water, gas, oil, petroleum products, coal or other mineral slurry, steam, heat, light, chemicals, air, sewage, drainage not connected with public facility drainage, irrigation, or similar products including publicly owned fire and police signal systems and street lighting systems that directly or indirectly serve the public or a segment of the public; "utility" also includes a corporation, company, individual, or association of individuals, or a lessee, trustee, or court-appointed receiver that owns, operates, manages, or controls any system for furnishing transportation of goods or persons by means of a railway, tramway, cableway, conveyor, flume, canal, tunnel, pipeline, or a similar means;

(9) "utility facility" includes poles, plants, lines, trenches, bridges, utilidors, tunnels, pipelines, and any

AS35.25.020 DOCUMENT= 2 OF 2 PAGE = 4 OF 5

other system for furnishing, producing, generating, transmitting, or distributing power, electricity, communications, telecommunications, water, gas, oil, petroleum products, coal or other mineral slurry, steam, heat, light, chemicals, air, sewage, drainage not connected with a public facility drainage system, irrigation, or another substance; "utility facility" also includes a system for furnishing transportation of goods or persons by means of a railway, tramway, cableway, conveyor, flume, canal, tunnel, pipeline, or a similar means;

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AS35.25.020 DOCUMENT= 2 OF 2 PAGE = 3 OF 5

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AS35.25.020 DOCUMENT= 2 OF 2 PAGE = 4 OF 5

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HISTORY (Sec. 3 art I title I ch 152 SLA 1957; am secs. 1, 2 ch 122 SLA 1960; am sec. 1 ch 96 SLA 1962; am Executive Order No. 39, sec. 11 (1977); am sec. 8 ch 142 SLA 1986)

ANNOTATIONS

CROSS REFERENCES For the responsibility and authority of the supreme court over state court facilities, see AS 22.05.025.

AMENDMENT NOTES

EFFECT OF AMENDMENTS The 1977 amendment substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in paragraphs (2) and (6).

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 6, 1987

SUBJECT: Sectional analysis of HB 155  
TO: Representative Heinrich Springer, Chair  
House Community and Regional Affairs  
Committee  
FROM: Tamara Brandt Cook *TBC*  
Director  
Division of Legal Services

Here is the sectional analysis that you requested of HB 155.

Sec. 1. Adds to the list of home rule limitations a reference to the new section added in this bill, so that home rule, as well as general law, municipalities are bound by that section.

Sec. 2. Permits a municipality to order a utility to change, relocate, or remove a facility if necessary as a result of a construction project. The order must give the utility a reasonable time for compliance. If the facility is not changed, it may be disposed of by the municipality. The cost of the change shall be allocated as provided in the permit, franchise, or agreement with the municipality. If no allocation has been agreed to, the cost is borne by the municipality only if the facility has been placed in a municipal right-of-way under a valid easement or permit that specifies the location of the facility and the facility is within two horizontal feet of that location, or if the facility was installed before the municipality had a system for granting easements or permits for utility facilities. A definition of "cost of change, relocation, or removal" is provided. The section applies to home rule and general law municipalities.

TBC:mkr  
m9/110

House Bill 155

THIS LEGISLATION RELATES TO THE RELOCATION OF UTILITY FACILITIES OF A MUNICIPAL CONSTRUCTION PROJECT. HOUSE BILL 155 WOULD CLARIFY THE LAWS AS TO WHEN THE UTILITY PAYS AND WHEN THE MUNICIPALITY PAYS FOR THE RELOCATION OF UTILITIES. WHEN THERE IS A WRITTEN AGREEMENT ON THESE MATTERS BETWEEN PARTIES, THE AGREEMENT WOULD GOVERN.

WHEN THERE IS NOT A WRITTEN AGREEMENT ON ALLOCATION COSTS, THE MUNICIPALITY WOULD PAY IF THE UTILITY FACILITY IS PROPERLY LOCATED UNDER A PERMIT OR IF THE UTILITY FACILITY WAS INSTALLED BEFORE THE MUNICIPALITY PERMIT SYSTEM APPLIED TO THE CONSTRUCTION OF THE FACILITY IN QUESTION.

BY MAKING UTILITY RELOCATION COSTS A COST OF THE HIGHWAY PROJECT, THE LOCAL UTILITY RATE PAYER IS RELIEVED OF THIS BURDEN. WITHOUT THIS LEGISLATION, THE MUNICIPALITY CONSIDERS ALL OF THE BENEFITS OF A PROPOSED PROJECT, BUT IT ONLY CONSIDERS PART OF THE COST.

SEC. 1 OF HOUSE BILL 155 ADDS TO THE LIST OF HOME RULE LIMITATIONS A REFERENCE TO THE NEW SECTION ADDED IN THIS BILL.

SEC. 2 PERMITS A MUNICIPALITY TO ORDER A UTILITY TO CHANGE, RELOCATE, OR REMOVE A FACILITY IF NECESSARY AS A RESULT OF A CONSTRUCTION PROJECT. THE ORDER MUST GIVE THE UTILITY A REASONABLE TIME FOR COMPLIANCE. THE COST OF THE CHANGE SHALL BE ALLOCATED AS PROVIDED IN THE PERMIT, FRANCHISE OR AGREEMENT WITH THE MUNICIPALITY. IF NO ALLOCATION HAS BEEN AGREED TO THE COST IS BORNE BY THE MUNICIPALITY ONLY IF THE FACILITY HAS BEEN PLACED IN A MUNICIPAL RIGHT-OF-WAY UNDER A VALID EASEMENT OR PERMIT THAT SPECIFIES THE LOCATION OF THE FACILITY AND THE FACILITY IS WITHIN TWO HORIZONTAL FEET OF THAT LOCATION, OR IF THE FACILITY WAS INSTALLED BEFORE THE MUNICIPALITY HAD A SYSTEM FOR GRANTING EASEMENTS OR PERMITS FOR UTILITY FACILITIES. A DEFINITION OF "COST OF CHANGE, RELOCATION, OR REMOVAL" IS PROVIDED. THE SECTION APPLIES TO HOME RULE AND GENERAL LAW MUNICIPALITIES.

Bill #: HB 155  
 Date Sched.: HCRA Committee, Monday, Mar. 9, 1987  
 Title: "An Act relating to the change, relocation, or removal of utility facilities incident to the construction of road or other projects by a municipality"

Sponsors: Rep. Cato

Info Attached: Copy of Bill  
 Fiscal Note  
 Existing statutes  
 Sectional analysis  
 Position paper from the Dept. of Comm. & Reg. Affairs

**Sponsor's Briefing, Intent/purpose:**

I have nothing to add here to what you probably have already heard from Ken Johnson and Sharon Macklin.

**Effect of Bill:**

Section 1. Limitation of Home Rule Powers.

- Adds another limitation to the powers of a home rule municipality. Relocation of utility facilities.

Section 2. Relocation of Utility Facilities

- subsection (a) provides for the change, relocation, or removal of utility facilities under the jurisdiction of municipal rights of way.
  - The utility is responsible for effecting the change
  - A "change order" shall provide for a period of compliance.
- subsection (b) requires that the cost of the change shall be borne by the party specified in the utility permit. If no specific cost allocation has been specified the municipality would bear the cost:
  - if a valid easement for the location of the facility exists, or
  - if the facility was in place before an easement permitting system existed
- this law applies to both Home Rule and general law municipalities.

**Fiscal Impact:**  
 0 (Zero)

**Proponents:**  
 Every utility in the state.

**Opponents:**  
 None coming out of the bushes

**Analysis of Bill's effect, by staff:**

This bill enacts for municipalities provisions already governing federal and state liabilities incident to construction. Generally speaking, the bill places the burden of all costs relating to movement of utilities on the entity requesting the movement.



# ALASKA RURAL ELECTRIC COOPERATIVE ASSOCIATION, INC.

237 E. FIREWEED LANE • SUITE 301  
ANCHORAGE, ALASKA 99503 • (907) 276-3235

March 3, 1987

Representative Bette Cato  
Pouch V  
Juneau, AK 99811

Dear Representative Cato:

Thank you for introducing HB 155.

In regard to the relocation of utility facilities incident to a municipal construction project, this legislation would clarify the law as to when the utility pays and when the municipality pays. If there is a written agreement on these matters between the parties, that agreement would govern. If there is not a written agreement on allocation of costs, the municipality would pay if the utility facility is properly located under a permit or if the utility facility was installed before the municipality permit system applied to the construction of the facility in question in question.

The effect of all this is to resolve a long-standing dispute by protecting the utility investment in existing facilities. It will require municipalities in some cases to include utility relocation costs in the cost of municipal construction projects which would otherwise be in dispute between the parties.

By making these utility relocation costs a part of the cost of the highway project, the local utility rate payer is relieved of this burden. In most cases a State or federal grant is the funding source for the road project. In those cases, these relocation costs would be transferred to the state or federal government.

In some cases the expense will be assumed by the municipality. When this expense is transferred from the local utility rate payer to the local municipal taxpayer, there is no net change for residents who are in both roles. However, a utility's consumers and the municipality's taxpayers are not always the same people. Fairness requires that if a municipal project causes the cost of relocating

# Alaska MUNICIPAL League

TELEPHONE  
(907) 586-1325

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

March 9, 1987

MEMORANDUM

TO: Representative Henry Springer, Chairman  
Members of House Community & Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director

SUBJECT: HB 155 - Relocation of Utilities

The Alaska Municipal League is opposed to HB 155. The AML has long been opposed to legislative proposals to shift the cost of relocating utilities to municipalities as outlined in the 1987 Policy Statement. Part VI. UTILITIES, A. State Regulation, 3. Utility Relocation Costs on page 17 states "The League opposes any effort to shift to municipalities the cost of all non-municipal, utility relocation within existing rights-of-way associated with municipal street work."

I would respectfully request that the Committee hold HB 155 until I am able to present the AML's position. Due to prior commitments and having just returned from a National League of Cities meeting in Washington, D.C., I am unable to appear before the Committee today, and have had insufficient time to review the current legislation which appears to be similar to past legislation which the AML has opposed for good reasons.

I have attached sample copies of testimony on a similar piece of legislation, SB 67, introduced in the 13th Alaska State Legislature. I respect AML opposition to HB 155 and my request to delay Committee action to give me sufficient time to assess the legislation and its impacts on our members for your information prior to Committee action.

Municipality  
of  
Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4545  
TONY KNOWLES,  
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

May 4, 1983

Don Clocksin  
Alaska State Legislature  
Pouch V (MS3100)  
Juneau, Alaska 99811

Re: SB67 and HB244

Dear Don:

As you may recall, I testified at a Community and Regional Affairs hearing last Friday via a teleconference from Anchorage. I explained that the Municipality of Anchorage objects to SB67 and HB244. The purpose of this letter is to set forth in a little more detail the Municipality's objections and to ask you to share this information with the other members of the Community and Regional Affairs Committee.

I would like to dispel the notion that the issue involved here is "The cost causer should be the cost payer". This is really an inaccurate statement. The real issue is whether the taxpayers as a whole or whether the rate-payers should bear utility relocation costs. The Municipality's philosophy and practice since 1969 has been that the rate-payer (i.e., the utility company) should pay for utility relocation costs in connection with the road improvement project in a public right-of-way. This rule follows the common law, case law, and the practice followed in the cities which the Municipality's Public Works Department recently surveyed regarding their approach to utility relocation costs. Let me explain these points in a little more detail.

Basically, a utility's use of a public right-of-way is free of charge. The only cost is a nominal permit fee. This permit lets the Municipality know that a utility is in the right-of-way

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**



# ALASKA RURAL ELECTRIC COOPERATIVE ASSOCIATION, INC.

237 E. FIREWEED LANE • SUITE 301  
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Juneau, AK 99811

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By making these utility relocation costs a part of the cost of the highway project, the local utility rate payer is relieved of this burden. In most cases a State or federal grant is the funding source for the road project. In those cases, these relocation costs would be transferred to the state or federal government.

In some cases the expense will be assumed by the municipality. When this expense is transferred from the local utility rate payer to the local municipal taxpayer, there is no net change for residents who are in both roles. However, a utility's consumers and the municipality's taxpayers are not always the same people. Fairness requires that if a municipal project causes the cost of relocating

utility facilities, then the municipality should be responsible for that cost. It is also important that all of the costs as well as all of the benefits of a proposed project be considered at the time a municipality decides to relocate or widen a highway. Without HB 155, the municipality considers all of the benefits of a proposed project, but it only considers a part of the cost.

Sincerely,



David Hutchens  
Executive Director

# Alaska MUNICIPAL League

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(907) 586-1325

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JUNEAU, ALASKA 99801

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I would like to dispel the notion that the issue involved here is "The cost causer should be the cost payer". This is really an inaccurate statement. The real issue is whether the taxpayers as a whole or whether the rate-payers should bear utility relocation costs. The Municipality's philosophy and practice since 1969 has been that the rate-payer (i.e., the utility company) should pay for utility relocation costs in connection with the road improvement project in a public right-of-way. This rule follows the common law, case law, and the practice followed in the cities which the Municipality's Public Works Department recently surveyed regarding their approach to utility relocation costs. Let me explain these points in a little more detail.

Basically, a utility's use of a public right-of-way is free of charge. The only cost is a nominal permit fee. This permit lets the Municipality know that a utility is in the right-of-way

Don Clocksin  
May 4, 1983  
Page 2

and where it is located. No other charges are assessed against the utility company for the use of the public right-of-way. This is in contrast to the situation found in the Municipality's telephone survey. The cities contacted told us that the utilities in their area had franchises and part of the franchise included a percentage payment of the gross revenues of the utility annually to the local government for the use of the right-of-way.

The Municipality, and formally the GAAB, did not want to impose an annual charge upon utility companies for the use of public rights-of-way. Instead, utility companies were expected to pay for any relocations that may be required because of the government's improvement of the right-of-way. In short, the primary purpose of the right-of-way was for road use and utilities were considered secondary users. Please keep in mind that the utilities all along have had the option of purchasing private easements for the placement of their facilities. They did not do this in many cases. Instead, they used the public right-of-way free of charge. Accordingly, if SB67 and HB 244 are passed and signed into law, there will be a significant impact on the Municipality's road construction budget. Because road improvements are a local priority, we may be forced to greatly increase the annual permit fees that are charged utilities for the use of our rights-of-way.

In those situations where a utility company has been able to establish some prior right; that is, a right that existed before the right-of-way was dedicated to public use or before the local government came into existence, then the Municipality has traditionally paid for relocation costs. In every other case, the utility has paid for such costs pursuant to our local ordinance. This pattern and practice, which the Municipality of Anchorage wants to continue without interference by State statute, is the common law rule. As 12 McQuillan, Municipal Corporations, § 34.74a at page 183 states:

The fundamental common-law right applicable to franchises in streets is that the utility company must relocate its facilities in public streets when changes are required by public necessity. Accordingly, it is

Don Clocksin  
May 4, 1983  
Page 3

generally held that the municipality may require a change in the location of pipes or other underground facilities of the grantee of a franchise, where public convenience or security require it, even at the grantee's own expense, and even in the face of a protest by a consumer. It makes no difference whether the surface or subsurface of streets is involved.

The cases are legion which support this proposition. In an early case, New York Tunnel Authority v. Consolidated Edison Company of New York, Inc., 295 N.Y. 467, 474, 68 N.E. 445, 448 (1946) the Court stated:

Although authorized to lay its pipes in the public streets, the company takes the risk of their location and is bound to make such changes as the public convenience and security require, at its own cost and charge. (citations) All these cases are to the point, that these public service corporations maintain their rights in the streets, subject to reasonable regulation and control, and are bound to relocate their structures at their own expense whenever the public health, safety, or convenience require the change to be made.

And in the very recent case of Michigan Bell Tel. Company v. City of Detroit, 308 N.W.2d 608 (1981) the Court stated

The dispute in the present case is a simple one. Defendant contends that its police powers permit it to require plaintiff to move its facilities from one street to another for the purpose of making way for a public improvement. Plaintiff, on the other hand, contends that because its easements are vested, it may not be required to relocate its facilities without reimbursement from defendant as would be the case in any condemnation proceeding. . . .

On the facts before us then, we hold that the common-law rule requiring a utility to remove its facilities at its own expense where necessary to protect the public health or general welfare is applicable. At pages 610-611.

Don Clocksin  
May 4, 1983  
Page 4

Another recent case is Mountain States Tel. & Tel. Company v. Boise, etc., 607 P.2d 1084 (1980) where the Court said:

There is no taking of private property for public use in causing relocation of the utilities' facilities in any-wise violative of the eminent domain provisions of Idaho Constitution Article I § 14, the injury sustained, if any, being damnum asque injuria, since "uncompensated obedience to a regulation enacted for the public safety under the police power of the state was not taking property without due compensation." . . . At page 1086.

As you can see, then, it is certainly the rule that when local governments improve their streets, utilities located in those streets must move at their own expense. These cases stand for the proposition that a local government, under its police power, has this authority. The Municipality of Anchorage can see no valid reason why this rule should be changed as the proposed SB67 and HB244 intend to do.

Furthermore, there is a real question with reference to another aspect of what we do here in Anchorage. This involves specific franchise agreements that we have with various utilities. Specifically, we have written agreements (i.e., franchises or permits) with several oil companies and a local cable television company. These specific agreements clearly set forth the obligation of these private companies to pay their own relocation costs. Again, the philosophy behind this is that these companies are using public rights-of-way free of charge. Please note also that in some of our existing franchise agreements, such as our pole attachment agreement with MultiVisions, their promise to pay relocation costs is part of the "basis of the bargain" which, if disturbed, not only poses Constitutional problems, but may require termination and a complete renegotiation.

The adoption of the proposed legislation poses a Constitutional problem with respect to our existing franchises. Article I, Section 15 of the Alaska Constitution provides:

No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges shall

Don Clocksin  
May 4, 1983  
Page 5

be passed. . . .

It is our position that SB67 and HB244 as presently written would be violative of this Constitutional provision because of our existing franchises.

Finally, it would appear that the Legislature should not be venturing into this field of control over local governments. The Municipality of Anchorage is a Home Rule municipality and believes that it has the authority and power to control this aspect of its business. We do own several utility companies ourselves and are perfectly capable of handling the situation with respect to our own utilities. The other private utilities that do business here in Anchorage really do not have a firm basis to request that this local government pay their tab when, in the first place, they began using public rights-of-way with the full knowledge that this method of doing business would require them to pay relocation costs when the Municipality exercised its police power. As has been emphasized in 12 McQuillan, Municipal Corporations § 34.74 at page 179:

The grant by a municipality to a public service company of the right to use streets does not divest the municipality of its police power over the grantee in relation to its use of such streets. Indeed, a municipality cannot grant away or limit the police powers conferred upon it by the Legislature.

Accordingly, Don, I would request that you share the view of the Municipality, as set forth in this letter, with the other members of the Community and Regional Affairs Committee and with any other Committee which may consider this legislation. As far as the Municipality is concerned, this is an extremely important and far reaching issue and we respectfully request that SB 7 and HB244 be defeated. The Director of the Department of Public Works has already provided to your Committee a rather lengthy report of the telephone survey that was conducted last month. I believe that this survey conclusively establishes, along with the points raised in this letter, the validity of the Municipality's position.

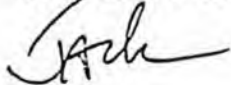
Don Clocksin  
May 4, 1983  
Page 6

If you have any further questions, or if the members of your Committee have any further questions with regard to the points that I have raised herein, I would be more than happy to address those concerns either over the telephone or in person.

As a personal note, I hope you and Betty are doing well these days.

Yours very truly,

DEPARTMENT OF LAW



John W. Coyne  
Assistant Municipal Attorney

JWC:ld

cc: Mayor Tony Knowles  
Jerry Wertzbaugher, Municipal Attorney  
Patrick Anderson, Legislative Affairs  
Everett P. Diener, Director, Public Works  
Lee Browning, Municipal Engineer  
Mike Bolinger, Program Manager, Engineering Div.



THE HEART OF THE MATANUSKA VALLEY

## CITY OF PALMER

COUNCIL-MANAGER GOVERNMENT  
P.O. BOX 1368 • PHONE (907) 745-3271  
PALMER, ALASKA 99645

March 21, 1984

The Honorable Jack Fuller  
Chairman, House Rules Committee  
Pouch V  
Juneau, Alaska 99811

RE: CSSB 67 Utility Relocation

Dear Representative Fuller,

Through the past few legislative sessions this bill SB 67 and now CSSB67 and others have been proposed to shift the burden onto the local government for utility relocation that was not installed with proper easements, installed outside easements, installed contrary to local rules and regulations and adinfinitem.

The City of Palmer in the past two years has undertaken over \$1,750,000 in local street construction which included asphalt paving, curb, gutter and sidewalk in most instances.

It is the City of Palmer's policy that a residential street is twenty eight (28) feet wide back of curb to back of curb which is assessed to the abutting property owners and benefiting property owners. The cost distribution is made using the zone method similar to the City of Anchorage. From our master plan, any street which is designated collector or arterial and is upgraded to a forty-four (44) foot wide street back of curb to back of curb plus a four (4) foot sidewalk on each side, the City bears the additional cost.

During the course of construction, we have run into buried cables which have meandered through the right of way varying up to eighteen (18) feet from the property line. This was on North Alaska Street for which the City was billed \$19,329.06. On North Gulkana Street, the cables were buried up to ten feet from the property line for which we were billed \$22,248.45 or an additional seven (7%) percent and seven and four tenths (7.4%) percent respectively to each project.

To regress for a bit, the City of Palmer had and still has its ordinances that require utility companies to one, provide plans annually of the system layout; two, placement is to be one (1) foot off the property line and three, have a franchise with the City for the use of the right of way. Presently, Matanuska Electric Association has a non-exclusive franchise which was renewed in 1974 when the original franchise expired. Matanuska Telephone Association has chosen to this point not to enter into a non-exclusive franchise with the City of Palmer. (A sample copy is enclosed). Yet have continued to bury cable prior to 1982 without regard to local ordinances or charter provisions.

# CITY OF SKAGWAY

GATEWAY TO THE GOLD RUSH OF "98"

P. O. BOX 415 SKAGWAY, ALASKA 99840

907-983-2297

March 5, 1984

Senator Richard Eliason  
Pouch V  
Juneau, Alaska 99811

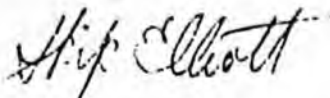
Dear Senator Eliason;

You recently received a letter from Dave Palmer, City Administrator of Craig, regarding House CS for Senate Bill 67 (L&C). In it he discusses some of the serious problems connected with this new version of the utility relocation bill. I have discussed this matter with the Skagway City Council and they are strongly opposed to this bill as it stands.

Skagway's strongest objection is that this bill negates existing mutually-agreeable relocation contracts. Last year for instance, the City of Skagway finally signed a franchise agreement with Alaska Power & Telephone Company regarding right-of-way usage. This concluded a year of heated arguments regarding, among other things, quality of service, possible condemnation, and power pole relocation. The two final points of contention were the term of the agreement and the cost of utility relocation as a consequence of public construction. The final result was a twenty year franchise in return for Alaska Power & Telephone Company's agreement to pay all relocation costs. If the current House version of SB67 passes then the City would be saddled with a 20 year franchise which no longer contains the major provision fought for and won by the City of Skagway

The City Council has consequently asked me to write you on this matter and request that you vigorously oppose passage of any version of this bill that does not allow municipalities and utilities to mutually agree upon allocation of relocation expenses.

Sincerely,



Skip Elliott  
City Manager

CC Representative Peter Goll  
Alaska Municipal League  
Dave Palmer, City of Craig

## CITY OF CRAIG

---



P.O. Box 23  
Craig, Alaska 99921  
(907) 826-3275

February 27, 1984

Senator Dick Eliason  
Pouch V  
Juneau, Alaska 99811

Dear Dick:

I am writing with comments on what's left of SB67 - now House CS for CS for SB 67 (L&C).

I have an objection to the bill on public policy issues as well as technical objections. Policy first.

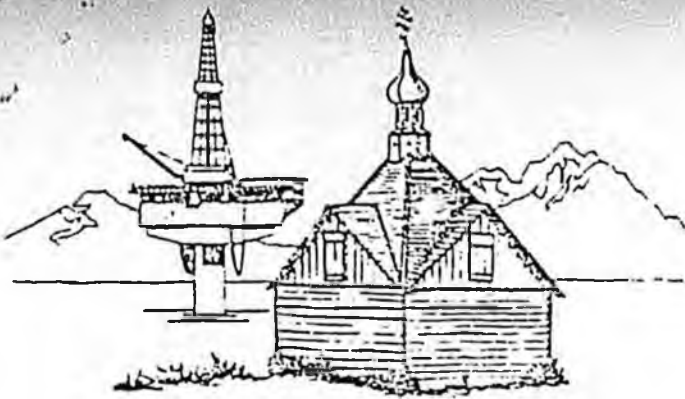
A utility that is a private, for profit enterprise (like AP&T) uses the public Rights of Way in the exercise of their business. The public is entitled to compensation for such private use of public property. The only compensation requested of AP&T has been that their utilities "be located at such places as will not unreasonably interfere with travel or public use of such streets..." SB 67 now places burden on the municipality to move utilities when necessary for public good. In other words, the public is required to pay to move private facilities located within public Right of Way when the public Right of Way is needed for public uses. Use of the public Right of Way by a private company is not a right, and such use should not become a burden on the very same entity that grants permission to use the Right of Way.

To the bill:

1. If the intent of the bill is to allow relocation costs to be part of grant funding, it should just say so. There is no definition of "highway construction" but "highway" is defined in AS 19.45.001(8) and it includes everything from trails to culverts. In Craig, any action in the Right of Way, culvert installation, driveways, retaining walls and the like, would be "highway construction". I'd like to see minor projects excluded. Say, define "highway construction" as a grant funded project exceeding a value of \$250,000.00. This would avoid small, day to day relocation expenses for guy wires and individual poles.

CITY OF KENAI

P. O. Box 580  
KENAI, ALASKA 99611  
PHONE (907) 283-7539



April 16, 1984

Honorable Mitch Abood  
Representative, State of Alaska  
Pouch V  
Juneau, Alaska 99801

Dear Representative Abood:

I want to take this opportunity to congratulate you and thank you on behalf of the City of Kenai for your vote on SB 67 which is typically referred to as the Utility Relocation Bill.

On the basis of your "no" vote and the "no" votes of 26 other members of the Alaska House of Representatives, you have prevented legislation that would have cost local communities millions of dollars over the next few years, and at the same time, permitted additional construction throughout the municipalities of the State of Alaska that might not have taken place had this bill not been defeated.

The municipalities' main concerns with this legislation was that the utilities are provided easements by the municipalities at no cost and in most cases knowing full well that municipalities (providing money is available) will be upgrading and improving their road systems, and therefore, should be aware of the possible costs of having to relocate. The second major concern is that if the State forces local government to also absorb the costs for moving the "freebie" utility lines which are in municipalities' easements or right-of-way at the sufferance of the cities, this additional cost might persuade many municipalities to forego many road improvement projects which are sorely need in almost every community in the State of Alaska.

To my knowledge, I know of no elected local public officials or appointed local public officials who supported SB 67 in the first place. The only source of support that this bill had was from the utilities themselves and from the paid lobbyists that the utilities hire in order to accomplish their legislative goals.

Alaska

MUNICIPAL

League

TELEPHONES  
(907) 586-1325  
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

February 7, 1984

To: House Labor and Commerce Committee

From: Scott A. Burgess, Executive Director

Re: SB 67 - Utility Relocation Costs

The League opposes SB 67, as introduced, relating to the relocation of utility facilities incident to the construction of road or highway projects by a municipality.

The League opposes any effort to shift to municipalities the cost of all non-municipal utility relocation within existing rights-of-way associated with municipal street work.

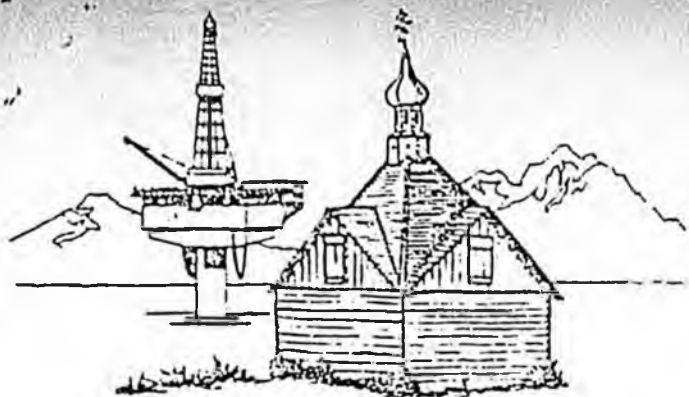
Municipalities are already facing decreased revenues from reductions in Municipal Assistance and State Revenue Sharing Programs. The additional burden of paying utility relocation costs could only come from an increase in property taxes, unless the municipality owned the utility and could pass the cost on to the ratepayers directly. The problem is further exacerbated in municipalities with limited road powers. The cost of relocating utilities would reduce the amount of money available to the road service districts for road construction and maintenance. Road service districts rely heavily on state funds and their ability to levy taxes is limited.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

CITY OF KENAI

P.O. Box 500  
KENAI, ALASKA 99611  
PHONE (907) 283-7539



April 16, 1984

Honorable Mitch Abood  
Representative, State of Alaska  
Pouch V  
Juneau, Alaska 99801

Dear Representative Abood:

I want to take this opportunity to congratulate you and thank you on behalf of the City of Kenai for your vote on SB 67 which is typically referred to as the Utility Relocation Bill.

On the basis of your "no" vote and the "no" votes of 26 other members of the Alaska House of Representatives, you have prevented legislation that would have cost local communities millions of dollars over the next few years, and at the same time, permitted additional construction throughout the municipalities of the State of Alaska that might not have taken place had this bill not been defeated.

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To my knowledge, I know of no elected local public officials or appointed local public officials who supported SB 67 in the first place. The only source of support that this bill had was from the utilities themselves and from the paid lobbyists that the utilities hire in order to accomplish their legislative goals.

Again, let me say on behalf of the City of Kenai, we appreciate your position on this particular bill, and feel it will be extremely beneficial to the people in municipalities throughout the State of Alaska.

Sincerely,

  
Wm. J. Brighton  
City Manager

WJB/kh



TELEPHONES  
(907) 586-1325  
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

February 7, 1984

To: House Labor and Commerce Committee

From: Scott A. Burgess, Executive Director

A handwritten signature in black ink, appearing to read "Scott A. Burgess", is written over the printed name.

Re: SB 67 - Utility Relocation Costs

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The League opposes any effort to shift to municipalities the cost of all non-municipal utility relocation within existing rights-of-way associated with municipal street work.

Municipalities are already facing decreased revenues from reductions in Municipal Assistance and State Revenue Sharing Programs. The additional burden of paying utility relocation costs could only come from an increase in property taxes, unless the municipality owned the utility and could pass the cost on to the ratepayers directly. The problem is further exacerbated in municipalities with limited road powers. The cost of relocating utilities would reduce the amount of money available to the road service districts for road construction and maintenance. Road service districts rely heavily on state funds and their ability to levy taxes is limited.

Alaska  
MUNICIPAL  
League

TELEPHONES  
(907) 586-1325  
586-6526

204 N. FRANKLIN ST.  
JUNEAU, ALASKA 99801

March 29, 1983

To: Senate Community and Regional Affairs Committee  
From: Ginny Chitwood, Executive Director *GC*  
Re: SB 67 - Utility Relocation Costs

Municipalities oppose SB 67 because the issue is a local one and should be resolved at the local level. This bill would amend Title 29, Chapter 25 - Protection and Use of State Highways and Roads (emphasis added). The changes in SB 67, however, don't relate to state roads; they deal with local roads.

It is easy to understand why there is a provision in law for the state to pay the utility relocation costs since 95% of the funding is paid by the federal government. In municipal road projects, however, there is no way to shift 95% of the costs to a non-resident third party. The costs are paid by the local taxpayer unless the municipality receives a specific state grant for a specific project.

Since cost figures vary widely depending on the circumstances of each road project, I was not able to generate any average municipal cost per mile figures, but I do have general comments from several municipalities.

City of Palmer - Manager David Soulak estimates the provisions of SB 67, without section 5, would cause a 5% to 15% increase on three road projects currently being planned. In many cases, utilities are not where they're supposed to be. He doesn't think that municipalities should have to pay for utility mistakes, but does not oppose the municipality paying to relocate the utility if it is put in according to a permit.

Matanuska-Susitna Borough - Manager Gary Thurlow basically agrees with Soulak.

City and Borough of Sitka - Administrator Rocky Gutierrez believes that municipalities shouldn't be in state statutes except in Title 29. Sitka has worked out an agreement with the non-municipal utilities.

City of Kodiak - Manager Sam Gesko opposes section 3 of the bill, making the relocation costs a municipal responsibility.

City of Fairbanks - Manager Wally Droz says there would be no effect on

the City of Fairbanks because their policy is to pay relocation costs, although the utility pays for any upgrades.

Fairbanks North Star Borough - Public Works Director Don Moore reports that current borough practice is for the utility to pay relocation costs so shifting the cost to municipalities would cut down on the amount of road work that could be done with the available money.

City and Borough of Juneau - Public Works Director George Porter says that cost allocations are decided on a case by case basis, depending on whether the utility is where it was supposed to be, the age of the line, etc.

City of Ketchikan - City Manager Jim Van Altvorst estimates that the bill would cost the city an estimated \$50,000 this year.

Municipality of Anchorage - Public Works Director Paul Diener believes that this is a local issue. Anchorage has a new ordinance in the works that would require the municipality to pay the relocation costs if the utility has a permit and is at the location specified in the permit; in other cases, the utility would be required to pay.

City of Kenai - Paying relocation costs would cut down the amount of road work the city could do. Attorney Tim Rogers points out that common law indicates that "Rights in streets or highways...are at all times held in subordination to the superior rights of the public".

5  
(7)

# HOUSE COMMITTEE REPORT

⑪ HB 155

Date referred: 3/2/87

FURTHER REFERRALS: Transportation  
Finance

DATE: 03/09/87

The Community and Regional Affairs Committee has considered HB 155

"An Act relating to the change, relocation, or removal of utility facilities incident to the construction of road or other projects by a municipality."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

\_\_\_\_\_  
 Caro Bette Caro  
 Collins Cynthia Collins  
 Springer Heinrich Springer  
 Zawacki James Zawacki  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

Herrmann Adelheid Herrmann No Rec  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Springer Heinrich Springer  
 Chairman's signature

# HOUSE COMMITTEE REPORT

(7)

Date referred: 3/11/87

FURTHER REFERRALS: Finance

DATE: March 23, 1987

The Transportation Committee has considered HB 155

"An Act relating to the change, relocation, or removal of utility facilities incident to the construction of road or other projects by a municipality."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*Carl C. Bruch*  
 \_\_\_\_\_  
*Bill Hurd*  
 \_\_\_\_\_  
*Bette Cat*  
 \_\_\_\_\_  
*Shirley Springs*  
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**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
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*Bette Cat*  
 \_\_\_\_\_  
 Chairman's signature





HB

156

STATE OF ALASKA  
THE LEGISLATURE

POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Transportation:

3-20-87

# Alaska State Legislature



## House of Representatives

### Committee on Transportation

Rep. Bette Cato, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

March 20, 1987

FOR TODAY'S MEETING YOU HAVE:

---

A FOLDER ON HB 156 THAT INCLUDES:

- \* a copy of HB 156
- \* a copy of the statutes impacted by HB 156
- \* fiscal note from the Dept. of Revenue
- \* a memorandum from the Dept. of Transportation & Public Facilities
- \* House Transportation Committee staff question and answer sheet
- \* a comparison of state motor fuel tax rates

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: Draft #2

Publish Date: 2/5/87

REQUEST \_\_\_\_\_

Revision Date: 2/10/87

Title: Increasing motor fuel tax

Agency Affected: Revenue

BRU: Audit

Sponsor: Governor

Requestor: Rules Committee

Components: Audit

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	7.5	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	7.5	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	7.5	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: See attached page.

Prepared By: Steven E. Kettel  
Division: Audit

Phone: 465-2343

Date: 2/10/87

Approved by Commissioner: Hugh Malone  
Agency: Department of Revenue

Date: 2/18/87

Distribution (by Agency preparing fiscal note):

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

page 1 of 2

Fiscal Note

Contractual

- A. Passage of the draft will require this BRU to revise and reprint all tax forms related to motor fuel tax.  
These forms include the Motor Fuel Tax Return, Motor Fuel Reseller Claim for Refund, Motor Fuel Adjustment Report and the Statute and Regulations Pamphlet. Costs to revise and print these forms is approximately \$5.0.
  
- B. The Department will be required to write regulations providing rules for the transition period. It is likely that without regulations large quantities of fuel may be taxed at the lower rate of eight cents. Public notice of the regulations and holding hearings will approximate \$2.5.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST \_\_\_\_\_

Bill Version: \_\_\_\_\_  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An Act Increasing the Motor Fuel Tax  
Sponsor: Rules/Governor  
Requestor: Rules

Agency Affected: Revenue  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	0	33586.7	32579.1	32253.4	31930.2	31930.8

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See attached analysis.

Prepared By: Dave Tonkovich <sup>DT</sup> Phone: 465-2173  
Division: Research Date: 2/10/87  
Approved by Commissioner: Hugh Malone Date: 2/10/87  
Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):

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

Continuation for Fiscal Note Analysis

Bill: \_\_\_\_\_

Analysis:

This legislation raises the tax on motor fuel (gasoline and diesel) from \$.08/gallon to \$.16/gallon. Taxes on marine and aviation fuel uses remain unchanged. The refund for off-highway use (43.40.030) remains at \$.06/gallon which raises the rate for this use from \$.02 to \$.10/gallon. This analysis assumes an effective date of July 1, 1987 (FY88).

FY 86 is used as a starting point for this analysis as this is the last full year for which data on fuel distributions, refunds and credits is available. These assumptions are made:

1. The overall level of economic activity in Alaska will probably decline over the next several years. This note assumes these declines in fuel gallonage (taxable distributions) from the FY86 base year: FY87 (-2%), FY88 (-3%), FY89 (-3%), FY90 (-1%), FY91 (-1%) and FY92 (-0%).
2. Although fuel prices have fallen since the FY86 base period the recent increases in crude oil prices, if maintained, will increase future prices for gasoline and diesel. This analysis uses a price before additional tax of \$1.20/gallon for diesel and \$1.15/gallon for gasoline to estimate the effects of the tax-induced price increase. Price elasticities from national studies indicate that the price increase due to the additional tax will decrease the quantity of fuel consumed between 4 and 5 percent. This study uses the 5 percent figure to adjust gallonages under the proposed legislation.

**FUEL TAXES IN CENTS-PER-GALLON  
GASOLINE  
DIESEL  
LPG  
LETTERS: EXCEPTIONS**



Federal diesel fuel tax of 15c a gallon remained unchanged in 1985. Twelve states' gasoline taxes were increased by: Ark., 4.5c; Ariz., 4c; Ia., 3c; Ind., 2.9c; Neb., 2.3c; Tenn. and Wash., 2c; Conn., Nev., Okla. and Ore., 1c; Wisc., .5c. Wyo. enacted an 8c tax on diesel fuel. And diesel fuel taxes in 13 other states were increased by: Ariz., 4c; Ind., 3.9c; Ark., 3.5c; Ia. and N.J., 3c; Neb., 2.3c; Wash., 2c; Conn., Ill., Nev., Okla. and Ore., 1c; Wisc., .5c. Wyo. also established an 8c LPG tax. In 11 states, LPG fuel taxes were increased by: Ark., 4.5c; Ariz. and Ia., 4c; Ind., 3.9c; Neb., 2.3c; Conn., Ill., Nev., Okla. and Ore., 1c; Wisc., .5c. No federal fuel tax increases in 1986 are anticipated. However, according to Highway Users Federation, 26 states are expected to raise motor fuel taxes in 1986.

In the Key to Exceptions listed on this

page, note that variable taxes (R) are recomputed at least annually, based on an indicator such as the consumer price index or a percentage of the wholesale

price of fuel.

Since the taxes noted are subject to revision, contact the appropriate state office for the most current information.

**Key To Exceptions**

- A - city/county taxes additional
- B - reporting form required if fuel not purchased in state
- C - sales tax additional
- D - diesel fuel sales tax additional
- E - except for 100+ passenger, regularly scheduled, in-state route buses
- F - surtax on any vehicle with 3 or more axles (2% in Ky., 2c per gallon in Va.)
- G - LPG fueled vehicles may pay an annual flat rate
- H - some refunds for taxicabs and buses
- I - city transit buses refunded 11c per gallon
- J - annual license fee based on vehicle tonnage imposed in lieu of LPG tax

- K - vehicles (except gasoline) subject to mileage tax are exempt from fuel tax
- L - decal fee if under 18,000-lb GVW for Missouri-based vehicles
- M - 2% excise tax on distributors of motor fuels
- N - non-diesel fuel license
- O - gross receipts tax
- P - decal fee
- R - variable tax
- S - \$10 per vehicle with 3 axles or more
- T - diesel fuel sales tax additional 6% of total selling price
- X - decal fee covers local option and motor fuel tax

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: \_\_\_\_\_  
Publish Dates: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An Act Increasing the Motor Fuel Tax  
Sponsor: Governor Cowper  
Requestor: Governor Cowper

Agency Affected: DOT&PF  
BRU: All  
Components: \_\_\_\_\_

EXPENDITURES/REVENUE\* (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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 (IARF)						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: The bill increasing the motor fuel tax will not necessarily have an impact on DOT&PF. The revenue will be collected by the Department of Revenue and the appropriation of the proceeds of the revenue is a separate issue. We believe that the proceeds should be used to improve the maintenance and operations of the highways, roads and streets in Alaska.

Prepared by: Ron B. Lind, Director *RL* Phone: 465-4070  
Division: Plans, Programs, and Budget Date: 2/26/87  
Approved by Commissioner: *Mark D. Hill, Acting Commissioner* Date: 3/1/87  
Agency: DOT&PF

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

# STATE MOTOR FUEL TAX RATES

(cents per gallon)

STATE	GASOLINE	DIESEL	GASOLINE	ADDED TAX (%)	LOCAL OPTION	STATE	GASOLINE	DIESEL	GASOLINE	ADDED TAX (%)	LOCAL OPTION
ALABAMA	13	14	10		L	MONTANA	17	17	17		
ALASKA	8	8	0			*/NEBRASKA	18.2	18.2	15.1		
ARIZONA	16	16	16			NEVADA	13	13	12		L
ARKANSAS	13.5	12.5	13.5			NEW HAMPSHIRE	14	14	14		
CALIFORNIA	9	9	9	6	L	NEW JERSEY	8	11	0		
COLORADO	18	20.5	18			NEW MEXICO	11	11	0		L
CONNECTICUT	17	17	16	2		NEW YORK	8	10	8	6.75	L
DELAWARE	13	13	13			*NORTH CAROLINA	15.75	15.75	15.75		
D.C.	15.5	15.5	15.5			NORTH DAKOTA	13	13	5		
*FLORIDA	9.7	9.7	7.7		L	OHIO	12	12	12		
GEORGIA	7.5	7.5	7.5	3		OKLAHOMA	10	10	10		
HAWAII	11	11	11	4	L	/OREGON	12	12	12		L
IDAHO	14.5	14.5	10.5			PENNSYLVANIA	12	12	12	6	
ILLINOIS	13	15.5	13	6	L	*RHODE ISLAND	15	15	15		
INDIANA	14	15	14	5		SOUTH CAROLINA	13	13	7		
/IOWA	16	18.5	15			SOUTH DAKOTA	13	13	11		L
*KANSAS	11	13	8			TENNESSEE	17	15	13		L
*KENTUCKY	15	12	15			/TEXAS	15	15	11		
LOUISIANA	16	16	16	1		UTAH	14	14	14		
/MAINE	14	14	11			VERMONT	13	14	13		
*MARYLAND	13.5	13.5	19.5			/VIRGINIA	17.5	16	17.5		L
*MASSACHUSETTS	11	11	11			WASHINGTON	18	18	16.2		
*MICHIGAN	15	15	15	4		*WEST VIRGINIA	15.35	15.35	15.35		
MINNESOTA	17	17	14.5			*WISCONSIN	17.5	17.5	17.5		
MISSISSIPPI	9	10	9	6	L	WYOMING	8	8	8		
MISSOURI	7	7	7								

\* Variable tax expressed in cents per gallon.  
See notes on reverse side for additional information.

/Updated since last chart  
Highway Users Federation  
January 1, 1987 rev.

Technical Memorandum #HY-86-3  
Plans, Programs, and Budget

POTENTIAL APPROACHES TO A FUEL TAX INCREASE

Introduction

Alaska has not increased its tax on motor fuels used for highway purposes since 1961. Still taxed at 8¢ per gallon, this rate has gone from being among the highest in the nation to being one of the five lowest. There are many reasons for increasing what is generally considered to be a highway user fee; perhaps the most important being to increase the amount of revenues available to support DOT&PF expenditures on operations, maintenance and capital improvements for the state highway system.

Need

Although Alaska does not dedicate revenues from transportation user fees to transportation-related expenditures, it is still possible to compare revenues to these expenditures. The following figures (taken from Alaskan entries in a federal publication entitled Highway Statistics, 1985) tend to understate all potential uses of highway-related revenues, but they clearly point out the large shortfall between existing revenues and expenditures.

(Dollars in millions)

<u>Revenues</u>	
Motor Fuel Tax	22.6 <sup>A</sup>
Registration Fees/Driver Licenses	15.1
Subtotal Revenues	37.7
<u>Collection Costs</u>	
Motor Fuel Tax	0 <sup>B</sup>
Registration Fees/Driver Licenses	5.5
TOTAL REVENUES MINUS COLLECTION COSTS	32.2
<u>Highway Related Expenditures - DOT&amp;PF</u>	
Maintenance & Operations	59.3 <sup>C</sup>
Physical Maintenance	(24.6) <sup>C</sup>
Snow removal and sanding	(31.1) <sup>C</sup>
Traffic Control (signals)	(3.6) <sup>C</sup>
Obligation of Federal-Aid Apportionments	16.4 <sup>D</sup>
State-funded capital projects	1.0 <sup>E</sup>
Subtotal Expenditures- DOT&PF	75.7

Bond interest	13.4
Bond principal repayment	25.9
Traffic Law Enforcement (Troopers)	3.8
Weigh Station Operation	1.2
Municipal Revenue Sharing (\$2375 per mile)	8.8
ROUGH TOTAL - 1985 HIGHWAY-RELATED EXPENDITURES	128.8
NET REVENUES (For comparison purposes)	32.2

- Notes: A The slowdown in Alaska's economy has reduced both fuel consumption and fuel tax revenues- revenues are now at the \$20 million level.
- B \$34,000 rounds to zero.
- C Inflated by 30 percent to reflect overhead, administrative and materials costs not allocated to these categories.
- D FY 88 Capital Budget
- E Capital appropriations will occasionally be required to meet emergency and maintenance needs not qualifying for federal funding.

THE TOTAL EXPENDITURE FIGURE FOR 1985 IS FOUR TIMES THE AMOUNT OF REVENUES COLLECTED! Furthermore, the expenditure figure does not include any of the following:

- (1) Other highway-related general fund expenditures of DOT&PF;
- (2) General fund expenditures by other state agencies (for example, Division of Motor Vehicles estimates that state lease and data processing costs would add an additional \$1.5 million to their budget);
- (3) Increases in revenue sharing costs as municipalities proceed to maintain more miles of local roads.

Justification

One of the simplest methods of justifying a motor fuel tax increase is to compare Alaska's tax rate to that of other states. The following distribution of state gasoline tax rates indicates that an increase of 66% would be required to put Alaska on par with the average of tax rates in the other 49 states. A doubling of the current rate would put Alaska in the top twelve currently, although some states have already legislated increases that are yet to go into effect.

Lowest	7 ¢	Missouri
	7.5 - 9 ¢	Seven states (including Alaska, New Jersey, New York and Wyoming @ 8 ¢)
	9.7 - 12 ¢	Nine states
	13 - 13.5 ¢	Ten states

14 - 15.75 ¢	Eleven states and the District of Columbia
16 ¢	Arizona, Iowa and Louisiana
17 ¢	Connecticut, Minnesota, Montana and Tennessee
17.5 ¢	Virginia and Wisconsin
18 ¢	Colorado and Washington
Highest 18.2 ¢	Nebraska

Sample of 50 states and the District of Columbia

Mean	-	13.3 ¢
Median	-	13.5 ¢
Mode	-	13 ¢ (8 states)
Range	-	11.2 ¢

Alternative Approaches to Raising the State Motor Fuel Tax

- (A) Justify the increase based on the shortfall between revenues and expenditures. Increase the fuel tax to raise enough revenue to meet a politically identified level of funding support.
- (B) Increase the fuel tax based on any of a number of objective considerations, such as increase in the Consumer Price Index, parity with other states, etc.
- (C) Work with other agencies which could potentially spend highway-related revenues (Department of Public Safety, Department of Commerce and Economic Development, etc.) to develop a statewide plan for matching highway-related revenues with expenditures.
- (D) Research and develop an Alaskan methodology for allocating highway costs to an Alaskan structure of existing and potential highway user fees.
- (E) Pursue a fuel tax increase as part of a broader revenue-raising effort. Consider increases in the aviation and marine motor fuel taxes at the same time.

Additional Information

Two-page summaries of successful efforts to raise the gas tax in Oregon and Washington are attached. More backup information is available upon request.

3/13/87

COWPER ADMINISTRATION - DOT&PF  
FY'88 OPERATING BUDGET PROPOSAL

- A. Contingent upon passage of the increased motor fuel tax proposal and implementation of the user fee proposal for the Dalton Highway, an increment of \$20 million and another \$3.5 to \$4 million in general fund transfer will be made available for the general FY'88 operating budget for the Department of Transportation and Public Facilities. These funds will be allocated as follows: (1) \$18.5 to \$19 million for highways and aviation maintenance and operations (M&O) and (2) \$5 million for the Alaska Marine Highway System (AMHS).
- B. Of this total, a fiscal note for \$20 million will be proposed to accompany the motor fuel tax increase of 8 cents. This amount is equivalent to the estimated revenue that will be generated from the fuel tax increase for highway use. The use of a fiscal note is proposed instead of a budget amendment to clarify the relationship between the increased spending authorization and the increased revenue generated by the tax.
- C. Another \$3.5 to \$4 million in general funds will be made available as a result of proceeding with funding FY'88 Dalton Highway maintenance through user fees. Approximately three months of the FY'88 costs will still be covered with general funds dollars to allow sufficient time to seek funding agreements with affected oil companies, or if unsuccessful, to implement direct user fees through regulations. Budget amendments will be submitted which allocate the "released" general funds to the M&O consistent with the numbers outlined in "A" above.
- D. The additional \$18.5 to \$19 million in funds for the highways and aviation M&O components will allow the continued maintenance of Category II and III roads during FY'88, and allow an improvement in services for all of these activities in FY'88 as compared to the current year. The increased funding will bring the total general funds for the highways and aviation M&O components to an amount nearer the FY'87 Authorized levels.

3/13/87

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# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

3/13/87

COWPER ADMINISTRATION - DOT&PF  
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- E. The Administration still wishes to pursue a program for phased transfer of road responsibilities, and will continue working to prepare a proposal during the interim. As part of this effort, we anticipate receiving input and assistance on program development from the Senate and House Transportation Committees and an Advisory Group or Task Force of affected local officials. We will probably recommend a small amount of funding be used from the \$20 million in fuel tax increase to cover costs to develop this program. An additional element will be ensuring the department has authority to pursue transfer agreements during FY'88 if local communities so desire.
- F. The \$5 million in funding for the AMHS will restore 50% of the FY'88 operations decrement, and could provide for the normal operation of the MV Bartlett and Aurora, as well as fund approximately three additional months (for a total of 7) for the MV Taku. Alternative operating plans are still being analyzed to determine the optimum plan for maximizing service to Alaskans. Other savings to restore even more service may still be possible through revenue generation and/or cost reductions. Additional user fee authority may be requested to cover this possibility.