

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8192 HOUSE STATE AFFAIRS - HOUSE TRANSPORTATION

457

PLEASE DISTRIBUTE COPIES TO ALL  
MEMBERS OF HOUSE & SENATE.

2/9/93

THANK YOU,  
*M. J. Gallagher*

Dear Alaska State Legislator,

I am writing this letter in support of the proposed annexation of 7.5 acres in No. Palmer, Ak. I will spare you all the details of this issue and why I am in favor because there is just too much material to cover. However, I would like to point out that I have been involved in this issue as an interested party. I live directly across the street from this property and have first hand knowledge of the situation that exists.

Since 1990, I have had to attend numerous Palmer City Council meetings and have given sworn testimony at the Local Boundary Commission public hearing. All parties involved have been afforded due process with time extensions on deadlines, appeals, etc. After this long drawn out process, the Local Boundary Commission voted to approve the annexation and subsequently voted to deny a reconsideration of the issue.

As a Legislator, you may be inundated with letters and/or phone calls from people acting on behalf of Mr. Ed Bailey, the only one of several land owners in the affected area to be so opposed to the issue. Several of his acquaintances have gone so far as to form the "Alaska Citizens Awareness Committee", initially founded for the sole purpose of opposing this annexation. Due to the fact that Mr. Bailey has persuaded his friends, relatives, and acquaintances to support him in his opposition, you may well receive more letters against the annexation than in favor. This has been the pattern in the past, but obviously the City Council Members, L.B.C. staff and the L.B.C. Commissioners were able to see this for what it was.

In closing, I urge you to support the L.B.C. decision and support this annexation for the good of the residents of North Palmer.

Sincerely Yours,

*Michael J. Gallagher*  
Michael J. Gallagher Family  
546 No. Chugach St./P.O.B. 2991  
Palmer, Ak. 99645  
746-0527

February 9, 1993

Members of House and Senate  
Juneau, Alaska 99801

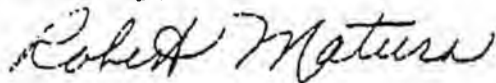
RE: Proposed Annexation of Properties Outlined by the City of  
Palmer, Specifically Those of Robert E. Bailey

Dear Members of House and Senate:

Please be advised that I, Robert Matura, a long time resident of  
the City of Palmer and neighbor in close proximity to Mr. Bailey,  
do fully and without reservation support said annexation.

It is my contention that after many public hearings and exhaustive  
research by the Planning and Zoning Advisory Commission, the Palmer  
City Council and the Local Boundary Commission, their voted on  
decision to annex should be honored and supported by this community  
and our elected representatives.

Sincerely,



Robert Matura  
545 N. Denali  
Palmer, Alaska 99645

Post-it™ brand fax transmittal memo 7671		# of pages >
To: <i>Comm. Regional</i>	From: <i>Debbie</i>	
Co. <i>JUNEAU</i>	Co. <i>LIO-HATSU</i>	
Dept.	# phone	<i>760-3704</i>
Fax # <i>465-4979</i>	Fax #	

Esteemed Senators:

I thank you for the opportunity to speak before you today concerning the City of Palmer's attempt to annex 7.5 acres. My name is Ronda Marcy, and I am a resident of the State of Alaska since 1963. I have several concerns which I would like to address:

Firstly, this annexation is no more than an attempt by the City of Palmer to bring one person into its jurisdiction for the sole purpose of significantly modifying his lifestyle. The City has attempted to buffer its malicious attitude toward this one individual by adding four other property owners under the guise of squaring its boundaries (which this annexation is still not quite doing). This action, launched with the full force and resources of the City of Palmer, including the City Attorney, Mr. Jack Snodgrass, whose own property is an agricultural enclave surrounded by the City of Palmer and whom the City has protected from its zoning ordinances, offered little protection in this annexation to property owners, affected property tenants, and most visably Mr. Robert Bailey, in whose defense I am compelled to speak before you today.

Mr. Bailey is a citizen of the United States of America, and is a resident of the State of Alaska since 1967, and as such, surely has protections through the Constitution of the United States of America which are made mandatory to the State of Alaska through Article VI - The Supremacy Article, of the United States Constitution. The City of Palmer has no jurisdiction to initiate the Legislative Review process simply to modify Mr. Bailey's lifestyle. The City of Palmer is not a party to the legally binding contract of purchase, entered between Morris R. Mooney on behalf of Mr. Bailey, and Mrs. Kay Sandlin, or any additional parcels contracted between Mr. Bailey and any other individual at any future time. Mr. Bailey, or parties on Mr. Bailey's behalf, entered into this legally binding contract on or about July 1967 within the jurisdiction of the State of Alaska with no intent expressed or implied by Mr. Bailey to comply with any additional covenants, restrictions, or requirements imposed other than those written. Mr. Bailey was enticed to develop his property in a manner suitable to his character and within the laws in effect at this time, and improvements thereto, over a period of time under this contractual agreement. If the State of Alaska allows the City of Palmer to violate this contractual agreement, Mr. Bailey has the right to insist on the enforcement of this contract or to expect damages from the State of Alaska and the City of Palmer. By the Local Boundary Commission allowing the City of Palmer to use the Legislative Review process in this manner, the State of Alaska has put itself in a "conflict of interest" situation that makes it responsible for representing the interests of both parties. Therefore, I believe this Legislative Review annexation is in direct violation of the Constitution of the State of Alaska Article I Section 15 - Prohibited State Action which specifically states "No law impairing the obligation of contracts...shall be passed."

This annexation appears contrary to Article I Section 1 - Inherent Rights, that guarantees Mr. Bailey to "have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry;" The City of Palmer only initiated this action to deny Mr. Bailey his natural right to liberty, the pursuit of happiness and the enjoyment of the rewards of his own industry, by annexing his property to the City of Palmer for the sole purpose of, under color of law, restricting his lifestyle, his lawful enjoyment of his current kennel license issued by the Matanuska-Susitna Borough, and by denying him the rewards of enjoying property that he has gathered through his lifetime of industry. Mr. Bailey has reached the years of his life when he should be able to enjoy the fruits of his lawful labors. The City of Palmer, if allowed jurisdiction, will have the authority to contract services to bring this property up to current City of Palmer ordinances, and add the cost of this service to Mr. Bailey's utility bill. This would result in undue financial burden on Mr. Bailey, directly and ultimately resulting in Mr. Bailey losing this property. The City of Palmer has barely masked it's malicious attitude towards Mr. Bailey. This was made evident to me, when while collecting signatures in the Eagle Street area, a Palmer City Police Officer stated to me personally that He "couldn't wait to arrest Mr. Bailey." in a blatant attempt to impugn Mr. Bailey's character.

Mr. Bailey is also unable to afford any increases in his property taxes and would ultimately lose the property for failure to pay City of Palmer property taxes. The other affected property owners, depending on their financial situation, could be adversely effected in this same manner. This would result in the City of Palmer taking Mr. Bailey's property, or other effected owner's property, without any just compensation, and the violation of Article I Section 18 - Eminent Domain which clearly states "Private property shall not be taken or damaged [Emphasis added] for public use without just compensation". Mr. Bailey's property is clearly damaged when he will no longer be able to live in the legal manner which he contracted to live when he purchased the property. Clearly, The Dewey's are similarly damaged when they are no longer able to continue the agricultural use of their property. The City of Palmer has also asserted that it intends to make Mr. Bailey reduce the number of dogs he is allowed to have, from the 15 on his current kennel license, to three (3), without any compensation for his loss, therefore further violating Article I Section 18.

That this Petition originated out of Palmer City Council as evidenced in city meeting minutes, not due to "concerned citizens" as the city has purported, and early City of Palmer meetings concerning this annexation violated Article I Section 1 that states "all persons are equal and entitled to equal right, opportunities and protection under the law."

The City of Palmer did violate due process by not properly redressing concerns, or counting public opinion, that authorized the City of Palmer, under color of law, to continue with this annexation. City Manager, David Soulak, acting as a interested party, and accounting for official tally for responses from his June 11, 1992 correspondence to area residents, did not do so properly, and in acting in both of these manners, again violated the property owner's guarantee of equal protection under the law. City of Palmer did violate due process by filing a "Final Appeal" that raised new charges concerning Mr. Bailey and that the Local Boundary Commission violated due process by accepting City of Palmer's Final Brief, violated due process by not allowing Mr. Bailey adequate time or forum, such as cross examination under oath, for Mr. Bailey to respond to City of Palmer's accusations. City of Palmer again violated due process and equal protection clauses by raising two more issues in the Anchorage Daily News on December 18, 1992 which may of affected the decisions of Local Boundary Commissioners, most notable Anchorage Commissioner Mr. Lamar Cotton.

City of Palmer did trespass unlawfully on Mr. Bailey's property in attempting "to take an informal survey of his tenants", and used this illegally gained information to form documentation used as argument for taking his property into City of Palmer's jurisdiction. This violates Article I Section 1 and Section 7 of the Constitution of the State of Alaska. City of Palmer Police did again trespass unlawfully, under color of law, when it followed a tennant on to Mr. Bailey's property because he at the time was alleged to have failed to stop at a stop sign some blocks away, and proceeded to arrest this tennat though the tennant was not in the jurisdiction of the City of Palmer Police Department at the time of this arrest. City of Falmer Police have taken an active and as mentioned earlier, vocal part in this annexation, though when questioned about the Palmer Police's involvement, the Mayor of Palmer denied that he had requested their involvement. I am concerned by what I perceived as continued harrasment of Mr. Bailey by the City of Palmer, and officials thereof.

I am concerned by the Mat-Su Boroughs actions in this annexation as well. I have asked my assembly representative Mr. Robert Wells, to look into why Mr. Bailey was not personally notified when his name personally appeared in a Borough Ordinance. I would think this personal notivity should afford Mr. Bailey a bit more notice than the standard obscure newspaper announcement.

Also, by allowing City of Palmer ex post facto jurisdiction, i.e., making Mr. Bailey conform to city laws developed prior to the effective date of this annexation, City of Palmer will violate, and has stated its intention to do so, Article I Section 15 - Prohibited State Action which states "...no ex post facto

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law shall be passed." This would also abridged Mr. Bailey "privileges and immunities" granted by the Matanuska-Susitna Borough and protected under United States Constitution Article I Section 14. Though I don't know whether I have phrased this concern adequately. I am addressing Mr. Bailey's Grandfather Rights.

Article VIII Section 18 - Protection of Rights establishes the Constitutional guarantee that "No person shall be involuntarily divested of his rights to ... his interests in lands, or improvements...except for a superior beneficial use or public purpose and then only with just compensation and by operation of law. This petition initiated without merit by the City of Palmer and passed by the Local Boundary Commission to the State Legislature is directly contrary to Mr. Bailey's rights as articulated in Article VIII Section 10.

The Local Boundary Commission does not have expertise or authority to deem Mr. Bailey's property "a health, safety or welfare threat", and to any extent that there is any merit to this claim, the property is being annexed for Public Welfare, and would then be deemed being annexed for a public use, and Mr. Bailey should be justly compensated as defined by Article I Section 18. The only knowledgeable and factual documentation concerning his property was reported by Ms. Cathy Hummel, a Sanitation expert from Alaska Health Project, who stated to the Local Boundary Commission that no health threat existed on the property. Ms. Hummel is in attendance today and prepared to answer any questions that you may have for her.

Due to the lack of the Local Boundary Commission's knowledge in the health, safety, and welfare standards, and in light of no valid ordinances passed that legally deemed this area a threat to public health, safety or welfare, that by denial of Mr. Bailey or his Consultant to cross-examine witnesses, and by allowing false or erroneous information to be entered as sworn testimony and lack of substantial evidence, this procedure did not establish adequate safeguards for Mr. Bailey who is affected by this administrative action and therefore violated Article I Section 7 of the Constitution of the State of Alaska.

In the absence of any substantial evidence that would support a valid "threat to health, safety or welfare", and in light of a State Certified Sanitariums report supporting Mr. Baileys position, this action is arbitrary and discriminatory, hence an unnecessary and unwarranted interference with Mr. Bailey's liberty. Assessments from improvements that are not warranted or requested, place a substantial undue burden on Mr. Bailey, which could ultimately and in all likelihood lead to Mr. Bailey having his property taken without just compensation. This action violates Mr. Bailey's Constitutional Rights under Article I Section 1, Section 7 and Section 18.

subjected to violations of his Constitutional Rights at City level meetings without equal protection as evidenced by earlier annexation attempts from City Planning and Zoning that labeled "this parcel a health hazard". "Health Hazard" as defined by AS is "a substance capable of causing a threat to the health..." yet no evidence was presented that substantiated any evidence of such substance. Further Violation of this Section is evidenced by the fact that Mr. Robert Maturea, whom it appears authored the 1989 petition against Mr. Bailey, and who's signature appears first on said petition, was the Acting Chairman of the City of Palmer Planning and Zoning Commission. A petition that Councilmember Henderson requested at a previous City Council meeting. It should be further stated here that portions of this annexation proceeding may have been in direct violation of Federal criminal statues 18 USC 241 - Conspiracy to Violate Civil Rights, and 18 USC 242 - Violation of Civil Rights under color of law. Mr. Bailey is in the process of securing council to determine if he has cause for action under these sections, and if in the course of a judicial appeal of this annexation, further evidence is presented that these violations have occurred. City of Palmer again violated Article I Section 1 when it began annexation procedures merely because the Court had ordered the Borough to return Mr. Bailey's Kennel License. City of Palmer did, knowingly and intentionally mislead the Local Boundary Commission in its February 26, 1992 Supporting Brief which states:

In 1990, the City received a petition signed by 61 area residents (Which, I noted, by the way, is less than 2% of the population of Palmer.) urging the City to annex this area because of the continued problems of loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site. Matanuska winds depositing debris from this area into their yards, decreased property values by the continued accumulation of inoperable cars and trucks, and accumulation of used building materials, to name of few of the legitimate concerns. [Emphasis Added]

This petition was presented to, after being requested by, the City of Palmer in August of 1989, as shown by City Council meeting minutes. The City of Palmer has also added a few more of what they deem "legitimate concerns" in the above paragraph than what actually appear in the original petition. Though this petition, stated as received in 1990, was itself not dated, and the attached letters are dated July and August of 1989. It should be noted that City of Palmer had used this petition at an earlier annexation attempt that was voted down in City Council. City of Palmer again used this petition to start this annexation attempt, without evidence in City Council minutes of further involvement by any "concerned citizens".

It is stated in the City of Palmer's supporting brief that:  
 At that time [January 23, 1990] the City chose not to annex this property subject to the Legislative Review

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would police themselves to alleviate the concerns of the City residents. (Emphasis Added)

Meeting minutes from this period do not support this statement one iota. Mr. Bailey has clearly been coerced, under color of law, by the City of Palmer to conform to laws to which have no jurisdiction over him. Evidence of this type of coercion appears at the July 23, 1991 Public Hearing:

Mayor Carte' mentioned if the Council votes to proceed with this annexation, it won't become effective until 1993. If Mr. Bailey continues to work on cleaning up his property like he has (Emphasis added), in two years he probably won't be violating any codes.

It was insinuated by the Mayor that Mr. Bailey was in violation of code, and if he "continues to work on cleaning up his property", as though the City of Palmer was already coercing him to alter his lifestyle to fit City of Palmer jurisdiction. On top on this, they state in the brief that he did "nothing to alleviate his neighbor's concerns."

City of Palmer cites Fairview Utility v. City of Anchorage as proof that they do not need any property owners permission to annex privately owned property. I find it doubtful that Fairview Utility v. City of Anchorage meant to establish the Legislative Review process to subject property owners to "policing themselves" to laws under which they had no jurisdiction merely to "alleviate the concerns of City residents." City of Palmer certainly did nothing to alleviate the concerns of its residents. They clearly engendered untrue accusations and further violations of Mr. Baileys rights.

The City's Supporting Brief continues:

The large number of unleashed and unrest ained dogs which the Matanuska-Susitna Borough allowed to be on the premises has taxed the City's Police department.

Yet further in the proceedings the City states that they can do a better job than the Borough in offering Animal Control. Contrary to the City's supporting brief are the April 14, 1993 City Council meeting minutes which tell an entirely different story. Less than two months after the city filed its supporting brief, Mayor Carte' addressing the City Counsel states that he spoke with the Chief of Police and they do not receive that many dog complaints. City Councilmember Long, whose signature also appears on the 1989 Petition arbitrarily states "she can flood the Police Department with calls if that's what is needed." (This statement was not made in direct reference to Mr. Bailey, though it illustrates the complaint tactics employed by the residents.) This discussion also focuses on the problems a Canine Officer faces trying to handle animal control complaints. Clearly, Senators, Mr. Bailey has been repeatedly denied, through the use of this process his Inherent Rights enumerated in Article 1

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Though I have centered this discussion on Mr. Bailey, my concerns are far greater for the precedent that this annexation sets, especially formed under a malicious pretext such as this. In Seward Chapel, Inc., v. City of Seward, 655 P.2d. 1293 the court explained

(s)ubstantive due process is denied when a legislative enactment has no reasonable relationship to a legitimate government purpose. It is not a court's role to decide whether a particular statute or ordinance is a wise one; the choice between competing notions of public policy is to be made by elected representatives of the people. The constitutional guarantee of substantive due process asserts only that a legislative body's decision is not an arbitrary one but instead based upon some rational policy.

To allow the City to continue with this annexation, based upon the information I have presented would certainly be arbitrary on the part of this committee.

I submit with this quote from the late Senator Robert A. Taft who authored this lasting definition of liberty.

When I say liberty, I mean liberty of the individual to think his own thoughts and live his own life as he desires to think and live.

In "Profiles in Courage" by John F. Kennedy, he says of Senator Taft.

This was the creed by which Senator Taft lived and he sought in his own fashion and in his own way to provide an atmosphere in America in which others could do likewise.

I ask now that you protect this "atmosphere", protect and uphold, as you are sworn to do, the rights of Mr. Bailey, and the other affected property owners. Protect me, and my family, from the precedent this annexation sets, and from the loss of any of Mr. Dewey's agricultural land that would directly affect the amount of local grown hay available for my livestock. This I ask of you, my elected representatives. Please stop this abuse of the annexation process and this assault to basic liberty! Thank you!!!

Ronda L. Marey  
HC, 33 Box 3169  
370-2232

STATEMENT TO THE SENATE C&RA COMMITTEE  
BY DARROLL HARGRAVES, CHAIRPERSON, LOCAL BOUNDARY COMMISSION  
REGARDING THE ANNEXATION OF 7.5 ACRES TO THE CITY OF PALMER

February 8, 1993

Thank you Mr. Chairman.

The Local Boundary Commission was created under Alaska's Constitution to ensure that proposals involving local government boundaries would be analyzed objectively, with consideration given to the interests of all of parties. In the case of the Palmer annexation, these include:

- the residents & property owners within the area proposed for annexation;
- the residents & property owners surrounding the area proposed for annexation;
- the City of Palmer; and
- the Matanuska-Susitna Borough.

Before the Commission acted on the Palmer annexation proposal, it considered hundreds of pages of written comments and other material. It also listened carefully to many hours of testimony. Our decision was a difficult one, but one that I strongly believe represents the balanced best interests of all involved.

Using the criteria set out in law, the Commission approved the City of Palmer's annexation petition based upon the following findings and conclusions:

1. The territory proposed for annexation is clearly part of the compact community of Palmer. Nothing separates that property from the adjoining property except the invisible corporate boundary of the City of Palmer.

As part of the community, the property in question should rightfully be governed by the same law and rules which apply to other property in the community. These laws and rules have been enacted by the duly elected representatives of the community.

2. Conditions existing in the area proposed for annexation represent a threat to the health, welfare or safety of adjacent residents.<sup>1</sup> Among these threats is a large number of dogs which are a major source of animal control

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<sup>1</sup> The phrase "health, welfare, and safety" is interpreted by the Commission in a broad manner. The term includes the prosperity, well being, or convenience of the public at large, as distinguished from the advantage of an individual. It embraces the primary social interests of safety, order, morals, economic interests, and non-material and political interests.

STATEMENT BY DARROLL HARGRAVES  
PAGE TWO

problems. Unfortunately, the dogs do not respect the invisible corporate boundaries of the City. The Commission heard many reports of historical and contemporary incidents of animal control problems stemming from the area in question.

The Commission was persuaded by the City's argument that the dog problems constitute a threat to the health, welfare and safety of City residents. The City cited the standard treatise on municipal law which noted that :

*Dogs have been viewed as constituting nuisances, at least where they are ferocious or have the habit of jumping and biting at children or other people. Indeed, such a dog is a nuisance of the worst sort . . . . Furthermore, the keeping of dogs may be a public nuisance by reason of their howling, barking and whining, the stench they cause, unsanitary conditions in which they are kept, or their disturbing of people in the reasonable use and enjoyment of property, or where any of these factors cause annoyance, discomfort or injury to the health or welfare of persons. 7 McQuillin, Municipal Corporations, §24.284 at 195, 196 (3d ed. 1989). See also 4 Am. Jur. 2d, Animals, §63 at 312; and 66 C.J.S., Nuisances, §32 at 786.*

Other potential health, welfare and safety concerns relate to the existence of some fifty abandoned vehicles and untold quantities of other material on the property in question. The City characterized this circumstance as "an accident waiting to happen for City families to live next to an unregulated junkyard full of attractive nuisances" The City also stated that "[W]hile the Borough law, which is written for rural areas, allows this unsafe and unhealthy condition, the City Code requires its abatement. Cleaning up will not be unduly expensive . . ."

Again, unfortunately, children who might be lured into danger by the alleged attractive nuisances do not acknowledge the invisible corporate boundary of the City of Palmer.

Additionally, it has been noted that all of the dwellings in the territory proposed for annexation use pit privies. The City of Palmer noted that "It is unhealthy and unsafe for the City residents to live downhill from lots containing a dense population using privies for a sewerage system when such lots could not lawfully be established under current health and subdivision laws. These dangers would be eliminated by annexation as the

STATEMENT BY DARROLL HARGRAVES  
PAGE THREE

*property would be connected to the City's water and sewerage systems, which are DEC and EPA approved. The City has the capacity and is willing to serve the territory; and City water and sewer services presently abut the territory."*

Here again, sewage and wastewater do not recognize the invisible corporate boundaries of the City of Palmer.

Collectively, the Commission viewed the circumstances in the area in question as a threat to the health, welfare, or safety of city residents.

Further, the Commission found evidence that neighbors and adjacent property owners, as well as local officials, have diligently attempted to resolve the problems stemming from the area in question over the past many years. However, those efforts have failed. Annexation will enable the City of Palmer to address the threats to health, welfare or safety.

In addition to the preceding findings and conclusions, the Commission determined that:

3. The City of Palmer is willing and able to serve the area proposed for annexation.
4. The City of Palmer provides road maintenance to the area proposed for annexation and receives no property tax payment for same.

These last two conclusions are far less significant than the first two, however, they warrant a brief mention.

In conclusion, I respectfully urge the Committee to support the legitimate need for the extension of the jurisdictional boundaries of the City of Palmer.

If you have any questions, I will attempt to answer them.

To: Shirley Armstrong, Senate C&RA **FAX 465-4979**

From: Dan Bockhorst

Date: February 8, 1993

Per your request, the following is a list of names and telephone numbers of owners of the property proposed for annexation to the City of Palmer:

Annex

<i>NO</i>	Dean & Melinda Dewey	(Anchorage)	<del>248-2450</del> <i>243-7937</i>
<i>NO</i>	Robert Bailey	(Palmer)	745-3020
<i>NO</i>	Michael Dresnek	(Chugiak)	688-5649
	John Grasse	(Mequon, Wis.)	
<i>NO</i>	Alaska Railroad Corp	(Anchorage)	265-2300 <i>Bonnie Bailey</i>

The Alaska Railroad's interest is limited to a right-of-way.

1/28/93

Dear Senator Phillips;

I am writing in response to the petition for legislative review annexation to as29.06.040 (B) of approximately 7.5 acres within section 28, Township 18 N, Range 2 E, s.m. As a property owner of lot 20, Block 1, of the revised plat of the Riverside Subdivision, I would like to express my deep concern regarding intentions to forcibly annex this property. I am strongly against such an action. I bought this property because it's unrestricted and I want to keep it that way. I Beg you to deny this petition.

Respectfully,

Michael T. Dresnek  
*Michael T. Dresnek*

Marilyn A. Dresnek  
*Marilyn A Dresnek*

21131 Eastside Dr.

Chugiak Alaska 99567

# ALASKA RAILROAD CORPORATION

P.O. Box 107500 • Anchorage, Alaska 99510-7500



July 11, 1991

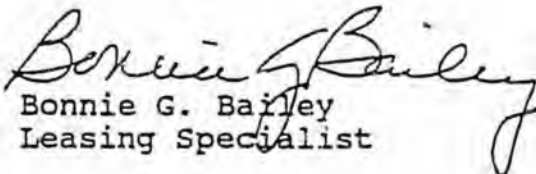
RECEIVED  
JUL 1 1991  
CITY OF PALMER

Planning and Zoning Advisory Commission  
City of Palmer  
231 W. Evergreen Avenue  
Palmer, Alaska 99645

Re: Riverside Subdivision, Lots 1 through 10 and Lots 20  
through 27, Block 1

The Alaska Railroad Corporation is not in favor of the City of  
Palmer annexing the Alaska Railroad's right-of-way to the City  
of Palmer.

Sincerely,

  
Bonnie G. Bailey  
Leasing Specialist

February 9, 1993

Senate Community & Regional Affairs Committee

Gentlemen:

Not being very comfortable with Public Speaking, yet needing to defend my character and my liberty against this annexation, I have decided to this letter faxed to you.

My animals have, again and again, been brought up as a reason to annex this property. I have found that it is very difficult to answer to outright lies that have been spread by a very few individuals, and the City of Palmer. Three small pages of lies takes volumes and volumes to respond to. The charges that were mentioned by Councilmember Melton this morning are stale and unsubstantiated. My dogs do not bark "day and night". If they were allowed to this alleged continuous barking, it would certainly be a bother to me; I share my cabin with them. The only two instances where my dogs have bitten anyone, which occurred years ago, resulted in the people involved apologizing to me for their inappropriate behavior around my dogs which directly led to the bite occurring. I have never even been cited for any dog bites.

The claim that a dog from this property killed Mr. Smith's peek-a-poo raised during this annexation is the first I can ever remember hearing of this incident. The was not my dog, but belonged to a tenant that was on the property when I purchased those lots.

In all the years that I have suffered this attack from these people, through all the Animal Control complaints lodged against me, and the complaints mentioned by the City today, the Matanuska Susitna Borough never was able to substantiate these accusations and the great bulk of these complaints were made over 3 years ago by mostly the same six people. In fact during the summer of 1989 when this attack intensified and a large volume of complaints were made, a crew that had worked in this area reported none of my dogs were seen or heard. Once the crew left, a large number of complaints, that were never substantiated by Animal Control, came flooding in.

I do not allow my dogs to run loose. They sleep with me inside my cabin at night. My dogs have occasionally escaped, over the years, but I am always prompt to catch them. I have picked up trash in this neighborhood, whether spread by my dogs, or one of the one hundred in this area. My dogs are continually being blames for behavior that is impossible for them to be doing.

There have never been any problems with my dogs and children. Children are over here every day without incidents. I am a grandfather, with 7 on the ground and three "in the pocket".

People may scorn me for my hobby of finding uses for what other's discard, but what those City people call junk is often useful and necessary items to people without. Some Valley mothers bring their children to my house to pick up clothing or other necessary items, for the entire family.

My dogs love children, and in light of the fact that I do not let them run loose, I deny that they have ever "harassed" children at a school bus. The City has not shown me any documents from the Borough that verify that anyone has ever had any problems with the School Bus Stop.

There is no trash or litter from spread my property. Stacks of pallets and antique cars are not litter. There is no "loose debris" on my property that could possibly be blowing into the neighbors yard. If the items in my yard could blow around, they would have long since ended up in the neighbor's yard. Eagle Street is a school route, and I am made to pick up blowing garbage as much as any resident of this Valley.

These people actually accuse me of devaluating their property, and continue to argue that they haven't been able to sell houses in this area because of me. A realtor stood up at the Local Boundary Commission hearing and stated that she had sold this person's home, but the buyers were unable to get financing.

Mr. Gallagher, with his usual respect for the truth, stated this morning that he has been on his property since 1982. I don't believe he became a neighbor to me until after 1989.

These people, including the City, have ever discussed what I would need to do to appease them. They have never spoken to me in a civil manner, or addressed me to "alleviate" their concerns.

They have instead threatened me repeatedly with annexation, and ridiculed any attempts that I have made to conform to their standards, or alleviate any concerns of theirs to my lifestyle, so far.

Mr. Snodgrass spoke this morning, saying that he was there first and the City grew around him, even condemning part of his property. Now they are doing this to me. Why is this not O.K. for him, but O.K. for me? Does he have City sewer and water on his property?

I am now and, to my knowledge, always have been within Borough Code. I have now fenced the entire property and double fenced my yard in an attempt to appease these neighbors.

They keep saying something about a refrigerator on my property that is dangerous to children. One tenant has a fish smoker that he made from a refrigerator, that is similar to one owned by my complaining neighbor, Mr. Vogt. This smoker couldn't suffocate anyone with the large holes that have been cut it. The City and the neighbors are just digging, with no substantial proof, for evidence of wrong doing on my part.

I am sorry that this annexation has affected 4 other property owners, innocent of anything to do with this. My neighbors outside of the City have always been good neighbors to me, and I am sorry that this has the potential to set a precedent against them as well. I have tried to appease my City neighbors, but nothing will appease them. I will not build a bunch of houses here as the City wants. I will continue to fight for my rights, especially my right to use my property for my own needs. My property Deed states "to have and to hold the same, with the tenements, hereditaments, and appurtenances there unto belonging or in anywise appertaining unto the said grantee(s), and to all its success's and assigned, forever." This means that my property is mine, and my children's forever. I strongly oppose this annexation and hope that you will also. Thank you!

Mr. Robert E. Bailey

*Robert E. Bailey*

Fax To: 463 4979 3FF total

P.O. Box 244491  
Anchorage, AK 99524-4491

February 10, 1993

Senator Randy Phillips, Chair  
Community & Regional Affairs Committee  
Alaska State Senate  
Capitol Building  
Juneau, Alaska

Dear Senator Phillips:

Thank you for holding the hearing on Palmer's hostile annexation of 7.5 acres. I was more than a little concerned that the "accused" in this matter, Mr. Bailey, had to go first. Justice requires that the accuser make the case before the accused has to respond. I recognize that a Committee hearing is not a court of law and the rules of the Committee are not the rules of a court. Nevertheless, this element of the hearing gives me pause for concern for the People of the State of Alaska.

That concern grows out of the history of this proceeding. The proceeding has been tainted from beginning to end. It started with a Planning Commission member's participation as both a petitioner to the Planning Commission and as a voting member of that Commission when it took up the matter back at the beginning. The procedural unfairness has continued through this hearing. The record at the Local Boundary Commission Staff's office in Anchorage (269-4559) has the complete file.

Those offering testimony in support of Palmer's petition have consistently attempted to downplay the facts and emphasize the emotional aspects of this matter. For instance, the story of the five pound dog's being killed by a dog from Mr. Bailey's property occurred over twelve years ago. The dog belonged not to Mr. Bailey, but to a tenant Mr. Bailey inherited when he bought the lot the preceding year. A person living under Palmer's law would not have been protected by Palmer's law in that case. A dog owner is allowed to have up to three dogs in Palmer. The tenant owned but one. How would annexation in any way solve that problem? It would not. It is a matter either for animal control or for the courts. It is not an appropriate matter for resolution by legislative annexation.

When one goes carefully through the accusations and proceedings, each element used to support the Palmer case comes unraveled under close scrutiny. The matter is an emotional one: not an appropriate subject for legislative annexation.

Normally, as I understand the policies involved, the legislature would be loathe to vote down the findings of the Local Boundary Commission unless some element of law or policy had been overlooked. This is a sound policy. Here, it is clear that the LBC has overlooked the procedural requirements of fairness in a hostile proceeding.

The LBC is a body of lay persons charged with a difficult job. It has recognized the difficulties by its adoption of more rigorous procedural rules. Those rules, however, do not permit the cross examination of hostile witnesses. Thus, the Commissioners have to rely on their untrained sensibilities to sort out truth from fiction from lies. That the Commissioners did not question closely the witnesses supporting the annexation petition was a clear oversight in the process and unfair to Mr. Bailey.

The rules do not permit a party to subpoena documents. Thus, Mr. Bailey was unable to bring into the record documentation that would have discredited witnesses or provided a different perspective on the history of this matter from the one offered by Palmer's witnesses.

Palmer has made clear from the outset that it regards Mr. Bailey as a "nuisance." It has never made an effort to take Mr. Bailey to court on a charge of nuisance -- either criminal or civil. The courts are the traditional and appropriate forum for nuisance complaints. It is a misuse of the legislative annexation process to substitute it for court action.

The record contains a myriad of detailed problems with the process. This letter is simply to ask that the Committee look into the record in a detailed way. Sending the matter off to be buried in another Committee will have the de facto effect of approving Palmer's actions. If not rejected within 45 days (by, I believe, March 6, 1993) this action will pass into law. The people of Alaska will be the loser.

The misuse of governmental power to accomplish an inappropriate emotional goal disservices all the people. There are appropriate mechanisms in the courts with which to test one's feelings on a matter such as this. By voting down the petition, the legislature does not approve Mr. Bailey's lifestyle choices or disapprove his neighbors' unhappiness. What a vote against the petition will do will be to insure the integrity of the process.

Notions of Fundamental Fairness and notions of Fair Trial have been violated throughout these proceedings. A vote to restore the integrity of the process does not prohibit Palmer from taking appropriate action.

Palmer does not come with clean hands to this proceeding. The LBC has requested that they stop the piecemeal annexation approach and get their own house in order. The City Attorney's remarks about his 35 acre enclave within the City are more applicable to Mr. Bailey than they were to his own situation.

In the final analysis, this comes down to a question of whether Alaskans live under a rule of law or a rule of men. As a matter of policy, the Committee and the Legislature must be committed to a rule of laws. Politics are politics. There is no question that give and take and the human element enter into them. When, as here, all of our rights to fair process are at stake, then policy, not politics, should prevail.

In the strongest possible terms, I urge you and the members of the Committee and all the members of the legislature to reject the Palmer petition.

A correction for the record: I said I believed that Mr. Bailey was 68 years of age in response to another person's assertion that he was 58. I was under the impression that that was his age. I subsequently asked Mr. Bailey for confirmation. He told me that he was indeed 58. I therefore request that the record reflect the change.

Also for the record, I state that I was the consultant that worked with Mr. Bailey through the LBC proceedings and that I am no longer working with him as a consultant. My statement is my own based on my concern for the integrity of the process and my belief that the role of government is to protect the basic fairness and integrity of the system more than it is to serve any particular interest.

This case is about forcing an individual to change his lifestyle and using the force of law to make him do so even though he is in compliance with the laws of the jurisdiction in which he lives.

The matter has been appealed to the Superior Court under the rules of the legislative annexation process. A request for a stay has been filed with it to suspend the running of the clock in the legislature while the matter is considered in Superior Court and whatever other courts to which the controversy is elevated. In the event that the legislature does not wish to deny the petition, it might wish to consider a self-imposed suspension of the running of the clock to show that it is not only aware of the matter but sensitive to the issues raised.

Finally, I want to thank the Committee for the opportunity to testify at the hearing. I apologize for the delay in joining the proceeding. The number given me to call to hook in did not work. It took a six phone calls to find out what the problem was and how to connect. The LIO operator told me that they had had trouble making the connection with downtown Anchorage phones in the past. I seem to found out what the problem was and how to avoid it in the future in the process of getting hooked up. While I hope that that will save some trouble in the future, it made my tardiness unavoidable.

My work phone is (907)562-0774 and my fax is (907)561-5859 should you or anyone connected with this matter wish to contact me.

Very truly yours,

  
Robert H. Knight, Jr.

SUBJECT: 1/4/93  
TO THE LOCAL BOUNDARY COMMISSION

January 4, 1993

TO: LOCAL BOUNDARY COMMISSION  
FROM: ROBERT ED. BAILEY *Robert Ed. Bailey*  
THROUGH: Robert H. Knight, Jr., Consultant to Mr. Bailey *RHK*  
SUBJECT: REQUEST FOR RECONSIDERATION OF  
LBC DECISION TO APPROVE ANNEXATION

Mr. Bailey hereby requests the Local Boundary Commission to reconsider its December 30, 1992, decision to approve the City of Palmer's petition to annex Mr. Bailey's and four other property owners' land into the City of Palmer.

The essential elements requiring reconsideration involve due process issues as well as a significant difference with respect to views expressed about Mr. Bailey's fate if annexation goes through.

The other essential element derives from the decision document itself. That document was handed to Mr. Bailey's consultant after it was voted on by the Commission and not before Mr. Bailey's consultant had a chance to address the Commission; i.e., nothing was said at that time.

The contents of the decision document do not reflect the comments of the Commissioners when they first voted 3-2 in favor of the annexation on December 21, 1992. The comments of the dissenters are summarized in footnote 3 on page 3 of the decision. The views of the majority are not those set out in the decision, at least as expressed on December 21st.

For instance, Commissioner Johnson expressed concern about "the children." A video tape which only Commissioner Cotten viewed contained footage about children in proximity to Mr. Bailey's property. Commissioner Cotten did not mention that or the other contents of the tape in his lengthy dissertation on the law and other matters as set out by the petitioner.

The Decision reflects none of this. The Decision appears to reflect the staff report efforts. Citing vague assertions from Police Chief Otte on page 7 with regard to complaints and dogs when nothing of substance was reported should not be the basis for a Commission decision. No expert testimony was provided or evidence produced with respect to pit privies as cited on page 8 of the Decision. The mere speculation about City residents living downhill does not speak to such technical matters as the depth of the water table, the direction of flow of that water any more than it cites a single problem ever produced by the use of these pit privies. The Commission should demand hard evidence when making a judgment on a hostile annexation. There is no hard evidence of any relevance. A dog incident more than 12 years old is cited in support of the decision. That dog did not belong to Mr. Bailey. The dog belonged to a tenant that Mr. Bailey had inherited that year when he bought that particular lot. The Staff has clearly reached as far as it could to try to justify the Commission's vote. The evidence cited is not relevant evidence. It is stale evidence. In a fair trial, a 12 year old misdemeanor would not be permitted in as evidence. The use of a 1988 incident is highly questionable in view of all the changes that have occurred since then.

Then Conclusion set out on page 8 of the Decision states that "viewed collectively" all of the problems thrown out by the petitioner constitute a threat to health and safety and welfare of city residents. The only thing that the City proved in its testimony is that there were some unhappy people who petitioned in 1989.

The due process element requires even in administrative proceedings something akin to the fair trial philosophy anyone receives under the Alaska and U.S. Constitutions. This fair trial element is clearly missing from these proceedings from the beginning to the end.

For instance, it has only recently come to Mr. Bailey's attention that Mr. Matera, a witness at the public hearing was one of the original petitioners and, after signing the petition, sat as a member of the Palmer Planning Commission reviewing the petition and voting it forward to the Palmer City Council. The very origins of the petition are invalid! Mr. Matera should have recused himself from the consideration of the petition because he was a petitioner. The LBC should reject the petition because it was fatally flawed at the outset.

The Commissioners should not overlook such flaws when the matter is a hostile annexation. Mr. Bailey respectfully suggests that he is entitled to fair play at every step in this matter and that he did not receive it when Mr. Matera voted as a member of the Planning Commission on the petition in the first place.

The Commission should have ignored Chief Otte's vague affidavit when it was shown from minutes of the Palmer City Council that a Council Member was agreeable to flooding the police with dog complaints.

The unlicensed vehicles on Mr. Bailey's property were never shown to be a hazard to anyone. In fact testimony was presented by several mothers of small children asserting that their children had played on Mr. Bailey's property without ever being harmed in any way.

The misreading of Ms. Hummel's October 19th letter by the Staff appears to be stretching. Ms. Hummel was never asked about that letter despite making personal efforts to be available as an expert witness to the Commission. Ms. Hummel intended that letter to point out the kinds of problems the City of Palmer might be creating for itself through the annexing of Mr. Bailey's property. This information was provided because Ms. Hummel had seen similar efforts in other parts of the United States. Misreading the letter without bothering to ask her about it and using it in support of the Commission's vote is stretching too far.

The lack of water and sewer facilities were addressed by only one certified sanitarian: Ms. Hummel. No expertise was ever summoned to refute her findings and conclusions. Only the idle speculation of unqualified persons was given to the Commission with respect to the petitioner's views on the matter of privies, etc. The LBC and the people of the State of Alaska deserve better than that.

Ms. Hummel's use of the word "nuisance" in her letter is not explained by the Staff. It is simply thrown out as though it were somehow significant. Mr. Bailey has asserted all along that if the

neighbors wanted to do something, their appropriate action was a nuisance suit in court. What is being made of the use of "nuisance" in Ms. Hummel's letter is not clear although it seems to be cited in support of this decision. Such vagueness should not be a part of the Commission's decision.

Footnote 7 on page 8 states only that efforts were made to arrange for a DEC person to go to Mr. Bailey's property. The full story is laid out in the materials submitted by Mr. Bailey. The footnote ignores the facts. Commission decisions should be on firmer ground. The Commissioners should revisit the decision and review point by point the materials submitted.

Commissioner Cotten spoke at some length about how Palmer bears Mr. Bailey no ill will in his comments prior to voting on December 21st. An affidavit is attached to this submission which indicates clearly that Commissioner Cotten's view is not shared by the Palmer police. That affidavit shows that a Palmer policeman asserted that he could not wait to arrest Mr. Bailey. Additionally, Mr. Bailey's son was stopped by the police and given an unsigned summons for something he asserts he did not do. Two other friends of Mr. Bailey's were stopped or arrested after the public hearing. An affidavit is attached showing that two persons saw Palmer police writing down the license numbers of the cars in the parking lot at the Hearing Chamber on the night of the Commission's public hearing (11/20/92). Clearly, Mr. Bailey's future in the City of Palmer is not a happy one. In view of the clear intention of the City of Palmer to arrest Mr. Bailey at the first opportunity, the Commission should reconsider this vote and deny the petition.

City Manager Soulak's personal observations on Mr. Bailey were reported in the Anchorage Daily News prior to the Commission's vote. The City Manager has ample opportunity to make known his personal views ever since the matter started. He has never done so. Expressing those views to the media may have been inadvertent, but the fact remains Mr. Soulak is an authority figure in the petitioner's organization and his views carry weight. Such views should not be permitted in the public just prior to the Commission's casting its votes on this matter. In particular, where the vote is close as it was in this matter, every element should be important.

Neither Mr. Soulak with his comments in the paper, nor any of the witnesses presenting testimony was ever subjected to questioning or cross-examination by Mr. Bailey or his representative. Specificity was lacking as to specifics at every turn, yet the testimony was allowed in as sworn testimony. (Not Mr. Soulak's newspaper quotes, but the others').

The Commission should take the time to reflect on the kangaroo court efforts to pillory Mr. Bailey and the lack of real or hard evidence to support such efforts.

Indeed, the final statement in the Decision's conclusion shows that the annexation is being put forward simply to solve a neighborhood problem that should have gone to court as a nuisance suit in the first place. The legislative review annexation process is clearly being used to support a City effort to force Mr. Bailey to forsake what is a legal lifestyle and live as the City of Palmer would have him live. It is an invasion of privacy, a violation of his civil rights to annex him so that a policeman can arrest him, a lack of due process and a lack of equal protection. These arguments are spelled out in detail in the October 21, 1992,

Review and Comments submitted by Mr. Bailey and as other violations occurred in subsequent submissions.

Commissioner Cotten missed the November 20, 1992, public hearing. He subsequently reentered the matter. He traveled out to Palmer to view Mr. Bailey's property without calling on Mr. Bailey. About the time he was supposedly visiting, Mr. Bailey saw two men come on to his property. He had never seen Commissioner Cotten and so would not have been able to identify him. Commissioner Cotten needs to state whether he was accompanied by anyone when he visited Mr. Bailey's property and whether he had any conversations with anyone besides Staff or other Commissioners regarding the matter.

Finally, Commissioner Cotten should have recused himself from participating or voting on the matter. In 1991, Mr. Bailey's consultant, Mr. Knight, was the Division Director of the Municipal and Regional Assistance Division in the Department of Community and Regional Affairs. A Deputy Division Director job came open under Mr. Knight. Mr. Cotten expressed strong interest in the job and was interviewed for it by Mr. Knight. Mr. Cotten was subsequently not selected for the job. Mr. Bailey thought that Commissioner Cotten's absence from the public hearing meant that Mr. Cotten did not intend to participate. It was not clear up until the time during the vote on December 21st when Mr. Cotten said how he would vote that Mr. Cotten intended to vote. Mr. Cotten did not reveal to his fellow commissioners that he had had the above described negative contact with Mr.

Bailey's consultant. The parties, though present at the vote meeting, were prohibited from speaking out at the vote meeting. No objection was taken then, but was entered at the next available opportunity to speak. Neither Mr. Bailey nor Mr. Knight wishes to raise a personal matter like this, but where the matter is a forced annexation and the vote is 3-2 and one of the majority has had a prior contact which should have caused him to recuse himself or absent himself from the vote, Mr. Bailey respectfully suggests that the Commission should revisit the decision, reconsider the vote, and vote again. Whether or not Mr. Cotten's views were or were not swayed by that prior contact is not as important as the integrity of the decision process itself.

A 2-2 tie vote would have meant a denial of the petition. Mr. Cotten's lengthy speech on behalf of Palmer was picked up and endorsed by Chairman Hargraves. Whether his vote was swayed in fact by Mr. Cotten's speech is not as important as the fact that Commissioner Hargraves endorsed what Mr. Cotten said. Had not Mr. Cotten said those things or had he revealed that he had had negative contact with Mr. Bailey's consultant and recused himself, the vote might well have been changed.

The Commission should reconsider its vote and disallow Commissioner Cotten's participation in the vote leaving the first vote at 2-2, rewrite its decision based upon the hard points made, and deny the petition.

The due process and basic fairness problems with this annexation effort started at the very beginning when unhappy neighbors attempted to use political might to force a neighbor to change his living patterns. The courts were and are available for such matters. The executive branch and the administrative process should not be available for such misuse as has occurred

here. The stretching of the Staff in drafting the Commission's decision shows that there is nothing of substance to support it. Commissioner Cotten's participation at this end of the process completely fouls the integrity of the process. The other elements are already set out in the materials sent to the Commission. They are incorporated here by reference. From Mr. Matera's participation as a petitioner and a planning commissioner to Commissioner Cotten's unrevealed negative contact with Mr. Bailey's consultant, the handling of this petition is flawed. The Commission must reconsider its decision.

Mr. Bailey wishes to express his personal appreciation for the personal courtesies he has been shown in his contacts with the Commission. He also wishes to express his appreciation for the professional handling of the matter by the Commission's Staff.

I AM A NORTH PALMER RESIDENT AND I DO NOT CURRENTLY EXPERIENCE ANYTHING THAT LEADS ME TO BELIEVE THAT MY HEALTH, SAFETY, OR WELFARE IS BEING ENDANGERED BY CONDITIONS EXISTING OR POTENTIALLY DEVELOPING IN THE AREA PROPOSED FOR ANNEXATION ON EAGLE STREET, PALMER. SUBMITTED NOV 20 1992 TO THE LOCAL BOUNDARY COMMISSION

Date	Printed Name	Signature	Address	Phn. #
1/2/92	KAREN HOSKIN	<i>[Signature]</i>	121 E. FAHLE	746-1136
1/2/92	Eldon Grafton	<i>[Signature]</i>	121 E. Eagle, Palmer	746-1136
1-12-92	Robert Dellos	<i>[Signature]</i>	619 N. Devali	746-3184
-12-92	Renee Carriere	<i>[Signature]</i>	436 Third ST	746-0543
-12-92	R. Ky L. B...	<i>[Signature]</i>	765 North 3rd St.	746-1664
-12-92	GREG MARSHALL	<i>[Signature]</i>	153 3rd ST	745-7448
-12-92	Stem		2nd St	745-7540
-12-92	Ma			745-2445
-12-92	SAH			746-1560
-12-92	Father			746-2527
12/92	TOM			None
-12-92	David			746-2730
1-13-92	David			745-2417
1-13-92	ib...			746-2734
1-13-92	ELA			746-5694
	Robert Macer	<i>[Signature]</i>	Palmer	745-5885
		<i>[Signature]</i>		
-13-92	JAMES BOWLES	<i>[Signature]</i>	111 W AUKLET PALMER	745-6530
-13-92	Nicky Auld	<i>[Signature]</i>	36 N. Alaska St.	746-3775
1-13-92	Diane Reekie	<i>[Signature]</i>	359 N. Alaska	745-083
1/13/92	Frances R. O'Shea	<i>[Signature]</i>	3107 N. Alaska St.	745-1231
-13-92	RUTH DAVENPORT	<i>[Signature]</i>	441 E Eagle	745-87
1-15-92	Adair Mason		438 E. Eagle	746-2
1/14/92	Robert C. Drake	<i>[Signature]</i>	519 E. Eagle Ave	746
1/14/92	RICHARD GIGG	<i>[Signature]</i>	536 E. Eagle St	746-2630 / 97645741
1/14/92	Margaret J. Smith	<i>[Signature]</i>	THREBOLK ROAD	7

Petition:  
347 residents of  
MatSu area signed  
opposing annexation.



# Alaska State Legislature

Please enter into the record my testimony to the SCR  
committee name

committee on ANNEXATION of Territory dated 2-9-93  
bill/subject

I do not know Mr. Bailey personally, however it seems to me that if the man's neighbors are allowed to use the law as the boundary commission recommends, all property rights in rural Mat-Su are conditional to meeting the approval of one's neighbors in the lawful conduct of one's affairs. If this annexation is allowed to go forward, please give me and other Alaskans substantial assurance that this won't happen to us as well. Without such assurance, I am against this annexation.  
Respectfully,

Signed: Margie Pearson  
Testifier

Representing (Optional)  
1401 BOX 6754-L PALMER (out of city limits) 9964  
Address  
745-5963  
Phone No.

4 March 1993

Marsha M. Melton Testimony - House State Affairs Committee

I have had the pleasure of serving on the Palmer City Council for the past 12 years. The last eight have been as Mayor Pro Tem. I appreciate this opportunity to address you in that capacity today.

I am beginning to feel as though I am trying to re-invent the wheel on this particular issue. Very little can be said that has not already been placed in testimony with regard to this piece of property.

Unfortunately, the news media has gotten all of us into the personal issues surrounding this annexation. I will address this problem a bit later, but first I would like to speak to some of the facts in this case.

I would like to give you some history behind this annexation and tell you why the City of Palmer is once again here today. For years, Mr. Bailey's neighbors have suffered problems with the conditions on Mr. Bailey's property. Although he subjected his neighbors to various problems, including an open junk yard containing 20 to 40 junk automobiles and debris blowing off his yard onto his neighbors, the main problem involves his dozens of dogs. His dogs have frightened women and children, they have run loose into his neighbors yards, and, as a pack of dogs will, they have forced the changing of a school bus stop in order to move the children away from the area these dogs seem drawn to, they have barked at all hours of the day and night, depriving City residents of sleep and the quiet enjoyment of their homes.

For years, his neighbors have worked with authorities in an attempt to cure his dog problem. Although the Court has fined Mr.

Page 2 = Melton/City of Palmer = Bailey Annexation

Bailey hundreds of dollars, the authorities have not been able to cure the problem. The Borough animal control officers have often not been able to remedy Mr. Bailey's dog problem. Not only does the Borough spend far less per person than the City for animal control, the Borough officers are miles from the City. One Borough officer candidly noted upon arriving at the scene nine minutes after a neighbor's call that nine minutes is a long time on a loose dog call.

One would hope that annexation would provide more means to cure Mr. Bailey's dog problem. City Police should be able to respond much quicker and more often than Borough animal control officers. City Police are stationed less than a mile away and they are on duty 24 hours per day, not just from 8 to 5. Perhaps, more important, in the City Mr. Bailey could keep only three dogs instead of the 15 he is allowed by the Borough, thus allowing neighbors some respite.

But, let me go back to the history of this matter. After being frustrated by the inability of the borough to adequately handle Mr. Bailey's dogs, many of his close neighbors came to the City Council and asked for help. At the meeting of 8 August 1989, the Council listened to the residents and accepted a petition signed by approximately 60 people, most of whom lived in close proximity to Mr. Bailey. At that time, the Council did not commence these annexation proceedings; instead the City urged the Borough to more fully enforce its powers on Mr. Bailey's property since it is located outside the City.

The annexation matter came before the Council again on 23 January 1990. This time both Mr. Bailey and his neighbors spoke. The neighbors pointed out some of the ongoing problems from Mr.

Page 3 - Melton/City of Palmer - Bailey Annexation

Baileys land. Mr. Bailey said he was there first and just wanted to be left alone. The Council chose not to start annexation, once again with all Council members hoping the Borough would solve the problem and once again, the problem was not solved.

By the spring of 1991, the Borough was again flooded with complaints about Mr. Bailey's dogs. The Council heard the annexation request again at its meeting of 23 July 1991. Testifying in favor of annexation were the people who had suffered the harm from Mr. Bailey's property, his close neighbors. Mr. Bailey opposed the annexation, as did his supporters, most of whom not only did not live in the City of Palmer, but in fact several miles away. This time, after hearing both sides, the Council felt compelled to act and did so by starting this annexation.

Since Mr. Baileys tenure on his property a number of "homes" have been constructed without indoor plumbing or running water, thus in my mind as well as the minds of the Local Boundary Commission, creating the possibility of a health risk.

I tell you the history of this annexation to help you understand the City's position and to dispel rumors that the City is doing this to grab land to build an empire. This annexation covers 7.5 acres, which of course is hardly an empire. More important, the City did not jump on the band wagon at the first opportunity. The City started this annexation only after several meetings when it became blatantly clear that both the Borough and Mr. Bailey had failed miserably to cure the problems.

You will undoubtedly hear testimony from the witnesses here today about specific health, safety and general welfare problems Mr. Bailey's neighbors suffered, and also the number of years they

Page 4 - Melton = City of Palmer/Bailey ANNEXATION

suffered them. When faced with pressure from the City, Borough and Court, Mr. Bailey would sometimes take care of his problem, apparently by moving the dogs away. But when the pressure eased off, the problems reoccurred.

Given the long history of the conditions arising from Mr. Bailey's property, the health, safety and welfare of the City residents have been and will be again endangered by those problems. Annexation will allow the City to regulate the detrimental effects of those conditions.

The City of Palmer earnestly solicits the support of this Committee in confirming the findings of the Local Boundary Commission and grant this annexation.

At various hearings on this issue, we have heard Mr. Bailey talk about the old Alaska and how things should stay the way they were.. Eagle Street, which is the street that Mr. Bailey's property fronts on has always been the northern boundary for the City of Palmer since its incorporation in 1951. Mr. Bailey has lead everyone to believe he bought the land in 1967, when in fact, he obtained the first of his holdings on 12 August 1976 through a Quitclaim Deed, executed by one Mary Frances Beam, the Personal Representative for the estate of Morris R. Mooney. This quitclaim deed was for the original 3 lots (8, 9 and 10 of Block one, Riverside Subdivision. The original subdivision was done in April and revised in January 1958). These lots were all 50' in width, which would lead one to believe that the original owner assumed, and rightfully so that one day the incorporated limits of the city would move northward and the property would already be prepared for annexation. Mr. Bailey's next land purchase was in April 1979 when he obtained lots 4, 5, 6, 7, 21, 22

Page 9 - Meltzer/City of Palmer - Bailey Annexation

and 23, same block and subdivision. The next land transaction on Mr. Bailey's part was in July 1984 when he purchased lots 24, 25, 26 and 27, again the same block and subdivision. During the period of 1976 through 1980, approximately 2 duplexes and 8 homes were constructed in the subdivision across the street.

The news media has referred to Mr. Bailey as "an old timer", "a homesteader", "a pioneer" and "a sourdough". I looked up the definition of pioneer in Websters Dictionary and found "one of the first to settle in a Territory" as well as the definition for sourdough and found this one to be "a veteran inhabitant and especially an old-time prospector of Alsaka or northwestern Canada. Since I had been a homesteader in the mid 50's, I felt I already knew that definition. Inasmuch as I am one year Mr. Baileys senior, 59, I do not consider him to be old and since his first deed of trust is dated some 25 years after the incorporation of the City of Palmer and since he chose to move across the street from the City of Palmer, I do not consider him a "pioneer, a homesteader or a sourdough" by any stretch of the imagination.

*My* husband and I came to the valley 35 years ago and did not want to be encroached upon by anyone and for that reason we chose to homestead 9 miles west of Wasilla, not across the street from an incorporated city.

For even in 1957, Alaskans had enough common sense to know that this place was going to grow and civilization was headed our way. The majority of us came to this great land in an attempt to escape the inevitable, only to discover that it was just that, inevitable progress and civilization go hand in hand and you cannot stop either.

Page 6 - Melton/City of Palmer - Bailey Annexation

I would suggest to you that if Mr. Bailey wanted to taste the old Alaska, he should have moved a little farther from the City, than across the street.

I appreciate the time and effort you have put into reviewing this testimony.

Thank you

Law Offices Of  
LANCE CHRISTIAN WELLS  
714 West 2nd Avenue, Suite No.1  
Anchorage, Alaska  
99501

Direct: (907)274-9696

Fax: (907)277-9859

TELECOPY TRANSMITTAL SHEET

Date: 3/4/93

Fax No.: ( )

To: Representative Al Vesey  
Chairman of State Affairs

Re: Annexation of Ed Bailey Property  
Time: in Palmer, Alaska

Our File No.: \_\_\_\_\_

Your File No.: \_\_\_\_\_

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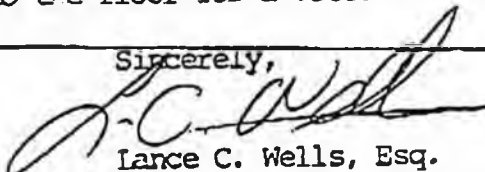
Thank you,

LAW OFFICES OF Lance Christian Wells

Message:

This fax has been sent to rebut the Statements made by David L. Soulak, City  
Manager of Palmer. Please note the bottom of page 4 and the top of page 5, which  
ask the court to have iter.s removed from the Bailey property even before he has  
had a hearing in court. We are seeking a stay/preliminary injunction regarding  
this matter. It is scheduled to be heard @ 9:30 a.m. 3/5/93. We ask for your support  
in getting this resolution to the floor for a vote.

Sincerely,



Lance C. Wells, Esq.

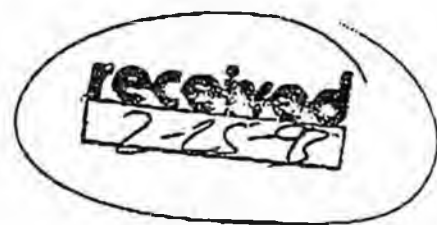
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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT PALMER

ROBERT ED. BAILEY, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 CITY OF PALMER, LOCAL )  
 BOUNDARY COMMISSION, and )  
 STATE OF ALASKA, )  
 )  
 Appellee. )



Case No. 3PA-93-105 Civil

MEMORANDUM OF CITY OF PALMER IN OPPOSITION  
 TO PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER

FACTS

The Local Boundary Commission found and concluded that Plaintiff's activity and property constituted a threat to the health, welfare, and safety of city residents:

**CONCLUSION:** It seems evident to the Commission that the large number of dogs kept by Mr. Bailey in an urban area are at least a major part of the long-continuing problems relating to animal control in and adjacent to the territory proposed for annexation. The multitude of unlicensed vehicles and other "junk" kept on Mr. Bailey's property as well as potential health problems stemming from the lack of water and sewer utilities in the territory contribute to the legitimate concerns of the City and its residents. Viewed collectively, the Commission concludes that these circumstances represent a threat to the health, welfare, and safety of city residents.

The Commission believes that in-city neighbors and local officials have diligently attempted to resolve the problems stemming from Mr. Bailey's property over the past many years by means other than annexation. However, those efforts have failed. The Commission concludes that annexation will enable the City of Palmer to remove or relieve those conditions. Thus, the standard set out in

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 PALMER, ALASKA 99645  
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former 19 AAC 10.070(a)(6) is satisfied. Statement of Decision<sup>1</sup> at 8 and 9, emphasis in original.

The Commission's findings and conclusions resulted from over six months of notice, input and review by the Department of Community and Regional Affairs, and the Commission's own review and hearing.<sup>2</sup> Not only did each Commissioner physically examine Plaintiff's property,<sup>3</sup> but the Commission received hundreds and hundreds of pages of documents,<sup>4</sup> and it heard dozens of people at its Palmer hearing, which lasted nearly five hours.<sup>5</sup>

The Commission issued its written Statement of Decision on December 30, 1992. According to Senate Joint Resolution 20,<sup>6</sup> the Commission presented this proposed annexation to the Legislature on January 20, 1993. Pursuant to Art. X, §12, Ak. Const., the proposed annexation may not become effective for at least 45 days after presentation, which is Saturday, March 6, 1993; or since that is a Saturday, the effective date may by Monday, March 8, 1993. . . .

The threat to the health, welfare and safety, which is one of the standards for annexation under former 19 AAC 10.070(a)(6),<sup>7</sup> is

<sup>1</sup>The Statement of Decision is attached as Exhibit A to the Affidavit of David L. Soulak, filed herewith.

<sup>2</sup>Statement of Decision at 1-3.

<sup>3</sup>Statement at 2.

<sup>4</sup>Affidavit of Soulak, ¶3.

<sup>5</sup>Statement of Decision at 2.

<sup>6</sup>The Resolution is attached as Exhibit D to the Affidavit of Soulak.

<sup>7</sup>Statement of Decision, at 9.

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supported by a mountain of evidence. Plaintiff even submitted a tiny portion of the evidence against him as Exhibits 5 through 10 to his motion, but the Commission saw much more, including the following. The Borough animal control records contain nearly 50 complaints about loose dogs from Plaintiff's property.<sup>8</sup> One of Plaintiff's numerous dogs bit the Borough Animal Control Officer while she was responding to a complaint about his dogs.<sup>9</sup> A report from Valley Hospital showed that another person sustained a serious bite from one of Plaintiff's dogs.<sup>10</sup> Plaintiff's dogs harassed school children at school bus stops. A hundred-pound dog from Plaintiff's property came across the street and killed a city resident's five pound pet dog.<sup>11</sup> The Commission found that the animal control dangers existed for years and continued during the annexation proceedings.<sup>12</sup>

The Commission found other dangers including that Plaintiff had 50 unlicensed vehicles and other junk on his property. The Decision adopts the City's position that the circumstance is "an accident waiting to happen for City families to live next to an unregulated junkyard full of attractive nuisances."<sup>13</sup>

---

<sup>8</sup>Affidavit of Soulak, ¶4.

<sup>9</sup>Id., ¶5. Plaintiff submitted the same as Exhibit 13 to his TRO.

<sup>10</sup>Id., ¶6.

<sup>11</sup>Statement of Decision at 6.

<sup>12</sup>Id., at 7.

<sup>13</sup>Id., at 7.

ARGUMENT1. Threat to health, welfare and safety.

By requesting a TRO, Plaintiff asks this Court to endorse and maintain a declared ongoing threat to the public health, welfare and safety.

According to the rule set out in State v. United Cook Inlet Drift Association, 815 P.2d 378, 379 (Alaska 1991), and A.J. Industries, 470 P.2d 537, 540 (Alaska 1970), the Court is to consider the injury to Plaintiff's in-city neighbors should a TRO issue. Here, the Commission has already found and declared that Plaintiff's activity and property, including his numerous dogs and junk automobiles, threaten the health, welfare and safety of the neighbors.

It is a substantial hardship upon Plaintiff's neighbors as well as all members of the public using Eagle street to face the dangers that Plaintiff, himself, has caused and allows to continue. Children waiting for a school bus should not have to fear Plaintiff's packs of dogs, Eagle Street pedestrians in general should not be subjected to major dog bite attacks from Plaintiff's dogs, and parents should not have to worry about a child being injured by Plaintiff's attractive nuisances in his unregulated junkyard.

During the pendency of this appeal, the City requests that Plaintiff eliminate the public dangers by relocating all but three of his dogs off his property and by removing the great majority of his junk from his property. He will not be deprived of any property

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19071 745-4276

ownership, but merely be required to relocate his personalty during the appeal.

Alternatively and subordinately, the City would not object to Plaintiff having to obtain liability insurance coverage<sup>14</sup> of at least \$100,000 to cover the foreseeable damages. Payment for damages is far less beneficial to the injured party than prevention of the injury, but payment is far better than forcing the victim to suffer the injury and bear the loss. Plaintiff's claim of indigence may leave a victim with no recourse.

Contrary to Plaintiff's claim of indigence, he owns three or four houses and 13 or 14 lots in the territory subject to annexation.<sup>15</sup> Further, at a Borough hearing on this matter leading up to the Commission's hearing, Plaintiff testified that, unlike his in-city neighbors, he owes no mortgage on his property.<sup>16</sup> Thus, the evidence shows Plaintiff is not indigent and that he can afford to comply with the requests to protect the public from the dangers he has caused. However, his insupportable claim of indigence, coupled with the freedom bankruptcy provides debtors to escape from their liabilities, buttresses the need for these protections.

---

<sup>14</sup>The policy of insurance should be from an insurance company admitted in Alaska, and is thus covered by the State insurance guaranty fund, or else rated A or B by A.M. Best. The policy should be filed with the Court and have a 30-day written cancellation provision. Also, the policy should not contain a dog-bite exclusion.

<sup>15</sup>See Memorandum in Support of Motion for Temporary Restraining Order at 4, and Statement of Decision at 1.

<sup>16</sup>Affidavit of Soulak, ¶7.

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2. No immediate harm.

Calendar-wise, the annexation can not occur before Saturday, March 6, 1993; legally, it may not be effective before Monday, March 8, 1993. Thus, at present, the TRO may be denied because is it premature. Cf. Alaska Transportation Com'n v. Alaska Airlines, Inc., 431 P.2d 510, 513 (Alaska 1967). See also the City's Memorandum in Opposition to Motion for Expedited Consideration.

CONCLUSION

The City requests that Plaintiff's TRO be denied. Further, the City requests the Court to grant no stay or injunctive relief unless and until Plaintiff eliminates his threat to the public health, welfare and safety, or, at least, provides adequate insurance coverage therefor.

DATED this 25 day of February, 1993.

John R. Snodgrass, Jr.  
JOHN R. SNODGRASS, JR.  
Attorney for City of Palmer

I certify that on the 25 day of February, 1993, a copy of the above was mailed and faxed to Lance Wells, Esq., Local Boundary Commission and Attorney General's Office, Juneau, at their addresses of record and their fax numbers.

John R. Snodgrass, Jr.  
John R. Snodgrass, Jr.  
Attorney for City of Palmer

JOHN R. SNODGRASS, JR.  
ATTORNEY AT LAW  
640 SOUTH COLONY WAY, # 250  
PALMER, ALASKA 99645  
(907) 745-4278

## House State Affairs Committee

3/3/93

The integrity of each member of the House is brought into question by the failure or refusal to timely move SJR-20 to a vote after the Senate's overwhelming majority vote of 16 to 1 in support of the bill. Hundreds of pages of hearings and City council meetings admit the reasons for annexation are to increase the value of Ed Bailey's neighbor's property and not for the reasons defined by legislative intent. The City admits the Boundary Commission approved the annexation upon the finding that Ed Bailey's property was a health hazard, notwithstanding the Boundary Commission's usurpation of powers reserved exclusively to the Department of Health and Human Services by legislative complaint filed, or a single inspection of Ed Bailey's property.

Additionally, a map was entered into the record showing the proposed annexation of Ed Bailey's property identifying it as in the "Snodgrass Subdivision", an apparent planned expansion by the City attorney John R. (Jack) Snodgrass. The City attorney called the pro bono attorney assisting Ed Bailey and threatened to destroy him no matter what it takes if the document was not removed from the Court record. This unethical, if not otherwise unlawful, conduct by the city attorney caused me to look into the matter.

Jack Snodgrass admitted becoming the City attorney in 1981. Immediately thereafter the City used two backhoes, one on top of the hill and one suspended from the other by cable in order to dig the trenches, to install city services to the Snodgrass farm properties "outside the City limits". A service which the City admits is against City policy and may be against State Law.

Further investigation revealed that M. V. Snodgrass, the City attorney's grandfather, donated a piece of property to the City conditionally for the exclusive use of a City Park, with the reservation that it would revert back to the estate if, or when, it was to be used for any other purpose. The property operated as a City park for a number of years, attracted many tourist and provided additional revenues for the City through tourism, and then the City closed the Park and built the Court building on the property, in violation of the agreement and contrary to law.

Failure or refusal to timely move SJR-20 to a vote after the Senate's overwhelming majority vote of 16 to 1 in support of the bill attacks the integrity of each member of the House by implication.

Protect the integrity of the House and move SJR-20 to the floor and vote on it before the deadline. It matters not which way you vote, but it matters that you vote.

Dow Hart

P.O. Box 3771

Palmer, Alaska 99645



# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs  
committee name

committee on SJR 20, dated 3-4-93  
bill/subject

I'd like to go on record as being in favor of  
SJR-20.

The committee has let the 5 parties involved  
in the annexation proposal down. To allow the  
bill to remain in house in the face of such  
overwhelming public testimony is a serious  
breach of the public trust.

Signed: Steve Van Cline  
Testifier

Representing (Optional)  
Box 327 Sutton, AK. 99624

Address  
745-3038

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the State Affairs  
 committee name  
 committee on Bill SJR 20, dated 3-4-93  
 bill/subject

*This system brinks on tyranny!*

Signed: *Arnold R. Peterson*  
 Testifier

Representing (Optional)  
Box 2574 Palmer AK 99645  
 Address  
746-1763  
 Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the State Affairs  
committee name

committee on Bill SJR 20, dated March 4, 1993  
bill/subject

In the face of such overwhelming public testimony it is unconceivable to me how the vote against this bill was justified. Alaskans want this bill to be voted on by House Representatives NOW! The integrity of our legislators is questioned when the public is ignored on such an important issue as this.

Signed: Jana Shrift  
Testifier

American values  
Representing (Optional)

P.O. Box 2574 Palmer AK 99645  
Address

746-1763  
Phone No.



3/4/93

*State Affairs*  
Representatives,

*Though I am unable to attend the Public Hearing scheduled for this morning, I would like the opportunity to address this issue with you once more, and again ask for your support of SJR 20. SJR 20 stops one of the greatest abuses of due process, usurpation of legislative intent, and gross overreaching of government authority that I have ever personally witnessed in my lifetime. That the City of Palmer could evoke annexation to enforce zoning for the sole purpose of eliminating Mr. Bailey's lawful Matanuska-Susitna Borough Kennel License and amending his rights and privileges guaranteed under both the Constitutions of the State of Alaska, and the United States of America. Along the way, they have also infringed on the rights of other property owners whom were included under the guise of "squaring Palmer's boundaries", with this annexation still does not accomplish.*

*I am outraged that the some on the Local Boundary Commission feel that they have the expertise to determine an alleged "health, safety and welfare threat", In light of a State Certified Sanitarian's report that declared otherwise. Wouldn't an Agency like the Health Department have the qualifications to make a determination of this nature? I do not believe that the Palmer Planning and Zoning, Palmer City Council or the Local Boundary Commission have this authority, nor do I believe it was the intention of the legislature in designing the Boundary Commission to give them this authority!*

*Annexation procedures are not appropriate for alleged nuisance complaints. This procedure left no safeguards, such as cross-examination, for the people involved. I already sent the Senate a seven page letter detailing the violations of which I have knowledge. Time constraints today do not allow me to detail this information again. I ask only that the Representatives that truly believe in the Oaths that they swore, to Uphold and Protect, will do so now and support SJR 20!*

Thank-you!

*Ronda L. Marcy*

Ronda L. Marcy  
H.C. 33 Box 3169  
Wasilla, Alaska 99654

*Fax # 465-2864  
1 Page  
Please distribute*



# Alaska State Legislature

House State Affairs Com.

Please enter into the record my testimony to the HSA  
committee name

committee on SJR 20, dated \_\_\_\_\_  
bill/subject

I COMMEND REP. KOTT FOR HIS ASTUTE QUESTIONS.  
HOWEVER, THE ACTION BY THE COMMITTEE TO NOT PASS  
THIS RESOLUTION IS OUTRAGEOUS!

YOU HEARD THIS MORNING THAT:

1. THE L.B.C. IS NOT THE PROPER VENUE.
2. THERE HAS BEEN OVERWHELMING PUBLIC OPPOSITION TO ANNEXATION.
3. THERE HAS BEEN NO PROOF OF ALLEGATIONS IN SUPPORT OF ANNEXATION

TO KILL THIS BILL IS A TRAGIC WASTE OF RESOURCES,  
AS THE BATTLE MUST CONTINUE.

THE LACK OF RESPONSIVENESS FROM THE SYSTEM IS A TRAGEDY.

Signed: Don Dwyer  
Testifier

Representing (Optional)  
HC 3 Box 8118 Packer

Address  
R 745-6745

Phone No.

**SCR**

**46**

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 11, 1994

FURTHER REFERRALS:

Date of Committee Action: 3-26-94

The STATE AFFAIRS Committee considered:

CSSJR 46(STA)

CS FOR SENATE JOINT RESOLUTION NO. 46(STA)

WAIVE IRS DIESEL FUEL DYE RULE

Requesting the United States Congress to provide a waiver for nontaxable diesel fuel sold in Alaska from the requirement that it contain a dye additive.

- RECOMMENDATIONS:  the same title  
 be replaced with \_\_\_\_\_  a new title
- have attached amendments(s)  
 do pass  
 do not pass  
 no recommendations  
 individual recommendations  
 additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) Senate (STA)

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				

*[Signature]*  
 CHAIRMAN'S SIGNATURE

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

No. 1  
Bill Version: SJR 46  
(S) Publish Date: 3-7-94

Revision Date: February 22, 1994 Dept. Affected: None  
Title: "Requesting the United States Congress to BRU: n/a  
Provide a Waiver for nontaxable diesel fuel sold in AK." Component: n/a  
Sponsor: Senator Halford, Pearce, Jacko, Donley, Taylor, et al.  
Requestor: Senate State Affairs Committee COMPONENT SERIAL NO. ---

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of any current year (FY94) cost: \$ ---

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Changes in CSSJR 46 (STA)  
reflect NO FISCAL CHANGE from the original  
fiscal note. This fiscal note is appropriate.  
3/4/94 [Signature]  
date Comte Aide (initial)

Prepared by: Portia Babcock, Committee Aide Phone: 465-4522  
Division: Senate State Affairs Committee Date: February 22, 1994  
Approved by: Senator Loren Lemay, Chair Date: February 22, 1994  
Agency: Senate State Affairs Committee

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### Sponsor Statement: SJR 46

Senator Rick Halford introduced SJR 46 because the new IRS requirements cause two major problems for Alaska:

1. Diesel Fuel: Tesoro Alaska tells us that approximately 95% of all diesel fuel sold in Alaska must have the dye applied to it. Bulk considerations are one immediate issue, but the other is the logistics problems which are significant in rural Alaska.

2. FAA: The Federal Aviation Administration is very concerned about the potential for confusion and possible safety problems caused by adding a dye to diesel. The problem first was the blue dye initially ordered, currently it is red dye, both have the same problem in that aviation fuel already has such colors in it.

It is difficult to predict how the federal agencies involved, FAA, IRS and EPA will resolve the color issue. SJR 46 is not contingent upon a settlement of that issue, it requests a waiver for the entire practice.

Thank you.

## Penalty foes

ed in vengeance." of those at the d they didn't want ear soft on crime. ey didn't feel the penalty would dis-killers. Instead, they e money spent try- execute a person be better used to social problems such l abuse that can lead to become killers.

nk at everyone on ow, and many have ry of abuse in their said Joseph Sonder- a pediatrician and psychiatrist.

ers said they opposed ath penalty because : more than failing and because minori- ere more likely to be ced to death than norities.

; unjustly applied," ublic defender Mi-

chael Karnavos.

But Rep. Jerry Sanders, R-Anchorage, who is sponsoring the death penalty bill, said it would send a message to those who might be contemplating killing someone.

"It sends them a mes- sage that if you murder innocent people in a heinous fashion, then you will die and you better not do it," he said Tuesday in an telephone interview from Juneau.

Sanders acknowledged there have been cases where innocent people were mistakenly executed. But, he said, "I can live with that a lot easier than the people that are innocent that are killed on the streets."

If Sanders' bill becomes law, it would be the first time since 1957 that Alaska has had a death penalty.

## FLAGGED: Red may attract criminals

Continued from Page B-1

used to be vandalism or pct- ty thievery.

In the two years ending Sept. 30, 11,292 postal theft arrests have been made of people accused of being professional check thieves nationwide.

The trend, "generically speaking, is drug-driven," Bordenet said. "They're stealing to support a drug habit."

What was different in the latest arrests, also reflecting a national trend, was a high degree of sophistication in the use of chemicals and ink

to doctor stolen checks so they still looked authentic, he said.

People should avoid putting any mail out for pickup in a rural-style box, "even without a check in it, because there's personal information you don't want somebody to know," he said.

As for the prospect of more door-to-door delivery, even in urban and suburban areas that now use rural-style mailboxes, don't hold your breath.

"In these times, with the economy the way it is, I don't see turning the clock back," Bordenet said.

## Dyed diesel rules cause confusion

The Associated Press

JUNEAU — Federal efforts to avoid potential problems arising from a new requirement that diesel fuel be dyed to aid tax law enforcement have only added more confusion, critics say.

The Environmental Protection Agency and Internal Revenue Service began imposing a new rule Jan. 1 requiring nontaxable diesel fuel to be dyed blue or red, based on sulfur content, to distinguish it from taxable fuel.

The IRS said organized crime rings in the Lower 48 have skimmed millions of dollars by collecting tax on nontaxable fuel. Coloring the fuel would help monitoring and enforcement.

The regulations prompted criticism from the Federal Aviation Administration and Alaska's congressional delegation. They said the dyed diesel could be confused with aviation fuels of the same colors.

The FAA said Alaskans who transport fuel to remote locations for aircraft, ma-

chinery and stoves could be in the greatest danger of confusing the fuels.

In a notice issued recently, the IRS said all diesel must now be dyed red, regardless of its sulfur content.

IRS officials had hoped that would help clear up the problem, because most diesel in Alaska was being dyed blue, the same color as the popular 100 low-lead aviation gasoline.

Instead, FAA officials and others say the IRS simply changed the color of the problem. Red diesel can still be confused with low-octane red aviation fuel, though that fuel is less common.

"It doesn't do anything to solve the problem," said Chuck Kleeschulte, a spokesman for Sen. Frank Murkowski, R-Alaska.

IRS spokeswoman Marilyn Steen in Anchorage acknowledged that the problem has not been resolved.

"We're definitely concerned about the potential for an accident," she said.



AL ORILLO / The Associated Press

rharian Jim Leach gives one of Martin Buser's sled a pre-Iditarod checkup Monday at the Big Lake-Susitna Veterinary Hospital in Big Lake.

likely slow the pace he Burn is going to be icy and dusty, but once

they're in Nikolai, the snow's pretty good," he said. "At least the ground's covered."

# Change fuels more concerns over dyed diesel

By JAMES MacPHERSON,

THE JUNEAU EMPIRE

The Internal Revenue Service, which is trying to clear up confusion over a new law requiring the coloring of diesel fuel for tax purposes, has only continued to muddy the waters, critics of the new law say.

Environmental Protection Agency and Internal Revenue Service regulations that went into effect Jan. 1 require that non-taxable diesel fuel be dyed blue or red, depending on its sulfur content, to distinguish it from taxable diesel.

The IRS says organized crime rings in the Lower 48 in the past have skimmed hundreds of millions of dollars in extra profits by collecting tax on fuel that is supposed to be untaxed. Coloring the fuel will help monitoring and enforcement efforts, according to the IRS.

Coloring diesel may help collect more taxes, but it could also cost lives, says the Federal Aviation Administration, fuel distributors and Alaska's congressional delegation.

The regulations prompted criticism from the FAA and Alaska's congressional delegation. That some diesel fuel dyed blue or red could create a disaster, should the fuel be confused with aviation gas of the same colors.

The FAA said it is concerned that Alaskans, who transport fuel to remote locations for aircraft machinery and stoves could be in the greatest danger of confusing the fuels, especially if the fuel is

stored in unmarked containers.

The FAA says pilots, air carriers, fuel vendors and others should be extra cautious to ensure the right fuel is used. Inspection of fuel is made even more difficult in Alaska, where the extreme cold can sometimes make detection of fuel by smell difficult, according to the FAA.

Aviation fuel is dyed to distinguish different grades. Aviation gas 8187 is dyed red, 100 low-lead gas is dyed blue, and 100/139 aviation gas is dyed green.

"The dyes were put into the system without us knowing about it," said John Ryan of the FAA in Washington, D.C. "We have been working diligently at clearing up the problem."

"We would like to believe we have gotten the word out. If a plane crashes or a home burns down, we'll be pointing our fingers at them (the IRS)."

"Rest assured, we at the FAA are aware of the problem and are doing our very best to get this thing straightened out," said Ryan.

In a notice issued last week, the IRS said all diesel must now be colored red regardless of its sulfur content for federal excise tax purposes.

Most diesel in the state was being dyed blue, the same color as the popular 100 low-lead aviation gas.

The tax-collecting agency had hoped that measure would help clear up the problem. Instead, the FAA and others say the IRS simply changed the color of the prob-

lem from blue to red.

Low-octane red aviation gas has not been readily available in Alaska since the mid 1980s, although it could be stockpiled throughout the Bush, according to the FAA.

The IRS says fuel vendors can continue to use their blue fuel dye until it runs out. That causes a problem because many fuel distributors may have stockpiled several drums of the dye, which costs several hundred dollars per drum.

Jeff Hansen, manager of Tahn Oil Sales Inc., said many fuel dealers probably won't quit using the blue dye until they run out.

Hansen said his company has used red dye since the regulations went into effect at the first of the year.

Even the IRS said it now sees problems with the colored diesel requirement, even after the recent amendment to the regulations.

"We're definitely concerned about the potential for an accident," said Marilyn Steen, an IRS spokeswoman in Anchorage.

Steen referred calls on the dyed diesel requirement to IRS head-

quarters in Washington, D.C. Officials there did not return repeated phone calls from the Empire.

Steen said a public hearing is scheduled March 22 in Washington, D.C. Meetings are also scheduled with the IRS, EPA, and the FAA to try and find an answer to the problem.

"It doesn't do anything to solve the problem," Chuck Kleeschulte, an aide to Sen. Frank Murkowski, R-Alaska, said of the IRS change in regulations. "It still leaves the problem of a fuel mix-up."

The regulations are part of the 1993 Revenue Reconciliation Act that increased the diesel tax for taxable users from 20.1 cents to 24.4 cents a gallon in an effort to help reduce the federal deficit, build new roads and clean up old underground fuel storage tanks.

"Typical federal regulations," Earl Kloster, manager of Delta Western-Chevron in Juneau, said. "They're (IRS) trying to kill a fly with an atom bomb. They're going nothing more than creating huge problems for everybody."

Kloster said having to dye the fuel will cause some businesses, including marinas, to have to install new tanks so they can store both clear and dyed fuel. Or, he said, they will be forced to sell only one type of fuel.

He points out the regulations could cause more fuel tanks to sprout up, even though one idea behind the new diesel tax is to fund the removal of old, leaky underground fuel tanks.

"Typical bureaucracy,"



U. S. Department  
of Transportation

Alaskan  
Region

222 W. Seventh Avenue  
Anchorage, Alaska  
99513-7587

Federal Aviation  
Administration

February 18, 1994

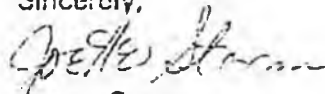
Mr. Gene Burden  
Tesoro Alaska Petroleum Co  
3230 C Street  
Anchorage, Alaska 99503

Dear Mr. Burden:

The enclosed flyer is a sample of one we designed to distribute at the aviation safety seminars the Federal Aviation Administration sponsors around the state. We feel it is necessary to have some type of a long term education program on the blue fuel issue.

Please feel free to reproduce and distribute it as you see fit. If you are interested in developing a joint effort to address the safety concerns, please feel free to call upon Bill Missal or me.

Sincerely,

  
Joette Storm  
Public Affairs Officer

# FUEL ALERT

**SOME DIESEL FUELS AND KEROSENE HOME HEATING PRODUCTS ARE BEING TREATED WITH DYE WHICH PRODUCES COLORS SIMILAR TO AVIATION GASOLINES.**

When dyed, colors may range from light blue, green or red, through purple or black depending on the fuel and the dye added.

THE FAA IS CONCERNED THAT THESE FUELS MAY BE MISTAKEN FOR AVIATION GASOLINE, ESPECIALLY WHEN STORED IN SMALL CONTAINERS.

PILOTS ARE CAUTIONED TO USE APPROPRIATE IDENTIFICATION PROCEDURES TO ENSURE THAT PROPER FUEL IS BEING USED IN AIRCRAFT.

# FUEL ALERT

*attn: Dave Thompson*

Department of the Treasury  
Internal Revenue Service

District Office

P.O. Box 101500  
Anchorage, AK 99510 Tel (907) 271-8231  
Public Affairs Officer

Marilyn Steen  
NR 94-38  
February 24, 1994

For Release  
Immediate

### Label Fuel at Purchase, Recommends IRS

"Label your storage containers or drums to reflect their contents when purchasing and storing dyed diesel fuel," recommends Donald E. Berghem, Acting District Director for the Internal Revenue Service in Alaska. Concerned that Alaskans may mistake dyed diesel fuel for aviation gasoline and visa versa, Berghem recognizes the potential for a tragedy when caution is not taken to properly identify by label the fuel or gas before use.

Recent tax law changes made to the diesel fuel excise tax required nontaxed diesel fuel to be colored (dyed). Upon observation of the fuel, those using nontaxed fuel for unauthorized purposes could be easily identified.

IRS temporary regulations implemented January 1, 1994 provided that diesel fuel subject to EPA's high-sulfur diesel fuel requirement be dyed blue and diesel fuel not subject to the EPA requirement be dyed red.

Alaska is not currently subject to the EPA dyeing requirement. Therefore, diesel fuel removed from terminals in Alaska must be dyed red to qualify for tax-free treatment. Until current stocks of blue dyed diesel fuel are exhausted, Alaskans may use the existing stocks without payment of excise tax. "After depletion of existing blue dyed stocks, nontaxed diesel fuel must be dyed red," said Berghem.

Alaskans with comments or recommended changes to the proposed regulations relating to diesel fuel excise tax changes may send them in writing to: Internal Revenue Service, CC:DOM:CORP:T:R (PS-62-83), Room 5228, P. O. Box 7504, Ben Franklin Station, Washington, DC 20044.

X X X

1993-1994  
HOUSE TRANSPORTATION COMMITTEE  
LIST OF FILES (PAGE 1)

MICROFICHE #

CONFIRMATION - BRUCE CAMPBELL

DEPT. OF TRANSPORTATION OVERVIEW

DEPT. OF TRANSPORTATION - USE OF RODEO

ISTEA

MARINE PILOTS

PORT OF ANCHORAGE

EXECUTIVE ORDER 87

HB 23

HB 26

HB 46

HB 61

HB 98

HB 104

HB 117

HB 143

HB 182

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HB 237

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HB 330

HB 367

HB 437

1993-1994  
HOUSE TRANSPORTATION COMMITTEE  
LIST OF FILES (PAGE 2)

MICROFICHE #

HB 520

HB 544

HCR 12

HCR 26

HJR 28

HJR 57

SB 47

SB 82

SB 152

SB 210

SB 275

SJR 19

SJR 29



# RECORDS



# CERTIFICATION

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

*Lerry Duncan*  
Signature of Camera Operator

10/1/97  
Date

Confirm

Bruce

Campbell



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

State Capitol  
Juneau, AK 99801-1182

### HOUSE TRANSPORTATION COMMITTEE

April 13, 1993

The Honorable Ramona Barnes  
Speaker of the House of Representatives  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182


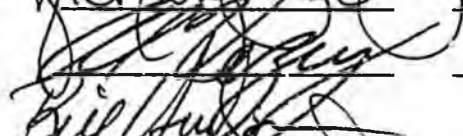
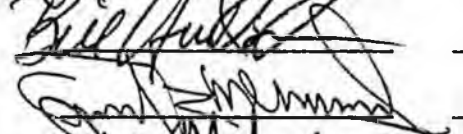
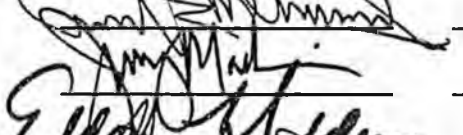
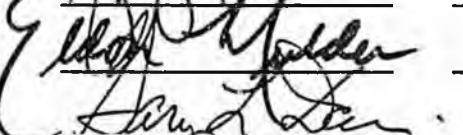
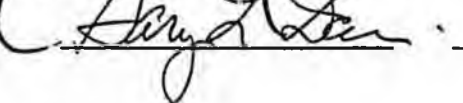
Dear Madame Speaker:

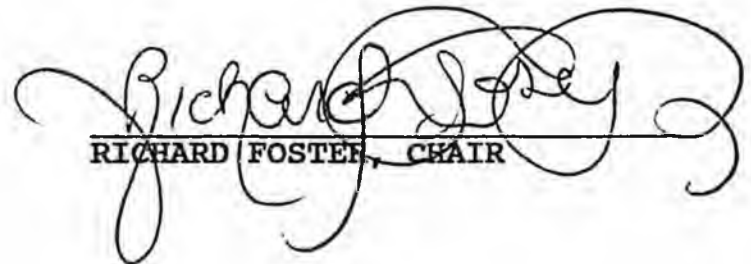
The House Transportation Committee has reviewed the nomination of BRUCE A. CAMPBELL for appointment as COMMISSIONER, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES and makes the following recommendations:

CONFIRM

DO NOT CONFIRM

NO RECOMMENDATION

	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

  
RICHARD FOSTER, CHAIR

WALTER J. HICKEL  
GOVERNOR



P. O. Box 110001  
Juneau, Alaska 99611-0001  
(907) 465-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 26, 1993

*The Honorable Ramona Barnes  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182*

*Dear Speaker Barnes:*

*In accordance with AS 39.05.080 and Article III, Sections 25 and 26, of the Alaska Constitution, I submit the following name for legislative confirmation of appointment to the position noted:*

COMMISSIONER, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
*Bruce A. Campbell*

*The résumé for this appointment has been submitted to the offices of the Senate Secretary and the House Clerk.*

*Sincerely,*

TRA

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel  
Governor

Résumé

BRUCE A. CAMPBELL  
Professional Engineer

PERSONAL: Born Binghamton, NY, January 23, 1931. Married. Four grown children.

EDUCATION: High School — Binghamton North High  
College — Union College. Graduated June 1952 with B.S. in Civil  
Engineering

PROFESSIONAL BACKGROUND:

- 1952-1957 Alaska Road Commission. Civil Engineer engaged in the construction of roads, trails, bridges and buildings. Performed survey, design and contract administration.
- 1957-1960 Bureau of Public Roads (successor to the Alaska Road Commission). Chief of Survey and Design in charge of all new road design in the State of Alaska. Supervised the location and preliminary design of the Anchorage-Fairbanks Highway (Parks Highway) which was the last major addition to Alaska's Highway System.
- 1960-1962 State of Alaska Department of Public Works. Chief Design Engineer. Organized the State Design Section and prepared designs and construction contracts for all State highway projects. This included roads, bridges and ferry terminals.
- 1962-1964 State Department of Highways. Preconstruction Engineer in direct charge of all Department activities in the preconstruction phase of highway projects. This included planning, right-of-way, bridge design, road design, materials and related activities.
- 1964-1967 Appointed Assistant Commissioner for Engineering for the State of Alaska Department of Highways. Directed all the Department's activities in the engineering area. Was acting Commissioner of Highways for a substantial length of time during this period. Was in direct charge of all Department activities, including the repair of Alaska's highway system after the 1964 earthquake.
- 1967-1969 Established the firm of Campbell and Associates and performed civil engineering for a variety of clients in Alaska and the Pacific Northwest. Designed the standard ferry transfer bridge currently being used as a standard by the State Marine Highway System.
- 1969-1971 Burgess Construction Company, Fairbanks. Executive Vice-President in direct charge of bidding and management of the construction of roads, airports, bridges and buildings. Worked extensively on the initial road systems and other civil works on the North Slope. Constructed highways, airports and buildings throughout Alaska from Barrow to Ketchikan.

- 1971-1975 Served in Alaska Governor Egan's Cabinet as Commissioner of Highways. Directed all of the Department's activities at program levels in excess of \$100,000,000 per year. Acted as Technical Advisor to Governor Egan on the construction of the Trans-Alaska Pipeline and attendant facilities. Contracting Officer for all highway construction projects in excess of \$80,000,000 per year.
- 1975-1977 Alaska General Construction Company. Construction Manager in charge of all construction activities both in heavy construction and building construction. Activities included both the public works area and substantial participation in the North Slope and Petroleum Reserve IV developments.
- 1977-Present Consulting Engineer providing expertise to owners, engineers, and contractors and attorneys in all areas of construction, engineering, design, management, costs, schedules, etc. Specialized in correcting troubled projects. Assumed management responsibility for both owners and contractors on certain projects and performed all day-to-day management and direction of all operations. In four instances took over entire companies with several outstanding projects and in some cases liquidated the companies.

TEACHING  
EXPERIENCE:

- 1961-1963 Instructor at the Alaska Community College in Juneau. Taught Calculus and Review for the Professional Engineers' Examination in Alaska.
- 1979-1985 Occasional guest lecturer at University of Alaska School of Engineering.
- 1986-1990 Part-time instructor at the University of Alaska School of Engineering, Anchorage. Subjects included:
- Construction Cost Estimates and Bid Preparation
  - Construction Management
  - Civil Engineering Construction

- AWARDS:
- Nominated by the Junior Chamber of Commerce as Outstanding Young Man of the Year in 1963.
- Awarded sixth prize nationally in the Lincoln Arc-Weld contest for design of the Cordova Ferry Transfer Bridge (now the State Standard Ferry Transfer Bridge).

- LICENSES:
- Registered Professional Engineer in Alaska
  - Registered Professional Land Surveyor in Alaska
  - Registered Professional Engineer in Washington

- MEMBERSHIPS:
- Associated General Contractors (not current)
  - National Society of Professional Engineers (not current)
  - American Society of Civil Engineers
  - Various AASHO and AASHTO Committees (not current)

DOT

Over-

view

Count 64

01/22/93  
11:57:00

BILLS & RESOLUTIONS IN COMMITTEE

BRPP500

COMMITTEE: HOUSE TRANSPORTATION

BILL ID	NUMBER	ABBREVIATED TITLE	SPONSOR/REQUESTOR	DATE	FURTHER REFERRALS
HB 23	HB 23	MANDATE SALE OF ALASKA RAILROAD	Martin	01/11/93	(H) STA THEN FIN
HB 26	HB 26	PROHIBITED HIGHWAY ADVERTISING	Menard	01/11/93	(H) CRA THEN JUD THEN FIN
HB 61	HB 61	LOWER ALCOHOL LIMIT TO 0.08 FOR OMVI'S	Nordlund	01/15/93	(H) JUD THEN FIN
HJR 10	HJR 10	TRANSPORTATION FUND	Phillips	01/11/93	(H) JUD THEN FIN
HJR 19	HJR 19	CONSTIT AMENDMENT FOR TRANSPORTATION FUND	RLS COMMITTEE BY REQ OF THE GOVERNOR	01/22/93	(H) JUD THEN FIN

ED 87 -

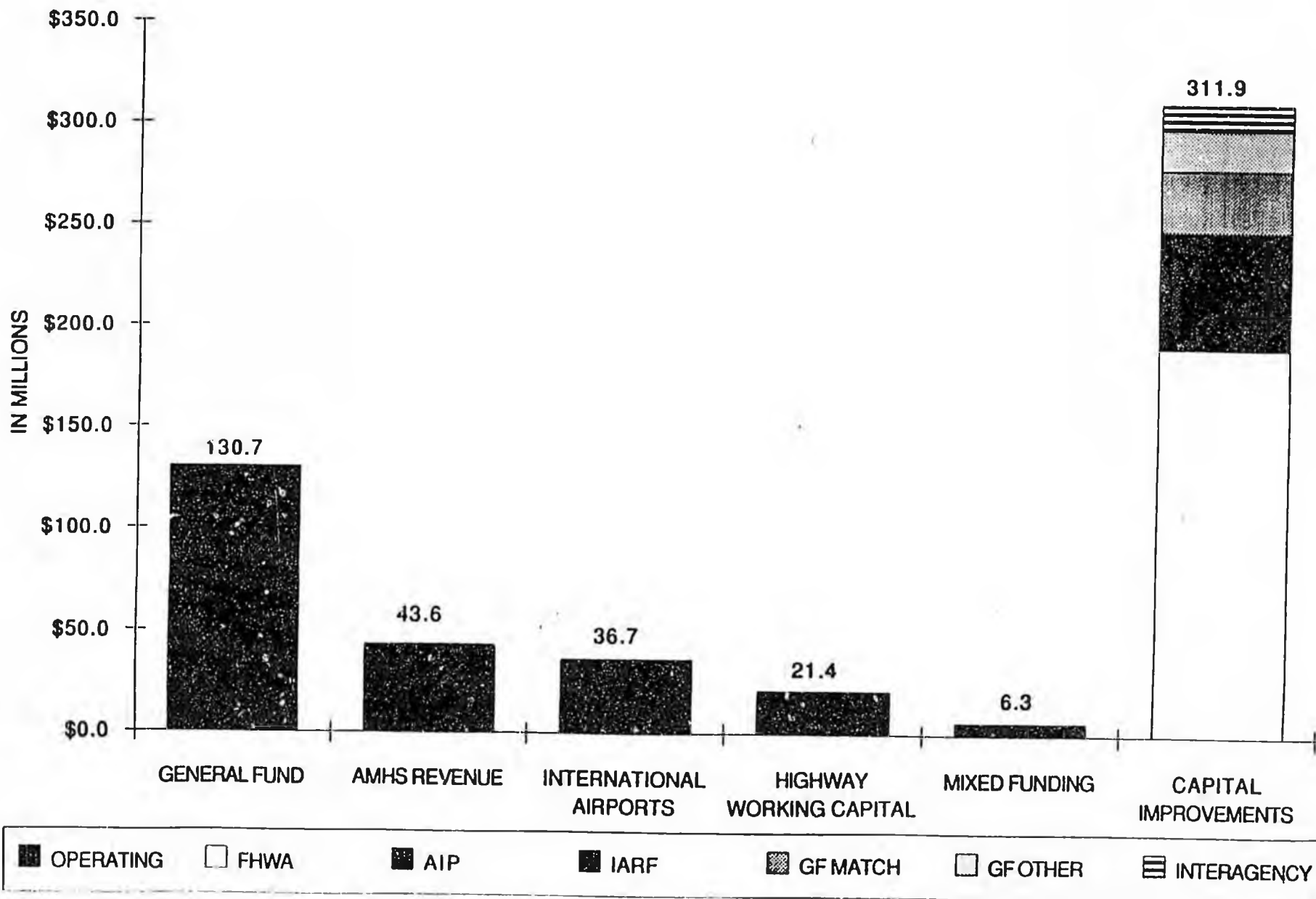
State Facility leasing, mgmt.

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES  
FY94 OPERATING BUDGET

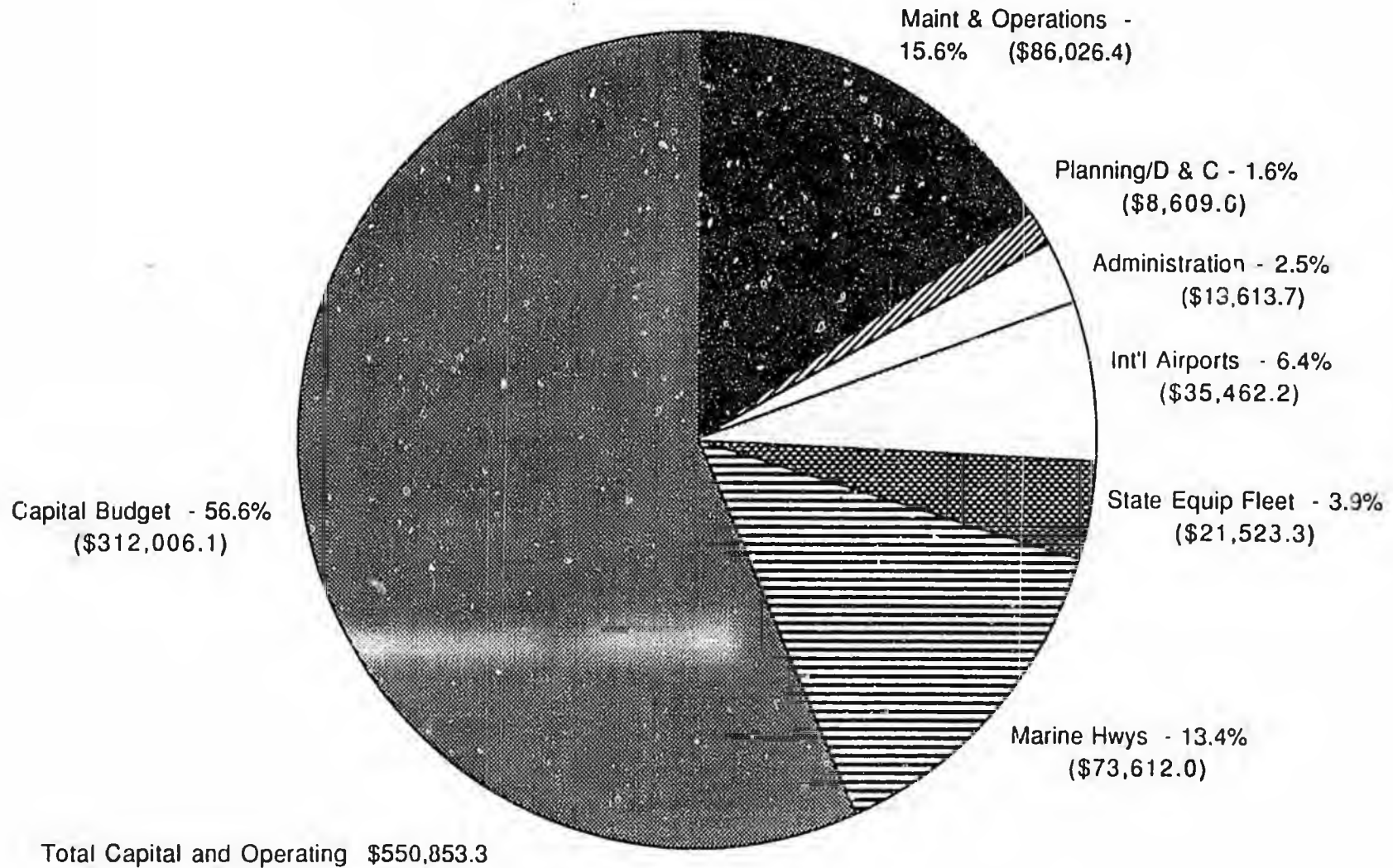
SENATE FINANCE OVERVIEW

JANUARY 19, 1993

### FY93 FUNDING

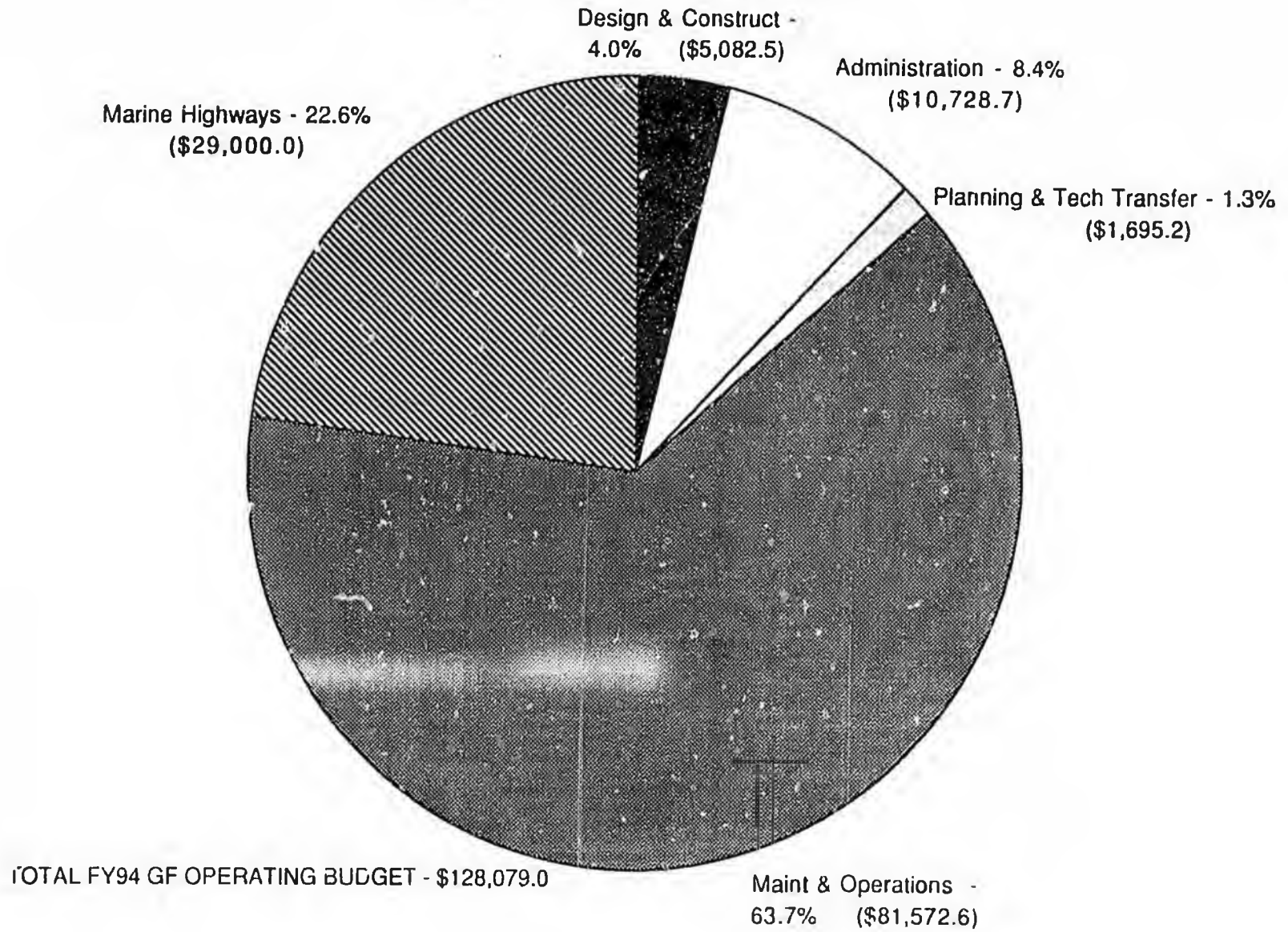


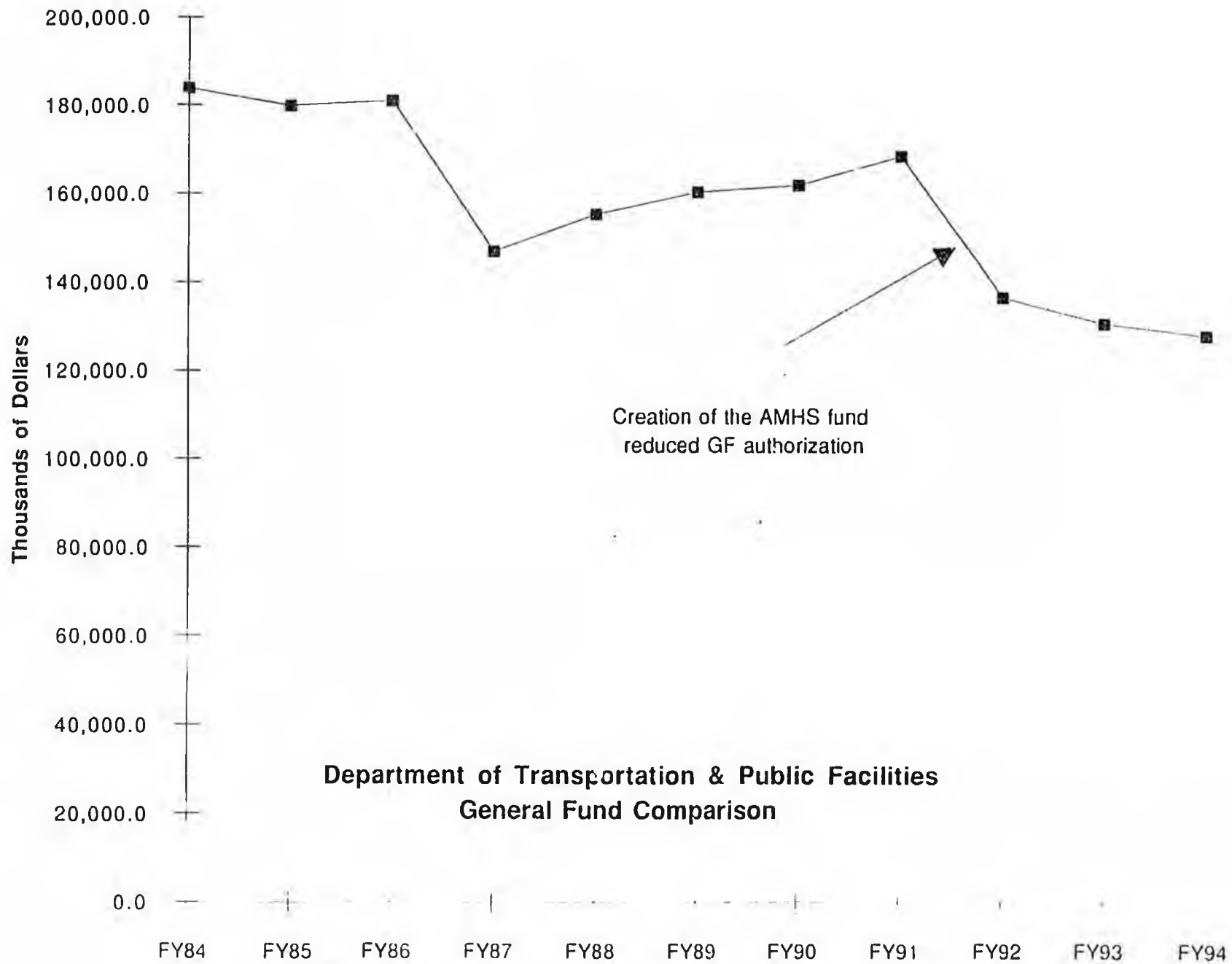
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES  
FY93 CAPITAL & OPERATING BUDGET - TOTAL FUNDS \*



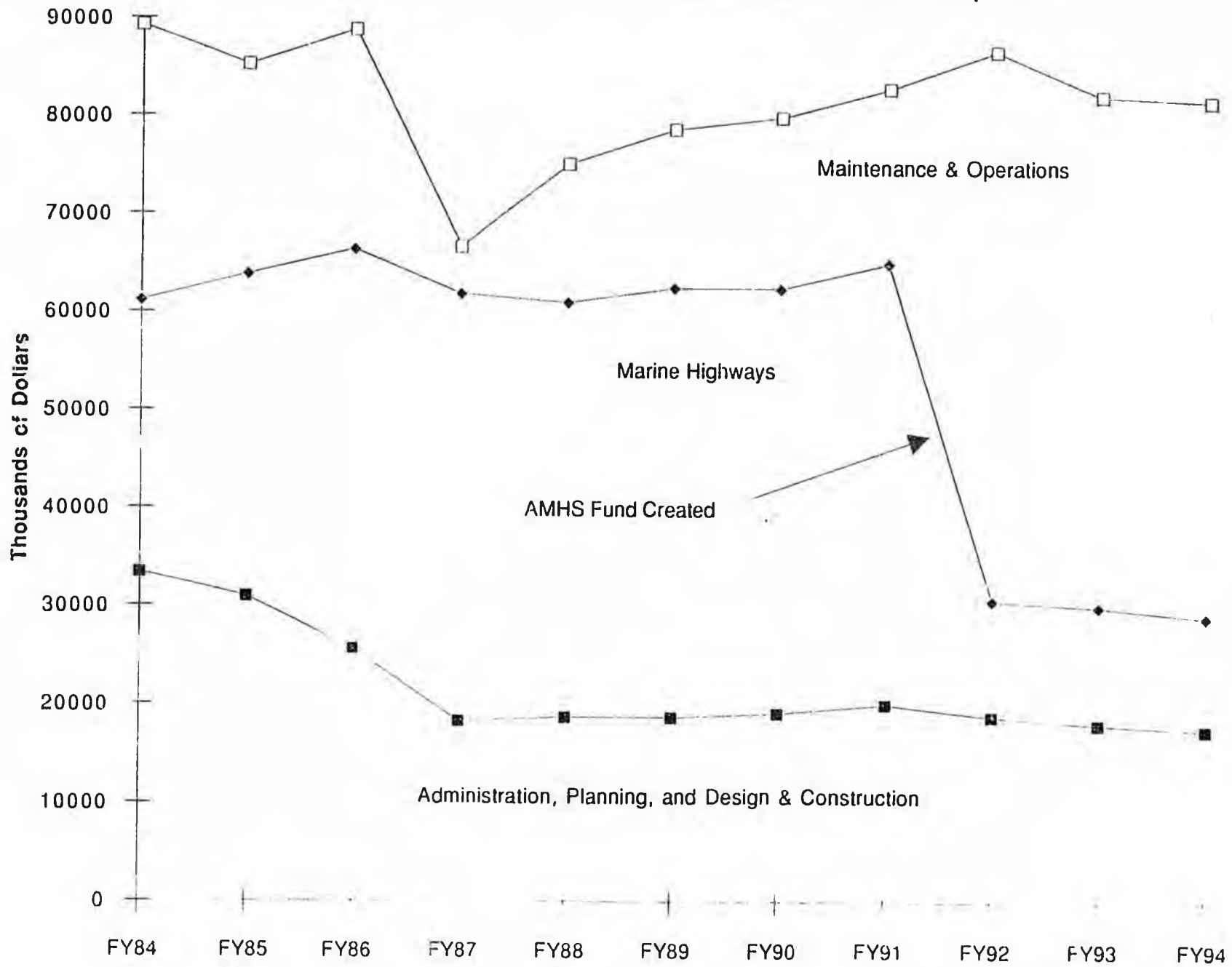
\* CIP Receipts are not included in any operating functions so as not to double count the capital authorization.  
Capital Budget figure is based on anticipated federal obligation limit and actual authorization for non-Federal fund sources.

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES  
FY94 GENERAL FUND OPERATING BUDGET



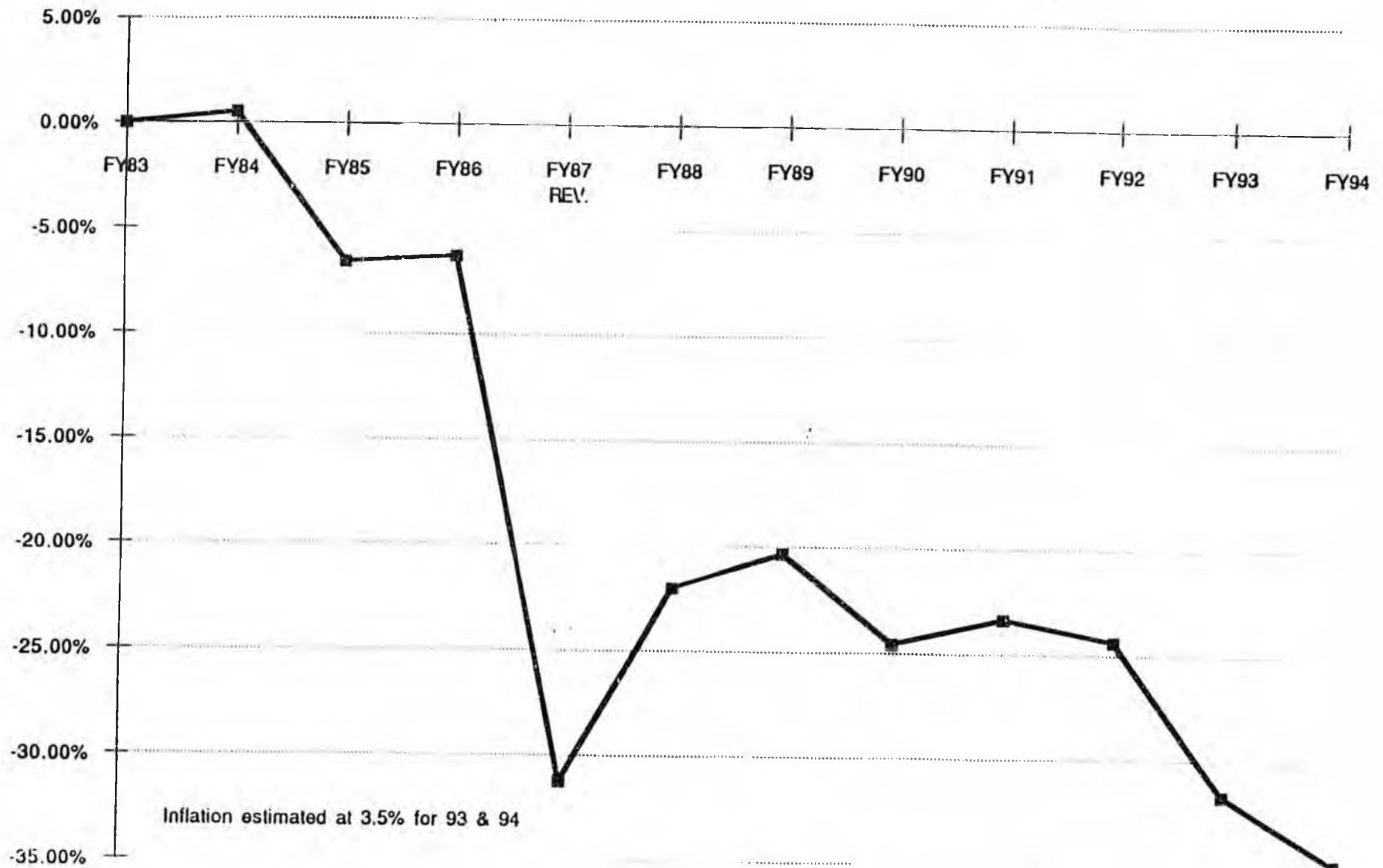


### Department of Transportation & Public Facilities General Fund Comparison



1/15/93

HIGHWAY & AVIATION MAINTENANCE AND OPERATIONS  
COMPARATIVE EFFORT AVAILABLE 1983 THROUGH 1994



FY94 REQUEST + \$37 MIL. REQUIRED TO RETURN TO 1983 LEVEL (ADJUSTED FOR CPI AND INCREASED AREAS TO MAINTAIN)

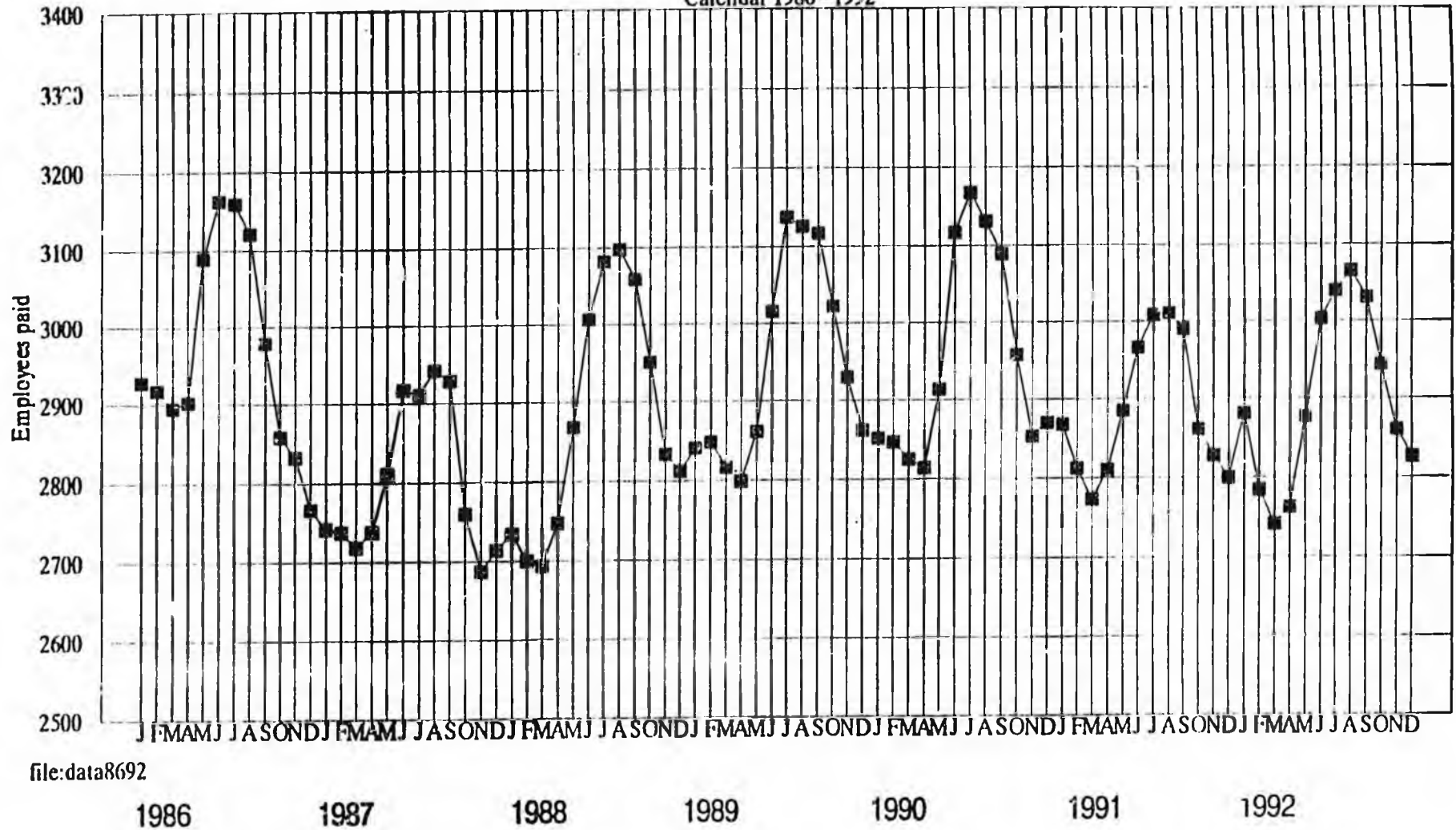
DEPARTMENT OF TRANSPORTATION PUBLIC FACILITIES

	<u>GF</u>	<u>TOTAL</u>
<b>FY93 Authorized</b>	<b>130,736.1</b>	<b>302,307.6</b>
Funding Switches (predominantly Indirect Cost Allocation Plan)	(266.3)	0.0
Administrative Reductions (regional Adrnin, Planning and D&C units)	(136.0)	(136.0)
M&O administrative reductions (regional M&O components)	(623.9)	(623.9)
Retirement Incentive Program component eliminated	(499.9)	(572.7)
Marine Highways Stabilization (front section) *	(1,000.0)	0.0
Transfer to DOA Personnel	(131.0)	(131.0)
International Airport Utility Cost Increase (Anchorage)	0.0	305.0
International Airport Cost Savings (Fairbanks)	0.0	(172.3)
Increased CIP Receipts (DBE/ExEEO, Information Systems, Plans, Programs & Budget)	0.0	320.0
Increased Interagency Receipts (SE D&C, Western SEF)	0.0	90.0
<b>FY94 DOT&amp;PF Governor's Budget</b>	<b>128,079.0</b>	<b>301,386.7</b>
Change from FY93 to FY94	(2,657.1)	(920.9)
General Fund Reductions = \$2,259.8		
Funding switches, GF to CIP = \$266.3		
Transfer of personnel to Dept of Administration = \$131.0.		
Other Fund Increases (net with reductions) = \$469.9		

\* The AMHS General Fund reduction is shown as a net zero change in the total column because the authorization was decreased in the front section only, not in the AMHS operating components.

# ACTIVE, PAID DOT & PF EMPLOYEES

Calendar 1986-1992



file:data8692

Prepared HQ Pers 12/92