

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 86/2

10496 HOUSE TRANSPORTATION

**SB**

**79**

1

**SPONSOR STATEMENT**

**Senate Bill 79**

“An act naming the Fred Zharoff Memorial Bridge”

Fred Zharoff served in the House of Representatives beginning with the Eleventh Alaska State Legislature for three terms. In 1985, he then began serving in the Alaska State Senate for three terms continuing through the Nineteenth Alaska State Legislature, ending his distinguished career in 1997. For almost 20 years, Senator Zharoff served the people of Kodiak Island, Bristol Bay, the Aleutian Chain, the Alaska Peninsula, the Southern Kenai Peninsula and rural Southeast Alaska.

During his tenure in the Legislature, Fred was instrumental in bringing projects to Kodiak such as the Near Island Bridge. His successful efforts garnered the \$18 million dollars necessary to construct this vital link to Near Island. The completion of this bridge led to the full utilization of St. Herman Harbor and the development of the Fishery Industrial Technology Center and Kodiak Fisheries Research Center.

This name designation is a fitting and lasting memorial in recognition of Senator Zharoff's contribution to his community.



Office of Mayor Carolyn L. Floyd  
710 Mill Bay Road, Room 211, Kodiak, Alaska 99615

February 8, 2001

The Honorable Alan Austerman  
Senate District C  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801

Dear Senator Austerman:

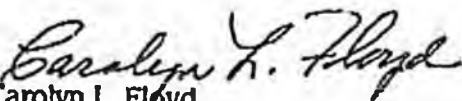
The City of Kodiak wholeheartedly supports your proposed legislation to rename the Near Island Bridge after former Senator Fred Zharoff. While serving in the House and Senate, Fred fought hard for this capital project, and his successful efforts garnered the \$18 million dollars necessary to construct the bridge. Fred knew the future development of Kodiak depended on this vital link to Near Island. In addition to providing access to St. Herman Harbor, which moors approximately 600 vessels annually, the bridge also enabled development on Near Island, where the Fishery Industrial Technology Center and Kodiak Fisheries Research Center are located.

Fred accomplished much for his constituents during his six years of service in the State House and 12 years in the Senate. Not only did he acquire funding for the Near Island Bridge, he also obtained funding for the Fishery Industrial Technology Center, Gerald C. Wilson Auditorium, Terror Lake Hydroelectric project, Kodiak Senior Center, Mill Bay Road reconstruction, the bike path along Rezanof Drive, deferred maintenance projects, asbestos removal from school buildings, street paving, and water and sewer extensions.

Renaming our bridge after Fred Zharoff would serve as a fitting tribute to this man who devoted most of his adult life to serving others.

Sincerely,

City of Kodiak

  
Carolyn L. Floyd  
Mayor

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 79  
(S) Publish Date: 2/21/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
Title: An act naming the Fred Zharoff Memo BRU: Southwest Region Hwys & Aviation  
Component: Southeast Region Hwys & Aviation  
Sponsor: Senator Austerman  
Requester: Senate Transportation Component Number: 603

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES</b> )	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Dennis R. Poshard Phone 465-3904  
Division: Commissioner's Office Date/Time 2/20/01 12:00 AM  
Approved by: Joseph L. Perkins, P.E. Date 2/20/01  
Agency: Commissioner

For distribution information, call the Governor's Legislative Office

# SENATOR ALAN AUSTERMAN

Alaska State Legislature

*Interim:* 112 Mill Bay Road, Kodiak, Alaska 99615 (907) 486-8672 • *Session:* State Capitol, Juneau, Alaska 99801 (907) 465-2487  
senator\_alan\_austerman@legis.state.ak.us

## MEMORANDUM

DATE: February 28, 2001

TO: Representative Vic Kohring, Chair  
House Transportation Committee

FROM: Senator Alan Austerman

RE: Request for Scheduling—Senate Bill 79

I respectfully request that the House Transportation Committee schedule a hearing on SB 79 at your earliest convenience.

This bill was passed unanimously by the full Senate February 27, 2001. The bill would name the Near Island Bridge as the Fred Zharoff Memorial Bridge.

Attached is a copy of the bill, the sponsor statement and a letter of support.

Please contact Suzanne Hancock of my staff at 3820 as needed.

Thank you for your consideration.

**S B**

**8 8**



**ALASKA STATE LEGISLATURE**  
**SENATOR RANDY PHILLIPS**  
Senate District L

Session (Jan-May)  
State Capitol, Rm 103  
Juneau, AK 99801  
(907) 465-4949  
(907) 465-4979 Fax  
Toll Free Anchorage Area  
800-478-4950

Interim  
P.O. Box 142  
Eagle River, AK 99577  
(907) 694-4949  
(907) 694-4948 Fax

## **SB88 Metropolitan Planning Organizations**

### **Sponsor Statement**

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SB88, "An Act relating to metropolitan planning organizations and to establishment of a metropolitan planning organization for the Anchorage metropolitan area," would add two legislators on certain metropolitan planning organizations.

The purpose of SB88 is to assist in making the Anchorage Metropolitan Area Transportation Study, (AMATS), more responsive to the needs of communities. Many legislators feel that they are asked to approve state funding for the development of a multi-modal transportation system--including those projects that have not been established as local community priorities. Legislators have a direct link to constituents and community councils where many of the needs are initiated, and therefore, should have more input into the AMATS Policy Committee.

SB88 adds two legislators from the Anchorage Caucus to the AMATS Committee, increasing the voting Policy Committee from five to seven representatives, and will provide a more adequate level of citizen representation.



**ALASKA STATE LEGISLATURE**  
**SENATOR RANDY PHILLIPS**  
Senate District L

Session (Jan-May)  
State Capitol, Rm 103  
Juneau, AK 99801  
(907) 465-4949  
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800-478-4950

Interim  
P.O. Box 142  
Eagle River, AK 99577  
(907) 694-4949  
(907) 694-4948 Fax

**M E M O R A N D U M**

**TO:** Members of the House Transportation Committee  
**FROM:** Senator Randy Phillips  
**SUBJECT:** SB88 Metropolitan Planning Organizations (AMATS)  
**DATE:** April 6, 2001

I realize some members of the committee may not be familiar with AMATS so I am providing the following basic information.

**What is AMATS?**

AMATS is the acronym for the Anchorage Metropolitan Area Transportation Study. The AMATS mission is "To develop and implement a multi-modal transportation system." It was created in 1976 so that our local area could receive federal highway funds, in compliance with the Federal Highway Act of 1962. Transportation planning in the Municipality of Anchorage is conducted under the auspices of AMATS. AMATS is a cooperative, comprehensive, and continuing process in which the State of Alaska and the Municipality of Anchorage jointly plan improvement of local roadway, transit, and trail systems.

**Where is the AMATS area?**

The AMATS Study Area encompasses a major portion of the political boundaries of the Municipality of Anchorage, the urbanized areas of Eagle River, Chugiak, Birchwood, Eklutna and the Anchorage Bowl, plus Girdwood, Bird Creek, and Indian.

**What are the duties of the AMATS Policy Committee?**

The AMATS Policy Committee consists of five equal voting members: the Regional Director of DOT&PF, the Commissioner of DEC, the Mayor of Anchorage, and two Municipal Assembly members. The Policy Committee has the authority to act on all matters relating to the continuing, comprehensive and cooperative transportation and air quality planning process for the area. Their duties are to:

- ◆ Establish the needs and priorities of transportation,
- ◆ Direct the preparation and implementation of transportation plans, programs and studies,
- ◆ Manage and secure funding to implement the Transportation Program,
- ◆ Provide overall direction to the AMATS Technical Advisory Committee and staff
- ◆ Ensure public involvement throughout the AMATS process.



U.S. Department  
of Transportation

Federal Highway  
Administration

Alaska Division

[www.fhwa.dot.gov/akdiv](http://www.fhwa.dot.gov/akdiv)

P.O. Box 21648  
Juneau, Alaska 99802-1648  
907-586-7418

February 22, 2001

HDA-AK  
Adm-Gen 11

Senator Randy Phillips  
State Capitol, Room 103  
Juneau, AK 99801-1182

Dear Senator Phillips:

Thank you for your phone call of February 22. You specifically asked "Is there anything in Federal law precluding participation of State Legislators on the AMATS Policy Board." We offer the following for your consideration:

The Federal regulations on MPO membership are contained in Title 23 CFR Section 450.306. In general, they provide considerable flexibility in recognition of the variation in local government authority across the United States and the need to give each State and its local officials the flexibility to determine the institutional form of each MPO. Providing the provisions of Title 23 CFR Section 450 are followed, Federal regulations do not preclude the participation of State legislators on the AMATS Policy Board.

Sincerely,

David C. Miller  
Division Administrator

Carl H. ...

§ 450.214 Phase-in of new requirements.

The State shall, by January 1, 1996, identify the official statewide transportation plan, described under § 450.214, to be used as a basis for subsequently approved STIPs. Until such a plan is identified, but no later than January 1, 1996, the State may identify existing plans and policies which can serve as the official interim plan. STIP development shall be based upon a transportation plan which serves as the official plan (including an interim plan, if appropriate, prior to January 1, 1995, provided that all factors identified in § 450.208 are considered).

Subpart C—Metropolitan Transportation Planning and Programming

§ 450.200 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 134 and section 8 of the Federal Transit Act, as amended, which require that a Metropolitan Planning Organization (MPO) be designated for each urbanized area and that the metropolitan area has a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. Those plans and programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods.

§ 450.202 Applicability.

The provisions of this subpart are applicable to agencies involved in the transportation planning, program development, and project selection processes in metropolitan planning areas.

§ 450.204 Definitions.

Except as otherwise provided in subpart A of this part, terms defined in 23 U.S.C 101(a) are used in this part as so defined.

§ 450.206 Metropolitan planning organization: Designations and redesignation.

(a) Designations of metropolitan planning organizations (MPOs) made after December 18, 1991, shall be by agreement among the Governor(s) and units of general purpose local governments representing 75 percent of the affected metropolitan population (including the central city or cities as defined by the Bureau of the Census), or in accordance with procedures established by applicable State or local law. To the extent possible, only one MPO shall be designated for each UZA or group of contiguous UZAs. More than one MPO may be designated within an UZA only if the Governor(s) determines that the size and complexity of the UZA make designation of more than one MPO appropriate.

(b) The designation shall clearly identify the policy body that is the forum for cooperative decisionmaking that will be taking the required approval actions as the MPO.

(c) To the extent possible, the MPO designated should be established under specific State legislation, State enabling legislation, or by interstate compact, and shall have authority to carry out metropolitan transportation planning.

(d) Redesignation (designation of a new MPO(s) to replace an existing MPO) shall occur by agreement of the Governor and affected local units of government representing 75 percent of the population in the entire metropolitan area. The central city(ies) must be among the units of local government agreeing to the redesignation.

(e) Nothing in this subpart shall be deemed to prohibit the MPO from utilizing the staff resources of other agencies to carry out selected elements of the planning process.

(f) Existing MPO designations remain valid until a new MPO is redesignated, unless revoked by the Governor and local units of government representing 75 percent of the population in the area served by the existing MPO (the central city(ies) must be among those desiring to revoke the MPO designation), or as otherwise provided under State or local procedures. If the Governor and

local officials decide to redesignate an existing MPO, but do not formally revoke the existing MPO designation, the existing MPO remains in effect until a new MPO is formally designated.

(g) Redesignation of an MPO in a multistate metropolitan area requires the approval of the Governor of each State and local officials representing 75 percent of the population in the entire metropolitan planning area. The local officials in the central city(ies) must be among those agreeing to the redesignation.

(h) Redesignation of an MPO covering more than one UZA requires the approval of the Governor and local officials representing 75 percent of the population in the metropolitan planning area covered by the current MPO; the local officials in the central city(ies) in each urbanized area must be among those agreeing to the redesignation.

(i) The voting membership of an MPO policy body designated/redesignated subsequent to December 18, 1991, and serving a TMA, must include representation of local elected officials, officials of agencies that administer or operate major modes or systems of transportation, e.g., transit operators, sponsors of major local airports, maritime ports, rail operators, etc. (including all transportation agencies that were included in the MPO on June 1, 1991), and appropriate State officials. Where agencies that operate other major modes of transportation do not already have a voice on existing MPOs, the MPOs (in cooperation with the States) are encouraged to provide such agencies a voice in the decisionmaking process, including representation/membership on the policy body and/or other appropriate committees. Further, where appropriate, existing MPOs should increase the representation of local elected officials on the policy board and other committees as a means for encouraging their greater involvement in MPO processes. Adding such representation to an MPO will not, in itself, constitute a redesignation action.

(j) Where the metropolitan planning area boundaries for a previously designated MPO need to be expanded, the membership on the MPO policy body

and other committees, should be viewed to ensure that the added area has appropriate representation.

(k) Adding membership (e.g., local elected officials and operators of major modes or systems of transportation, representatives of newly urbanized areas) to the policy body or expansion of the metropolitan planning area does not automatically require redesignation of the MPO. To the extent possible, it is encouraged that this be done without a formal redesignation. If Governor and MPO shall review previous MPO designation, State a local law, MPO bylaws, etc., to determine if this can be accomplished without a formal redesignation. If redesignation is considered necessary, existing MPO will remain in effect until a new MPO is formally designated. The existing designation is formally revoked in accordance with the procedures of this section.

§ 450.208 Metropolitan planning organization: Metropolitan planning area boundaries.

(a) The metropolitan planning area boundary shall, as a minimum, contain the UZA(s)

graphically area within period cover plan describe. The boundary metropolitan consolidated area, as defined Census. For designated as a finance area Air Act A for transport under the O metropolitan include at least nonattainment except as otherwise provided in § 450.218(c) of a formal Governor an metropolitan less than the attainment entire nonat

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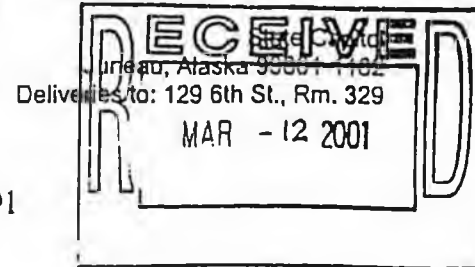
Fed Law

OPTIONAL FORM NO. 10 (7-90) FAX TRANSMITTAL To: Kim Ross Deputy Director From: P Miller Director

# LEGAL SERVICES

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

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



## MEMORANDUM

March 10, 2001

**SUBJECT:** Hawaii Constitution and "dual office" holding by legislators  
(SB 88)

**TO:** Senator Randy Phillips

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have asked whether the Constitution of the State of Hawaii has a provision analogous to article II, section 5 of the Constitution of the State of Alaska regarding "dual office" holding by legislators.

The answer to your question is yes.

Article II, section 5, Constitution of the State of Alaska states:

**Disqualifications.** No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

The analogous provision of the Hawaii Constitution, article III, section 8 states:

### DISQUALIFICATIONS OF MEMBERS

No member of the legislature shall hold any other public office under the State, nor shall the member, during the term for which the member is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public offices," for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

*Hawaii Law*

Senator Randy Pl.  
March 10, 2001  
Page 2

The annotations to this section of the Hawaii Constitution that are contained in the Hawaii Revised Statutes do not cite to any court cases that have construed this provision.

If you would like me to pursue this issue in greater depth, please contact me.

GU:lmb  
01-081.lmb

03/05/01 MON 14:30 FAX 907 3434313

MOA CLERK

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Von Gemmingen, Van Erten  
Traini, Tescha, Ahnau,  
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CLERK'S OFFICE

APPROVED

Date: 2-27-01

Submitted by: Assemblymembers Fairclough,  
Tremaine

Prepared by: Assembly Office  
For reading: FEBRUARY 27, 2001

ANCHORAGE, ALASKA  
AR NO. 2001-44

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY OPPOSING SENATE  
BILL 88, "AN ACT RELATING TO METROPOLITAN PLANNING ORGANIZATIONS AND TO  
ESTABLISHMENT OF A METROPOLITAN PLANNING ORGANIZATION FOR THE ANCHORAGE  
METROPOLITAN AREA, AND PROVIDING FOR AN EFFECTIVE DATE"

WHEREAS, the current Metropolitan Planning Organization consists of two Assemblymembers,  
the Mayor, and two representatives from the State of Alaska (Department of Transportation and  
Department of Environmental Conservation); and

WHEREAS, the Municipality and the State currently have a balanced and cooperative working  
relationship in the development of transportation and air quality plans; and

WHEREAS, 23 United States Code 134 states that a metropolitan planning organization is  
designated "by agreement among the Governor and the units of general purpose local government."; and

WHEREAS, the Municipality and the Governor must agree to any changes in the existing  
Metropolitan Planning Organization's membership; and

WHEREAS, the action to change the AMATS process, entered into unilaterally by the State of  
Alaska could endanger federal highway funding for Anchorage, which is intended to be handled  
cooperatively between the Municipality and the State; and

WHEREAS, the Assembly does not support inclusion of voting (or nonvoting) members from the  
Senate and the House.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That the Assembly opposes Senate Bill 88 which modifies the membership of the  
Metropolitan Planning Organization.

Section 2: That the Municipal Clerk forward copies of this resolution to the Governor and the State  
Legislature upon passage and approval.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 27<sup>th</sup> day of  
February, 2001.

Fey Von Gemmingen  
Chair

ATTEST:

Lizian Ferguson  
Municipal Clerk



U.S. Department  
of Transportation

**Federal Highway  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

April 5, 2001

Refer to: HEPM

Mr. Tom Brigham  
Director, Division of Statewide Planning  
Transportation and Public Facilities  
3132 Channel Drive Room 200  
Juneau, AK 9801

Dear Mr. Brigham:

You have solicited our review of SB 88 in terms of its consistency with current Federal statute and regulations regarding the metropolitan transportation planning process.

We have reviewed the draft you provided and offer the following: Redesignation as defined by 23 USC 134 is based on a process of agreement between the Governor and local officials. This legislation would substantially restructure the governing board of the existing MPO. It has been the position of this agency that changes to MPO governing boards made consistent with existing by-laws would not be construed as a redesignation. This change, however, would be made under newly adopted state legislation without the direct input of the MPO or local officials and not based on the existing by-laws of the MPO. In our view, this would be an imposition of structure on the MPO and would constitute a restructuring of the Board and redesignation of the MPO as a result.

In our view, it is clearly congressional intent to give local officials a role in redesignating MPOs. The apparent rationale is simply that if the MPO is to serve as an effective forum for making local decisions that it would be wise to give local governments ownership in the entity. The action contemplated by this legislation would seemingly substitute State legislative judgments for local actions.

We have been asked to comment on similar legislative proposals in other States. In each case we have made the same general observation. An action by the legislature without the consent and support of local officials and the Governor would appear to be inconsistent with the intent of 23 USC 134.

If you have any further questions, please contact Sheldon Edner of my staff at (202) 366-4066.

Sincerely,

George Schoener, Director  
Office of Metropolitan Planning and Programs

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907)465-3600  
FAX: (907)465-2075

April 16, 2001

The Honorable Vic Kohring, Chair  
and Members, House Transportation Committee  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801

**RE: SB 88 – An Act relating to metropolitan planning organizations and to establishment of a metropolitan planning organization for the Anchorage metropolitan area; and providing for an effective date.**

Dear Representative Kohring and Committee Members:

Your committee is scheduled to consider **SB 88 -- Relating to metropolitan planning areas** during its hearing on Tuesday, April 17. In previous hearings on this bill, and its predecessors, the Department of Law has expressed its serious concerns about the provision that calls for the appointment of two legislators to the Anchorage Metropolitan Area Transportation Study (AMATS) board. We feel that this provision violates the dual office holding prohibition in the Alaska Constitution.

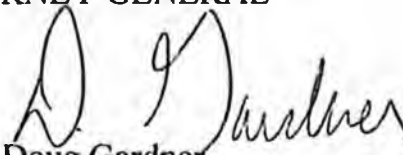
For your information, I have enclosed a recent letter from Assistant Attorney General William F. Cummings to Senator Jerry Ward in which he discusses this concern more fully. Attached to Mr. Cummings' letter are three Attorney General opinions that also discuss the Alaska Constitution's prohibition on dual office holding.

The Honorable Vic Kohring  
Members, House Transportation Committee  
April 16, 2001  
Page 2

Although I will not be able to attend the hearing on Tuesday, April 17, because of a prior commitment related to ongoing litigation, I will be happy to answer questions that you may have about this issue. You may call me at 907-465-6712 or Assistant Attorney General Jim Cantor at 907-269-5160.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Doug Gardner  
Assistant Attorney General

Enclosures

cc: Senator Randy Phillips  
Michael Abbott, Legislative Director, Office of the Governor  
Dennis Poshard, Legislative Liaison, Department of Transportation  
and Public Facilities  
Deborah Behr, Legislation Attorney, Department of Law  
Chrystal Stillings Smith, Legislative Liaison, Department of Law

# STATE OF ALASKA

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

P.O. BOX 110300  
DIAMOND COURT HOUSE, 6<sup>TH</sup> FLOOR  
JUNEAU, ALASKA 99811-0300  
PHONE: (907)465-3600  
FAX: (907)465-6735

March 14, 2001

The Honorable Jerry Ward  
Alaska State Senate  
State Capitol, Room 423  
Juneau, AK 99811

Re: SB 88 relating to metropolitan planning organizations and the metropolitan planning organization for the Anchorage metropolitan area

Dear Senator Ward:

On February 20, 2001, I testified before the Senate Transportation Committee that the provisions of SB 88 that appoint a senator and a representative to sit on the Anchorage area metropolitan Transportation Study board violate the dual office holding provisions of the Alaska Constitution. At the end of my testimony you asked that I put my conclusion in writing.

Art. II, § 2 of the Alaska Constitution provides:

SECTION 5. DISQUALIFICATIONS. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

(Emphasis added). Under these provisions a member of the legislature may not hold any other office during the member's term. Similar provisions prohibiting dual office holding exist for the governor in Art. III, § 6, and for justices of the supreme court and judges under Art. IV, § 14.

The Department of Law has issued three formal attorney general's opinions regarding dual office holding, which I have enclosed with this letter. In the past inter-branch task forces, have been formed to assemble and disseminate information, but did not assume any

The Honorable Jerry Ward  
Re: SB 88

March 14, 2001  
Page 2

duties assigned any branch of government. These sorts of bodies have not been seen to violate the constitution's prohibitions against dual office holding. On the other hand, if a legislator, or a judge, holds a position in an executive branch agency or a political subdivision, and the duties of the position require the office holder to take action regarding the management of the agency, the prohibition against dual office holding is violated.


Under SB 88, a senator and a representative will be appointed to sit on the board that allocates federal surface transportation money in the Anchorage area. At the present time there are three voting members of the board appointed by the mayor of Anchorage and two state employees, who sit in an advisory capacity. Under the bill, the board's composition and functioning change. Three members voting members will still be appointed by the mayor. In addition, two voting members would be appointed by the governor, and two voting members by the presiding officers of the Senate and the House of Representatives, a senator and a member of the House of Representatives whose districts include at least a portion of the Municipality of Anchorage. A quorum of the board is a majority of the voting members.

We believe that the prohibition against dual office holding by legislators would be violated. The board would be making decisions on which projects will receive allocated federal money, when they will receive it, and in what order specific projects will be built. These functions are clearly more than collection or dissemination of information and under current practice, these functions are clearly municipal managerial responsibilities.

If you have any questions on this matter, please feel free to contact me.

Sincerely yours,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
William F. Cummings  
Assistant Attorney General

WFC:pvp

Enclosure(s)

cc: Mike Abbott, Legislative Director  
Deborah Behr, Dept. of Law  
Chrystal Smith, Dept. of Law  
Don Smith, Senate Transportation Committee  
Senator Randy Phillips, Attn: Kim Ross

# STATE OF ALASKA

DEPARTMENT OF LAW

OPINION NO. 26  
JAY S. HAMMOND, GOVERNOR

June 29, 1976

The Honorable Lowell Thomas, Jr.  
Lieutenant Governor  
State of Alaska  
Pouch A, State Capitol  
Juneau, Alaska 99811

Re: Legality of legislators running  
for other house following increase  
in legislative salary.

Dear Lieutenant Governor Thomas:

You have asked whether, under Warwick v. State, 548 P.2d 384 (Alaska 1976), a member of one house of the legislature may run for a seat in the other house, when the pay for that seat in the other house has been increased by the legislature in which the candidate served. While the Alaska courts have not ruled on the issue, it is our view that the answer is yes.

The question arises from Article II, section 5 of the Alaska Constitution which provides in part:

During the term for which elected  
and for one year thereafter, no legis-  
lator may be nominated, elected, or  
appointed to any other office or position

The Honorable Lowell Thomas, Jr.  
Lieutenant Governor

June 29, 1976  
Page Two

of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

The purpose of the prohibition is to remove temptation and improper motives from considerations of legislators in voting for increased salaries or the creation of new offices. Warwick v. State, supra, at 388. Because prohibitions like this are contrary to general public policy which favors eligibility for office, they are usually given a literal construction and are rarely expanded beyond their literal terms. Id. at 389. Where there is doubt as to their coverage, courts have emphasized that when the office is elective, the preference for eligibility is stronger, since voters thereby exercise a direct control. Id.

In connection with legislative office,

The Honorable Lowell Thomas, Jr.  
Lieutenant Governor

June 29, 1976  
Page Three

the relevant terms of the prohibition are as follows:

During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office . . . the salary or emoluments of which have been increased, while he was a member. Alaska Constitution. art. II, §5 (emphasis added).

Reading the prohibition purely literally, it does not apply to a legislator's running for a seat in the other house of the legislature. His office, that of a "legislator," remains the same. While the term of office differs (four years for members of the senate, two years for members of the house) and the constituency may differ, the "office" of "legislator" is constant.

This literal interpretation gives full effect to the purpose of the prohibition (to prevent improper motives in voting on a salary increase). Indeed, expanding the coverage of the provision would not further the purpose or the section but would in fact be irrational. This is so because the members of both houses receive the same salary and emoluments. There is

The Honorable Lowell Thomas, Jr.  
Lieutenant Governor

June 29, 1976  
Page Four

no question that, following a salary increase, a legislator may run for re-election to his own seat. No possible purpose is served then by barring a legislator from running for a seat in the other house.

The question you have raised was touched on by Judge Carlson in his opinion in Warwick but not in any detailed fashion. In his Memorandum of Decision, Judge Carlson noted that originally, the proposed section 5 contained an express provision allowing election to the other house of the legislature and that it was stricken from the final document. This, in the Judge's passing view appeared to raise questions concerning eligibility in situations like this, though as he noted, "this does not appear to have been the framers' intent". In fact, however, the exception Judge Carlson made reference to had no relation to the prohibition in issue here. It was, rather, an exception to an altogether different prohibition, and both that prohibition and that exception were deleted by the framers.

As originally proposed, section 5 provided:

No legislator or other elective or  
appointive officer of this state shall

The Honorable Lowell Thomas, Jr.  
Lieutenant Governor

June 29, 1976  
Page Five

file or run for election to any other state office until his services have been terminated, but a member of one house of the legislature may be nominated or elected to the other house. 6 Proceedings Alaska Constitutional Convention, App. V, at 30 (emphasis added).

This is the prohibition and exception which were deleted by the framers. The purpose of that provision was not to eliminate temptation and improper motivation in voting on salary increases or creating offices but rather to "prevent any state official from using his office or expense account as a vehicle for campaigning for another office." Committee on Legislative Branch, Commentary, on file with Legislative Affairs Agency; quoted by the lower court in its Memorandum Decision, supra, at 10 and in Regich v. Jefferson, 441 P.2d 27, 30, text and n. 7 (Alaska 1968). The framers decided that this prohibition went too far in that it would, with but the single exception expressed in the provision, require any public official who sought higher office to resign. Accordingly, they deleted the prohibition, including the exception, which--without the prohibition--was meaningless. 3 Proceedings Alaska

The Honorable Lowell Thomas, Jr.  
Lietenant Governor

June 29, 1976  
Page Six

Constitutional Convention 1801-1816. The distinction between the two prohibitions and their respective exceptions was noticed and described in the course of the debate. Id. at 1803 (dialogue of Taylor and Sundborg).

Accordingly, while the Supreme Court has limited the exceptions to the operation of section 5 to those expressly made by the Alaska Constitution, Warwick v. State, supra; Bejich v. Jefferson, supra, no exception is required here, because the prohibition has no application to a legislator's running for legislative office and it should not be expanded to apply to one's doing so. Cf. Warwick v. State, supra, at 389.

Sincerely yours,

Avrum M. Gross  
Attorney General

AMG:db:RWP

# STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

FOUCH. R. - STATE CAPITOL  
FHEAL 3311

December 27, 1976

The Honorable Christopher R. Cooke  
Judge of the Superior Court  
P. O. Box 555  
Bethel, Alaska 99559

Re: Prohibition against  
dual office holding.

Dear Judge Cooke:

You have asked whether as a judge you may also continue to be a regent of the University of Alaska. Your situation is that you are a member of the Board of Regents and have recently been appointed to the Superior Court. Judges of the Superior Court are prohibited from holding "any other office or position of profit under the United States, the State, or its political subdivisions." Art. IV, §14 (emphasis added).

## Introduction

While the answer to your question should be plain on its face, there exist in Alaska a number of commissions in the executive branch whose membership includes legislators and one commission whose membership includes two legislators and the Chief Justice of the State Supreme Court. The question is whether these memberships offend the prohibition against dual office holding, and if not, whether membership on the Board of Regents by a governor, legislator or judge

is also valid. It is our opinion that neither the prohibition against dual office holding nor the separation of powers doctrine absolutely forbids the formation of inter-branch commissions but that the Board of Regents is not an inter-branch commission, and a judge may not, therefore, sit as a regent while holding office. \*/

Discussion

At the outset it should be noted that the prohibition against dual office holding is literally enforced in Alaska. State v. Jefferson, 441 P.2d 7 (Alaska 1968). The purpose of the prohibition is ". . . to guard against conflicts of interest, self-aggrandizement, concentration of power, and dilution of separation of powers in regard to the exercise . . . of the executive, judicial, and legislative functions of our state government." Id., at 35. The Alaska Supreme Court has concluded that the very limited exceptions to the prohibition necessarily result in its very broad application. Id., at 30-33. In essence, because only service in the armed forces and election to or employment by a constitutional convention are excluded, the prohibition must include all other offices and positions of profit. Id.

Judges and justices are not only prohibited from holding any other office under the United States and the State (as are legislators) but also from holding any office

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\*/ By the same token, neither a legislator, art. II, §5, nor the Governor, art. III, §6, may sit as a regent.

of a political subdivision (as is the governor). Plainly, the framers of our constitution imposed a broad bar against conflicts of interest on the judiciary and the chief executive. Alaska Constitution, Art. II, §5; art. III, §6; art. IV, §14. In essence, that is the legal context in which your question arises. We turn next to the existing situation with respect to the inter-branch commissions and the board of regents.

The Alaska Commission on Postsecondary Education consists of persons who represent the University of Alaska, the State and SJC, the Department of Education, the general public, vocational education groups, local college advisory councils, and the legislature. AS 14.40.903(a). The commission is "advisory," on the one hand, AS 14.40.909(a), and something of a clearinghouse, on the other. AS 14.40.909(b)(2)(4). However, it does appear to exercise some sovereign, executive powers. AS 14.40.909(b)(1), (4), (5), and (6), and AS 14.40.909(c) (in part). To the extent that it does so, the presence of members of the legislature on the commission appears to violate the prohibition against dual office holding, Alaska Constitution, art. II, §5, and the separation of powers doctrine. Hampton, Jr. & Co. v. United States, 276 U.S. 394, 405-406 (1928); Book v. State Office Bldg. Commn., 149 N.E. 2d 273, 286 (Ind. 1958); Saxby v. Sonnemann, 149 N.E. 526, 528 (Ill. 1925). \*/

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\*/ Because it is not germane to your question, we do not discuss the highly questionable method employed for appointing the members of this commission under AS 14.40.903(a). Suffice to say that they are of dubious validity. Buckley v. Valeo, 424 U.S. 1 (1976). Bradner v. Hammond, 553 P.2d 1 (Alaska 1976).

The Governor's Commission on the Administration of Justice, AS 44.19.746--758, is essentially an intra-governmental, inter-branch clearinghouse. It is a means for providing advice and exchanges of information and recommendations between the branches on matters of criminal justice. While this commission may incidentally exercise some administrative power, AS 44.19.756, there is nothing to indicate that this exercise is not in furtherance of each branch's separate powers or that any branch encroaches upon or tries to exercise the powers of another. The executive functions of the commission's staff are expressly under the executive branch, AS 44.19.758. Were the legislative or judicial members of this commission to exercise powers of the executive branch, the validity of their membership would be much in doubt. Since all laws are presumed to be constitutional, and there is nothing to show that the law establishing the governor's Commission on the Administration of Justice is being applied in an unconstitutional manner, it is proper to view the membership of the legislators and the Chief Justice as additional to their other duties, i.e., as legislative and judicial functions, representing their respective branches of the government. \*/

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\*/ We do not comment on the apparent disparity between the state and federal laws on how this representation should be achieved. Compare AS 44.19.748 and 754 with 42 U.S.C.A. §3723. Suffice to say that there is nothing wrong per se with such representation qua representation.

Again, we emphasize that, were the legislators or the chief justice to exercise the administrative or law enforcement powers of the executive branch through their membership on this commission, then the prohibition against dual office holding, Alaska Constitution, art. II, §5, and art. IV, §14, and the separation of powers doctrine would be violated.

The Commission on the Conference of the Law of the Sea, AS 44.19.789, also in the office of the governor and also with members from the legislature, is essentially an advisory group. It gathers and disseminates information. Since both the executive and legislative branches may perform such functions, no reason appears why they may not do them together. Cf., Buckley v. Valeo, 424 U.S. 1 (1976). The legislators appointed to this commission may in no way exercise or encroach on the powers of the executive branch. They serve on it merely as representatives of the legislative branch in furtherance of its law making functions.

The Alaska International Development Commission, AS 44.19.400, is also in the office of the governor. Its members include, inter alia, the State's congressional delegation and a state senator and representative. AS 44.19.410. The Governor is chairman. AS 44.19.430. Its functions are almost purely advisory and informational, i.e., it has no power to execute. AS 44.19.440. The presence of legislators on this commission is plainly in a representative capacity and violates neither the prohibition against dual office holding nor the separation of powers doctrine.

The Rural Affairs Commission is also in the office of the governor, AS 44.19.720, and legislators may be appointed to it. AS 44.19.722(b). This commission's sole functions are to gather and to disseminate information and make recommendations. As with similar bodies discussed above, no reason occurs why legislators may not serve on such a body in a representative capacity.

Again, we emphasize that we are observing--as we must--the presumption that a statute is constitutional. Nothing on the face of the several statutes examined here--with the exception of AS 14.40.909(b)(1), (4)--(6), and AS 14.40.909(c) (in part)--requires the members of one branch to exercise the powers of another branch or to exercise the powers of another office, i.e., each merely performs additional duties in his capacity as legislator, governor, administrator, and, in one instance, as chief justice. Accordingly, absent a factual showing of encroachment--or of acting in another capacity--we find no other constitutional offense. See, e.g., State v. Powell, 142 N.E. 401, 403 (Ohio 1924). If--in fact--an encroachment or dual office holding were to exist, then the presumption of constitutionality would be rebutted, and our opinion would be different.

The Board of Regents of the University of Alaska is altogether different from these advisory and clearinghouse commissions. "The University of Alaska shall be governed by a board of regents." Alaska Constitution, Art. VII, §3. Its function is to ". . . formulate policy and appoint the president of the university." Id. The latter is ". . . the

executive officer of the board." Id. Governing, formulating university policies, and appointing university presidents are executive functions. Compare, Bradner v. Hammond, 553 P.2d 1 (Alaska 1976). At any event, it seems rather obvious that they are not functions of the judicial branch. Compare, Alaska State-Operated School System v. Mueller, 536 P.2d 99, 103 (Alaska 1975).

In establishing the Alaska Commission on Post-secondary Education, the Alaska Legislature expressly affirmed . . . the legal authority for the operation and management of the statewide university system remains with the Board of Regents of the University of Alaska . . . ." AS 14.40.901(b). This authority over the "operation and management" of the university arises from the Alaska Constitution, Art. VII, §3, and is more particularly provided for by statute. AS 14.40.170, 250, 280, 350, and 360. "All the powers devolved upon the board are essentially administrative, i.e., to execute in accordance with law.

It simply is not within the province of the office of a judge of the Superior Court to manage and control the university's property and invest its money, execute its leases, select its lands, hire and fire its presidents, set salaries, and otherwise manage the university. These are not judicial functions.

You suggest that the position of regent is neither an office nor a position of profit as those terms are used in the constitution. The very limited exceptions from the application of those terms expressly made in the constitution,

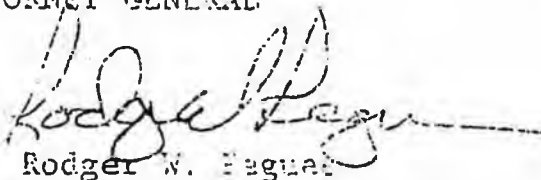
Art. II, §5 (legislators), Art. XII, §3 (general exemption), precludes our arriving at that conclusion. While not a position of profit, i.e., not Alaska's employment and position of regent of the University of Alaska is--almost by definition--an office of the State. First it is one of the few offices provided for by the constitution. Art. II, §1. Second, regents are appointed to their positions by the Governor, subject to confirmation by the legislature. *Id.* They have fixed terms of office. AS 14.40.140. They exercise a specific and significant share of the sovereign power of the State which is expressly provided for by constitution and statute. These factors are those which characterize an office of government. See, Beigich v. Jefferson, 441 P.2d 27, 31 n. 10 (Alaska 1968). Both Black's and Words and Phrases so thoroughly confirm this view that further citation would be wastefully redundant.

A judge does not sit on the Board of Regents in a representative capacity of the judicial branch. When he sits as a regent he is not exercising judicial power but rather certain executive powers of control vested in the regents over the State's sole institution of higher learning. This he may not do. Alaska Constitution, Art. IV, §14. The University of Alaska is an instrumentality of the State, and membership on its Board of Regents is necessarily an office under the State. Compare, University of Alaska v. National Aircraft Leasing, Ltd., 536 P.2d 121 (Alaska 1975) with, Beigich v. Jefferson, 441 P.2d 27 (Alaska 1968).

Accordingly, it is our view that it would be improper for you to continue to serve as a regent of the University of Alaska. We would appreciate your resignation from that office at your earliest convenience.

Sincerely,

AVRLM M. GROSS  
ATTORNEY GENERAL

By:   
Rodger W. Faguel  
Assistant Attorney General

cc: Hon. Jay Hammond, Governor  
Hon. Robert Boochever, Chief Justice  
Mr. Robert Hiatt, President, University of Alaska  
Mr. Arthur H. Snowden, Administrative Director,  
Alaska Court System

November 16, 1977

The Honorable George Holman  
Senator  
Pouch V  
Juneau, Alaska 99811

Re: constitutionality of  
legislators serving on  
state bond committee -  
Our file J-66-265-78

Dear Senator Holman:

You have asked whether it would be constitutional for the chairman of the House and Senate Finance committees to be members of the State Bond Committee.

The short answer is no.

The Alaska Constitution provides for the separation of powers between the legislative, judicial, and executive branches of the government. Walter v. Hammond, 553 P.2d 1 (Alaska 1976); Lege v. Martin, 379 P.2d 447 (Alaska 1963). The doctrine of the separation of powers precludes one branch from usurping the power of another. Hampton Jr. & Co v. United States, 276 U.S. 394 (1928). Nor may one branch intrude into the functions of another. Mabury v.

Senator Hohman  
November 16, 1977  
Page 12

Madison 5 U.S. (1 Cranch) 137, 176 171 (1803); Bradner v. Hammond, 553 P.2d 1 (Alaska 1976). The State Bond Committee is within the executive branch and performs executive functions. AS 37.15.101 - 160; cf., Walker v. Alaska State Mtr. Ass'n., 415 P.2d 245 (Alaska 1966). Accordingly, membership on the committee by members of the legislature would violate the separation of powers doctrine.

Additionally, the Alaska Constitution prohibits members of the legislature from holding any other office. Alaska Const., art. II, §5; Begich v. Jefferson, 441 P.2d 27 (Alaska 1968). While some jurisdictions allow inter-branch committees for financial matters, e.g., Woodward v. Riley, 152 So 2d 41 (La. 1963), the prohibitions contained in art. II, §5 are literally and strictly enforced in Alaska. Warwick v. State ex rel. Chance, 548 P.2d 384 (Alaska 1976); Begich v. Jefferson, 441 P.2d 27 (Alaska 1968). Membership on the state bond committee would constitute dual-office holding for legislators and violate the prohibition. Cf., Boob v. State Office Bldg. Comm., 189 N.E. 2d 273 (Ind. 1953); Opinion of the Justices, 7 Mass. 26 307, 315-317 (Mass. 1939).

Finally, the appointing authority for offices in the executive branch is the governor. Bradner v. Hammond,

Senator Rohman  
November 16, 1977  
Page #3

513 P.2d 1 (Alaska 1976); Alaska Const., Art. III, §25, 26. He appoints the heads of the principal departments, and therefore, no problem arises from a statute which provides for several of them to serve, *ex officio*, as members of the bond committee, *i.e.*, they are, in fact, appointed by the governor. But if the law were to designate legislative committee chairman, *i.e.*, persons appointed by the legislature or its officers, to hold an office in the executive branch, then there would be a serious constitutional problem. Buckley v. Valeo, 424 U.S. 1 (1976); *cf.*, Bradner v. Raymond, 553 P.2d 1 (Alaska 1976).

It is not our opinion that, either the separation of powers doctrine or the prohibition against dual-office holding absolutely forbids the formation of inter-branch committees. Those inter-branch committees which are established as clearinghouses for an exchange of ideas and advice on a given subject and which do not exercise sovereign power, *i.e.*, which do not make, execute, or declare the law, do not offend either prohibition. *cf.*, Buckley v. Valeo, 424 U.S. 1 (1976); State v. Powell, 142 N.E. 461 (Ohio 1924). But acting for the State to carry out the laws which authorize the issuance of bonds is, by definition, executing law, and that function does fall within the terms of the

Senator Hohman  
November 16, 1977  
Page #4

prohibition. Put another way, discussing and advising on the matter may be done by an inter-branch committee; deciding upon and acting on the matter may not.

Very truly yours,

AVRUM M. CROSS  
ATTORNEY GENERAL

cc: Rodger W. Pagua  
Assistant Attorney General

RWP:jeh

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 88  
 (S) Publish Date: 2/21/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title: An act relating to metropolitan planning BRU: Central Region Planning  
organizations and to establishment... Component: Central Region Planning  
 Sponsor: Senator Phillips  
 Requester: Senate Transportation Component Number: 557

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

Prepared by: Dennis R. Poshard Phone 465-3904  
 Division: Commissioner's Office Date/Time 2/20/01 11:11 AM  
 Approved by: Joseph L. Perkins, P.E. Date 2/20/01  
 Agency: Commissioner

For distribution information, call the Governor's Legislative Office



**ALASKA STATE LEGISLATURE**  
**SENATOR RANDY PHILLIPS**  
Senate District L

Session (Jan-May)  
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Interim  
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(907) 694-4948 Fax

April 6, 2001

Representative Vic Kohring  
House Transportation Committee  
State Capitol  
Juneau, AK 99801

Re: SB 88 Metropolitan Planning Organization  
Request for Hearing

Dear Representative Kohring,

As sponsor of SB88, "An Act relating to metropolitan planning organizations and to establishment of a metropolitan planning organization for the Anchorage metropolitan area," I respectfully request a hearing in the House Transportation Committee as soon as possible.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Phillips".

Senator Randy Phillips



**ALASKA STATE LEGISLATURE**  
**SENATOR RANDY PHILLIPS**  
Senate District L

Session (Jan-May)  
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(907) 694-4948 Fax

**MEMORANDUM**

**TO:** Members of the House Transportation Committee  
**FROM:** Senator Randy Phillips  
**SUBJECT:** SB88 Metropolitan Planning Organizations (AMATS)  
**DATE:** April 6, 2001

I realize some members of the committee may not be familiar with AMATS so I am providing the following basic information.

**What is AMATS?**

AMATS is the acronym for the Anchorage Metropolitan Area Transportation Study. The AMATS mission is "To develop and implement a multi-modal transportation system." It was created in 1976 so that our local area could receive federal highway funds, in compliance with the Federal Highway Act of 1962. Transportation planning in the Municipality of Anchorage is conducted under the auspices of AMATS. AMATS is a cooperative, comprehensive, and continuing process in which the State of Alaska and the Municipality of Anchorage jointly plan improvement of local roadway, transit, and trail systems.

**Where is the AMATS area?**

The AMATS Study Area encompasses a major portion of the political boundaries of the Municipality of Anchorage, the urbanized areas of Eagle River, Chugiak, Birchwood, Eklutna and the Anchorage Bowl, plus Girdwood, Bird Creek, and Indian.

**What are the duties of the AMATS Policy Committee?**

The AMATS Policy Committee consists of five equal voting members: the Regional Director of DOT&PF, the Commissioner of DEC, the Mayor of Anchorage, and two Municipal Assembly members. The Policy Committee has the authority to act on all matters relating to the continuing, comprehensive and cooperative transportation and air quality planning process for the area. Their duties are to:

- ◆ Establish the needs and priorities of transportation,
- ◆ Direct the preparation and implementation of transportation plans, programs and studies,
- ◆ Manage and secure funding to implement the Transportation Program,
- ◆ Provide overall direction to the AMATS Technical Advisory Committee and staff
- ◆ Ensure public involvement throughout the AMATS process.



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Alaska Division

[www.fhwa.dot.gov/akdiv](http://www.fhwa.dot.gov/akdiv)

P.O. Box 21648  
Juneau, Alaska 99802-1648  
907-586-7418

February 22, 2001

HDA-AK  
Adm-Gen 11

Senator Randy Phillips  
State Capitol, Room 103  
Juneau, AK 99801-1182

Dear Senator Phillips:

Thank you for your phone call of February 22. You specifically asked "Is there anything in Federal law precluding participation of State Legislators on the AMATS Policy Board." We offer the following for your consideration:

The Federal regulations on MPO membership are contained in Title 23 CFR Section 450.306. In general, they provide considerable flexibility in recognition of the variation in local government authority across the United States and the need to give each State and its local officials the flexibility to determine the institutional form of each MPO. Providing the provisions of Title 23 CFR Section 450 are followed, Federal regulations do not preclude the participation of State legislators on the AMATS Policy Board.

Sincerely,

David C. Miller  
Division Administrator

Fed Hwy. Position

§ 450.214 Phase-in of new requirements.

The State shall, by January 1, 1995, identify the official statewide transportation plan, described under § 450.214, to be used as a basis for subsequently approved STIPs. Until such a plan is identified, but no later than January 1, 1995, the State may identify existing plans and policies which can serve as the official interim plan. STIP development shall be based upon a transportation plan which serves as the official plan (including an interim plan, if appropriate, prior to January 1, 1995, provided that all factors identified in § 450.208 are considered).

Subpart C—Metropolitan Transportation Planning and Programming

§ 450.200 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 134 and section 8 of the Federal Transit Act, as amended, which require that a Metropolitan Planning Organization (MPO) be designated for each urbanized area and that the metropolitan area has a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods.

§ 450.202 Applicability.

The provisions of this subpart are applicable to agencies involved in the transportation planning, program development, and project selection processes in metropolitan planning areas.

§ 450.204 Definitions.

Except as otherwise provided in subpart A of this part, terms defined in 23 U.S.C. 101(a) are used in this part as so defined.

§ 450.208 Metropolitan planning organization: Designations and redesignation.

(a) Designations of metropolitan planning organizations (MPOs) made after December 18, 1991, shall be by agreement among the Governor(s) and units of general purpose local governments representing 75 percent of the affected metropolitan population (including the central city or cities as defined by the Bureau of the Census), or in accordance with procedures established by applicable State or local law. To the extent possible, only one MPO shall be designated for each UZA or group of contiguous UZAs. More than one MPO may be designated within an UZA only if the Governor(s) determines that the size and complexity of the UZA make designation of more than one MPO appropriate.

(b) The designation shall clearly identify the policy body that is the forum for cooperative decisionmaking that will be taking the required approval actions as the MPO.

(c) To the extent possible, the MPO designated should be established under specific State legislation, State enabling legislation, or by interstate compact, and shall have authority to carry out metropolitan transportation planning.

(d) Redesignation (designation of a new MPO(s) to replace an existing MPO) shall occur by agreement of the Governor and affected local units of government representing 75 percent of the population in the entire metropolitan area. The central city(ies) must be among the units of local government agreeing to the redesignation.

(e) Nothing in this subpart shall be deemed to prohibit the MPO from utilizing the staff resources of other agencies to carry out selected elements of the planning process.

(f) Existing MPO designations remain valid until a new MPO is redesignated, unless revoked by the Governor and local units of government representing 75 percent of the population in the area served by the existing MPO (the central city(ies) must be among those desiring to revoke the MPO designation), or as otherwise provided under State or local procedures. If the Governor and

local officials decide to redesignate an existing MPO, but do not formally revoke the existing MPO designation, the existing MPO remains in effect until a new MPO is formally designated.

(g) Redesignation of an MPO in a multistate metropolitan area requires the approval of the Governor of each State and local officials representing 75 percent of the population in the entire metropolitan planning area. The local officials in the central city(ies) must be among those agreeing to the redesignation.

(h) Redesignation of an MPO covering more than one UZA requires the approval of the Governor and local officials representing 75 percent of the population in the metropolitan planning area covered by the current MPO; the local officials in the central city(ies) in each urbanized area must be among those agreeing to the redesignation.

(i) The voting membership of an MPO policy body designated/redesignated subsequent to December 18, 1991, and serving a TMA, must include representation of local elected officials, officials of agencies that administer or operate major modes or systems of transportation, e.g., transit operators, sponsors of major local airports, maritime ports, rail operators, etc. (including all transportation agencies that were included in the MPO on June 1, 1991), and appropriate State officials. Where agencies that operate other major modes of transportation do not already have a voice on existing MPOs, the MPOs (in cooperation with the States) are encouraged to provide such agencies a voice in the decisionmaking process, including representation/membership on the policy body and/or other appropriate committees. Further, where appropriate, existing MPOs should increase the representation of local elected officials on the policy board and other committees as a means for encouraging their greater involvement in MPO processes. Adding such representation to an MPO will not, in itself, constitute a redesignation action.

(j) Where the metropolitan planning area boundaries for a previously designated MPO need to be expanded, the membership on the MPO policy body

and other committees, should be viewed to ensure that the added area has appropriate representation.

(k) Adding membership (e.g., local elected officials and operators of major modes or systems of transportation, representatives of newly urbanized areas) to the policy body or expansion of the metropolitan planning area do not automatically require redesignation of the MPO. To the extent possible, it is encouraged that this be done without a formal redesignation. The Governor and MPO shall review previous MPO designation, State or local law, MPO bylaws, etc., to determine if this can be accomplished without a formal redesignation. If redesignation is considered necessary, the existing MPO will remain in effect until a new MPO is formally designated. The existing designation is formally revoked in accordance with the procedures of this section.

§ 450.208 Metropolitan planning organization: Metropolitan planning area boundaries.

(a) The metropolitan planning area boundary shall, as a minimum, cover the UZA(s) graphic area used within period cover plan describe. The boundary metropolitan consolidated area, as defined Census. For designated as finance areas Air Act Am for transport under the O. metropolitan olude at les nonattainment except as old ment between error under § 450.216(f) of of a formal Governor an metropolitan less than th attainment entire numat

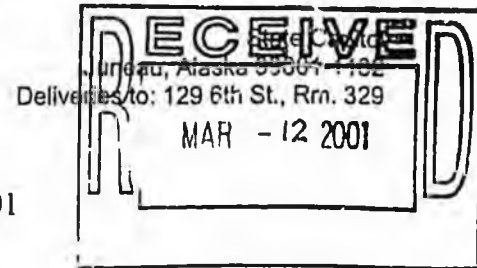
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03-07-2001 10:31:32 FAX-FHWA ALASKA DIV 0078867420 T-524 P.001/001 F-990 Fed Law

# LEGAL SERVICES

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

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



## MEMORANDUM

March 10, 2001

**SUBJECT:** Hawaii Constitution and "dual office" holding by legislators  
(SB 88)

**TO:** Senator Randy Phillips

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have asked whether the Constitution of the State of Hawaii has a provision analogous to article II, section 5 of the Constitution of the State of Alaska regarding "dual office" holding by legislators.

The answer to your question is yes.

Article II, section 5, Constitution of the State of Alaska states:

**Disqualifications.** No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

The analogous provision of the Hawaii Constitution, article III, section 8 states:

### DISQUALIFICATIONS OF MEMBERS

No member of the legislature shall hold any other public office under the State, nor shall the member, during the term for which the member is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public offices," for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

*Hawaii Law*

Senator Randy Pi.  
March 10, 2001  
Page 2

The annotations to this section of the Hawaii Constitution that are contained in the Hawaii Revised Statutes do not cite to any court cases that have construed this provision.

If you would like me to pursue this issue in greater depth, please contact me.

GU:lmb  
01-081.lmb

03/05/01 MON 14:30 FAX 907 3434313

MOA CLERK

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Traini, Teasda, Abner,  
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CLERK'S OFFICE

APPROVED

Date: 2-27-01

Submitted by: Assemblymembers Falrolough,  
Tremaine  
Prepared by: Assembly Office  
For reading: FEBRUARY 27, 2001

ANCHORAGE, ALASKA  
AR NO. 2001-44

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY OPPOSING SENATE  
BILL 88, "AN ACT RELATING TO METROPOLITAN PLANNING ORGANIZATIONS AND TO  
ESTABLISHMENT OF A METROPOLITAN PLANNING ORGANIZATION FOR THE ANCHORAGE  
METROPOLITAN AREA, AND PROVIDING FOR AN EFFECTIVE DATE"

WHEREAS, the current Metropolitan Planning Organization consists of two Assemblymembers,  
the Mayor, and two representatives from the State of Alaska (Department of Transportation and  
Department of Environmental Conservation); and

WHEREAS, the Municipality and the State currently have a balanced and cooperative working  
relationship in the development of transportation and air quality plans; and

WHEREAS, 23 United States Code 134 states that a metropolitan planning organization is  
designated "by agreement among the Governor and the units of general purpose local government."; and

WHEREAS, the Municipality and the Governor must agree to any changes in the existing  
Metropolitan Planning Organization's membership; and

WHEREAS, the action to change the AMATS process, entered into unilaterally by the State of  
Alaska could endanger federal highway funding for Anchorage, which is intended to be handled  
cooperatively between the Municipality and the State; and

WHEREAS, the Assembly does not support inclusion of voting (or nonvoting) members from the  
Senate and the House.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That the Assembly opposes Senate Bill 88 which modifies the membership of the  
Metropolitan Planning Organization.

Section 2: That the Municipal Clerk forward copies of this resolution to the Governor and the State  
Legislature upon passage and approval.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 27<sup>th</sup> day of  
February, 2001.

Fay Von Gemmingen  
Chair

ATTEST:

Lizanne Ferguson  
Municipal Clerk



U.S. Department  
of Transportation

**Federal Highway  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

April 5, 2001

Refer to: HEPM

Mr. Tom Brigham  
Director, Division of Statewide Planning  
Transportation and Public Facilities  
3132 Channel Drive Room 200  
Juneau, AK 9801

Dear Mr. Brigham:

You have solicited our review of SB 88 in terms of its consistency with current Federal statute and regulations regarding the metropolitan transportation planning process.

We have reviewed the draft you provided and offer the following: Redesignation as defined by 23 USC 134 is based on a process of agreement between the Governor and local officials. This legislation would substantially restructure the governing board of the existing MPO. It has been the position of this agency that changes to MPO governing boards made consistent with existing by-laws would not be construed as a redesignation. This change, however, would be made under newly adopted state legislation without the direct input of the MPO or local officials and not based on the existing by-laws of the MPO. In our view, this would be an imposition of structure on the MPO and would constitute a restructuring of the Board and redesignation of the MPO as a result.

In our view, it is clearly congressional intent to give local officials a role in redesignating MPOs. The apparent rationale is simply that if the MPO is to serve as an effective forum for making local decisions that it would be wise to give local governments ownership in the entity. The action contemplated by this legislation would seemingly substitute State legislative judgments for local actions.

We have been asked to comment on similar legislative proposals in other States. In each case we have made the same general observation. An action by the legislature without the consent and support of local officials and the Governor would appear to be inconsistent with the intent of 23 USC 134.

If you have any further questions, please contact Sheldon Edner of my staff at (202) 366-4066.

Sincerely,

George Schoener, Director  
Office of Metropolitan Planning and Programs

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 48  
(S) Publish Date: 2/21/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
Title: An act relating to metropolitan planning BRU: Central Region Planning  
organizations and to establishment... Component: Central Region Planning  
Sponsor: Senator Phillips  
Requester: Senate Transportation Component Number: 557

### Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

### POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

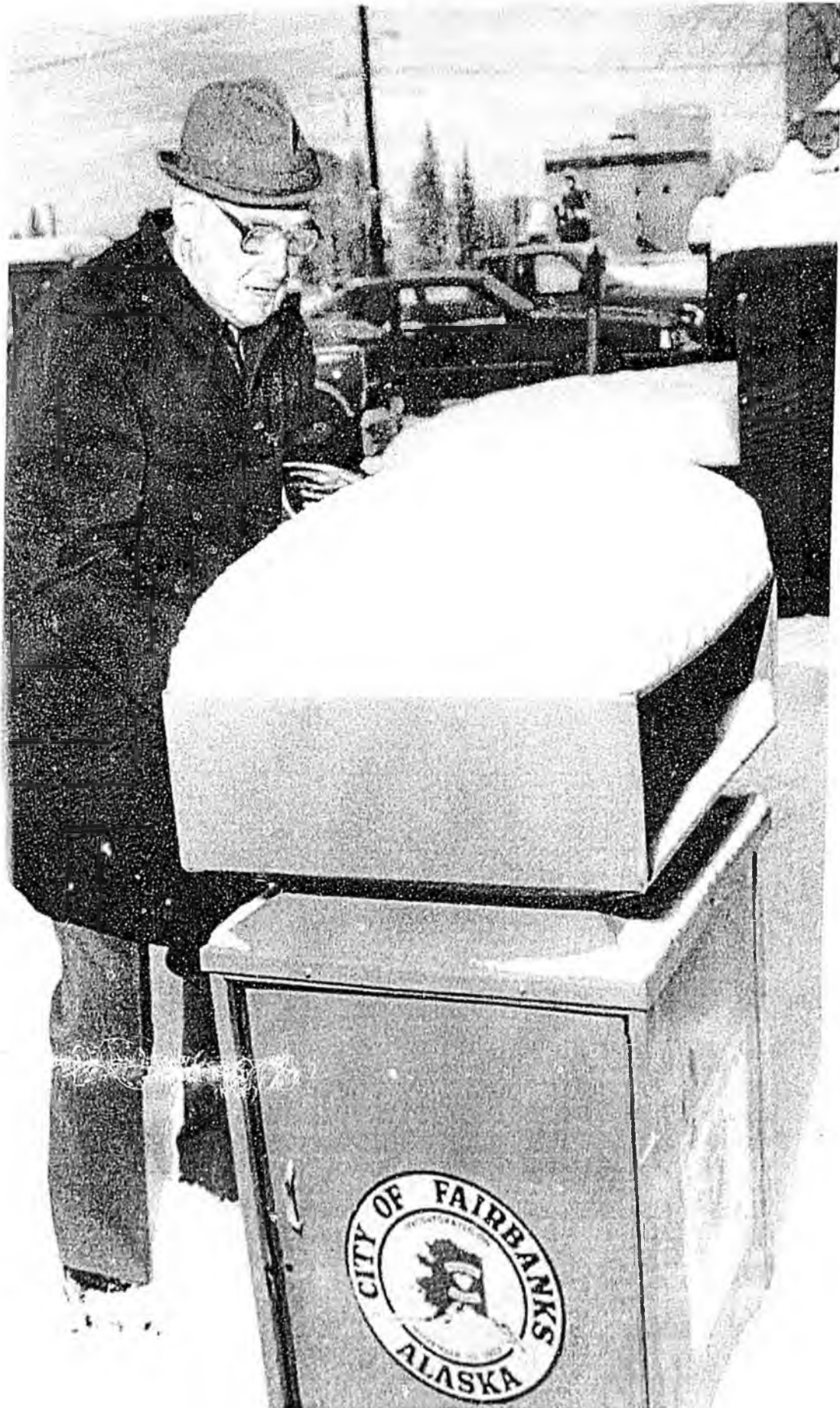
Prepared by: Dennis R. Poshard Phone 465-3904  
Division: Commissioner's Office Date/Time 2/20/01 11:11 AM  
Approved by: Joseph L. Perkins, P.E. Date 2/20/01  
Agency: Commissioner

For distribution information, call the Governor's Legislative Office

**SB**

**119**

Senate Bill 119



William R. Wood  
Fairbanks International Airport

## GARY WILKEN

SENATOR  
Districts 29 & 30  
West Fairbanks

### Senate Standing Committees

Member: Finance  
Member: Health, Education, &  
Social Services (HESS)  
Member: Legislative Budget & Audit  
Member: State Affairs



During Session:  
State Capitol Building  
Juneau, Alaska 99801-1182  
Tel: (907) 451-5501 (in Fbks area)  
Tel: (907) 465-3709 (outside Fbks)  
Fax: (907) 465-4714  
Website: [www.garywilken.com](http://www.garywilken.com)  
E-Mail: [Senator\\_Gary\\_Wilken@legis.state.ak.us](mailto:Senator_Gary_Wilken@legis.state.ak.us)

Interim:  
1851 Fox Ave.  
Fairbanks, Alaska 99701  
Tel: (907) 451-5501  
Fax: (907) 451-0438

## SPONSOR STATEMENT

### Senate Bill 119 William R. Wood Fairbanks International Airport

Senate Bill 119 will name the Fairbanks International Airport in honor of a true visionary and leader for Alaska, Dr. William Ransom Wood.

Dr. Bill Wood arrived in Fairbanks, Alaska in 1960 with his wife Dorothy Jane, son Mark and daughter Karen, to serve as the fourth president of our University of Alaska. After thirteen years of leading the University and shaping it into a world class institution, he retired from University service and, with his family, decided to remain in Fairbanks.

Though he retired from the University, he never stopped serving his community. Dr. Wood was committed to making the place where he lived a better place than when he found it. He fulfilled that belief everyday of his 94 years. Even on his final days, he was offering words of wisdom and urging national, state, and local leaders to begin or to finish community projects.

Over the years, Dr. Wood was a leader to many, including being the Mayor of Fairbanks, Chair of Fairbanks Area Community Hospital Foundation, founder of Festival Fairbanks, founder of Fairbanks Industrial Development Corporation, and 1985 Alaskan of the Year. He was very active in Rotary International, serving as his club's President, District 5010 Governor, and receiving Rotary's highest honor - the Service Above Self Award.

Dr. Wood's message was that we, as Fairbanksans, live in a special place in this world. With the naming of the Fairbanks International Airport after Dr. Wood, fellow Alaskans, and our visitors, will be reminded not only of his contributions to our past, but his vision of our future.

I respectfully request your support of this legislation.

*Gary Wilken*

## Alaskan Life of William R. Wood

- ✓ University of Alaska President – 1960-1973
- ✓ Mayor of Fairbanks – 1978-1980
- ✓ Founder of Fairbanks Industrial Development Corporation
- ✓ First Chairman of the Greater Fairbanks Community Hospital Foundation – 1967
- ✓ Airport Community Council Charter Member
- ✓ Co-Founder Alaska Science and Technology Foundation
- ✓ Founder of Festival Fairbanks whose mission is to support community projects.
- ✓ Festival Fairbanks Executive Director (a non-monetary position) from its inception in 1981 – 2001.
- ✓ Visionary & Creator of Golden Heart Plaza - 1984
- ✓ Opinion columnist for Fairbanks Daily News-Miner – 1981-2001
- ✓ 1985 Alaskan of the Year
- ✓ Rotary District 5010 (Yukon, Alaska, Eastern Russia) Governor – 1985-1986
- ✓ Rotary Service Above Self International Award - 2000
- ✓ Established Wood Nanook Varsity Talent Search and Grant Endowment with the University of Alaska Fairbanks – 1998
- ✓ Published a trilogy of poetry – *Not From Stone* (1983), *Legacy of Dreams* (1993), and *Nanook* (2000)

By: Karen Parr  
Bonnie Williams  
Dave Veazey  
Garry Hutchison  
Eileen Cummings  
Rick Solie  
Introduced: 03/22/01  
Adopted: 03/22/01

RESOLUTION NO. 2001 - 014

A RESOLUTION SUPPORTING RENAMING THE FAIRBANKS INTERNATIONAL AIRPORT TO "WILLIAM R. WOOD FAIRBANKS INTERNATIONAL AIRPORT"

WHEREAS, William Ransom Wood was a distinguished member of the Fairbanks North Star Borough Community who was a true visionary from the time he arrived in Fairbanks in 1960 to serve as the fourth President of the University of Alaska, 1960 - 1973, and after retirement continued as President Emeritus. He was credited with turning a single campus school into a major university, expanding from College Hill in Fairbanks to communities across Alaska, including Juneau and Anchorage; and

WHEREAS, while Dr. Wood never truly retired from anything, as a private citizen he immersed himself in community issues. He served as Mayor of the City of Fairbanks from 1978 to 1980, president of the Fairbanks Industrial Development Corp., president of Fairbanks Rotary Club and district governor for Rotary International. He was the first president of the Fairbanks Hospital Foundation and helped found Festival Fairbanks, a community organization dedicated to making Fairbanks a better place to live, work, visit, and raise a family. He was selected and honored as Alaskan of the Year in 1985 and received the highest award presented in International Rotary, the 2001 Service Above Self award; and

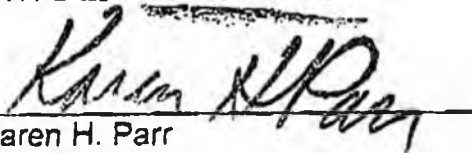
WHEREAS, Dr. Wood was a published poet and a regular columnist in the Fairbanks Daily News Miner. His wisdom, compassion, and love for all people could be seen in his writing. This compassion and concern for people earned him a deep respect by the Fairbanks Community. His energy and enthusiasm for Fairbanks should be an example to its citizens to continue in his footsteps and strive for a prosperous, healthy, and safe Interior of Alaska; and

WHEREAS, as a strong supporter of Alaska aviation, Dr. Wood also served as a long term member of the Fairbanks International Airport Community Council. It is only fitting that a special tribute be made to this visionary who dedicated his life to community service and making this place he chose to call home "a little better than when he found it".

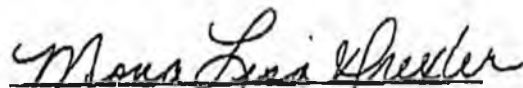
NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough strongly supports Senator Gary Wilken and Representative Jim Whittaker's bills to rename the Fairbanks International Airport to the "William R. Wood Fairbanks International Airport".

BE IT FURTHER RESOLVED that this resolution be forwarded to the Honorable Governor Tony Knowles, Senator Gary Wilken, Representative Jim Whitaker and all members of the state legislature.

PASSED AND APPROVED THIS 22<sup>nd</sup> OF MARCH 2001.

  
Karen H. Parr  
Presiding Officer

ATTEST:

  
Mona Lisa Drexler, CMC  
Municipal Borough Clerk

Ayes: Williams, Foote, Cummings, Hutchison, Solie, Veazey, Parr  
Noes: Sattley, Beck

**Daily News - Miner**

"Independent in All Things . . . Neutral in None"  
Established in 1903

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Publisher Emeritus

MARILYN F. ROMANO  
Publisher

ELLI JOSTIAN  
Managing Editor

BRIAN O'DONOGHUE  
Editorial Page Editor

**'Just a little better'**

It was a thunder that moved the heart.

U.S. Army howitzers boomed in military salute to Dr. William Ransom Wood at the community memorial to the man at the University of Alaska Fairbanks Patty Center on Saturday afternoon.

The thunder was felt, more than heard, inside the university gym.

It was an unseen salute that in many ways mirrored the life of the man. Dr. Wood worked countless hours invisible to most in this community, though his efforts continue to touch our lives and, indeed, move our hearts.

He lived from 1907 to 2001 and this community had the pleasure of his company from 1960 to just a week ago today. For 20 years, he wrote a column for this very page.

In a 1983 News-Miner article, Dr. Wood was quoted as saying he would want to be remembered "as an individual who left the place a little better than he found it."

Add to that philosophy his penchant for progressive ideas and you have a remarkable man of vision. He forwarded so many ideas that sometimes those around him—people one would suppose had younger and fresher minds—had a hard time keeping up.

Predictably, such a man could not accomplish so much with everyone liking every idea. He was criticized for his support of Project Chariot, a government plan born in the late 1950s in search of "peaceful use of the atom." This idea would have used an atomic blast to create a port off Alaska's northwest coast. The thought sounds ludicrous in this new millennium, but in its day it was an example of the vision exercised by progressive thinkers.

Some still exercise their powers of hindsight to criticize. Thank God that Dr. Wood exercised his considerable powers of forethought to touch this earth far beyond the scope of his mortality.

How many thousands will enjoy Golden Heart Park for years to come, walk across the yet-to-be-built Centennial Bridge or hear the chimes of the Rotary clock tower without having known the man responsible for these landmarks?

Indeed, his vision lives beyond the physical monuments. We can't overlook a dynamic family that continues to call Fairbanks home. We also can't name a community leader who has not been influenced in some way by experience with Dr. Wood or his wife, Dorothy Jane, who preceded her husband in death just last year.

They lived their lives as shining examples and mentors to many.

In his 13 years at the university, he stood upon a solid foundation laid by his predecessors and was the engineer who created much of the institution we enjoy today.

His community service mirrored his university career in many ways. He came along to build and to keep us looking forward. What is even more remarkable about his community work is the inestimable hours spent day after day, year upon year, for no recompense but to satisfy his want to make things "a little better."

For decades to come, Fairbanks will see the mark of Dr. Wood, the Midwest farm boy, the sailor, the scholar, the husband, the father, the teacher, the university president, the mayor, the statesman, the grandpa who chose to make Fairbanks his home.

If on some serene afternoon by chance you are down by the Chena River and you hear the sweet chimes of the clock tower, let the moment carry your vision forward and imagine what you might do to honor the memory of a man who left this place much better than he found it.

# Dr. Wood and UAF: For the record

By JOHN WHITEHEAD

A few weeks ago I returned to Fairbanks for the memorial service of my friend William R. Wood. As I followed the coverage of Wood's death in the News-Miner I came across Dan O'Neill's March 1 critical assessment of Wood's career. The tasteless timing of this article as friends and family gathered for Wood's funeral seemed shocking to me—both on the part of the columnist and of the News-Miner. While some people agreed with me, I found in conversation that others thought the timing of the article actually substantiated the charges. Why else, they said, would the paper run the article if the facts were not true, particularly as O'Neill claimed that his statements were "matters of record." Is this the case? Was Dr. Wood the man O'Neill claims he was?

O'Neill's criticism of Wood, particularly of his role in Project Chariot, is not new. However the March 1 article took this criticism to vaulted heights. He charged that Wood was "mistaken" as a university president, that he was "not a particularly intellectual person," and that he did not understand the concept of "academic freedom" or the "opportunity to pursue any avenue of inquiry in an atmosphere of pure scholarship and freedom from political pressures." The proof is his claim that Wood arranged the firing of two UA scientists who "published work critical of Project Chariot." Hence Wood's repression of academic freedom.

When I first arrived at UAF in 1978 the story of Project Chariot and Wood's firing of two professors was a veritable campus legend. History students of mine even wrote papers on the subject, though usually with no firm conclusion whether the legend was actually true. In the mid-1980s I

## Guest opinion

was delighted to learn that Dan O'Neill, whom I had met through oral history work, was conducting a massive investigation of the issue. At his request I even assisted in interviewing Wood for the project. When O'Neill's book "The Firecracker Boys" appeared, I read it with interest. I hoped it would finally settle the issues behind the legend. The book was exhaustive in its research and most of my current knowledge on the subject comes directly from it. Much to my surprise the facts presented by O'Neill did not seem to support his charges against Wood and the alleged "firing."

What were the issues in the Chariot affair? In 1959 the United States Atomic Energy Commission commissioned contract research with the University of Alaska for biological studies on the levels of radiation that might result from a proposed nuclear blast off the coast of Northwest Alaska. Two young scientists, Leslie Viereck and William Pruitt, were hired with funds from this contract to conduct some of the studies. After submitting their studies to the AEC they, along with other UA scientists, were stunned when the AEC announced that the blast would be safe and should go forward. They thought their studies supported the opposite conclusion and challenged the AEC's report. During the midst of the controversy in 1960 William R. Wood became president of the university.

As the controversy between the scientists and the AEC progressed, Viereck concluded he could no longer work on the AEC contract and resigned. There was no other employment for him at the university outside of the con-

tract. Pruitt did not resign but joined forces with other scientists to publish a forceful reply to the AEC in the News Bulletin of the Alaska Conservation Society.

Brina Kessel, the head of UA's biology department and director of the contract with the AEC, found some of Pruitt's use of scientific data in the reply unethical and decided to issue him a terminal contract on the AEC project.

Viereck's decision to resign was Viereck's. Kessel's decision to terminate Pruitt was Kessel's. How were they fired by William R. Wood? O'Neill asserts that Brina Kessel sought advice from Wood on the controversy. Wood suggested that if the scientists hired to work on the contract no longer wanted to do such contract research, then possibly they should not be rehired. To him that was the nature of contract research. The choice of remaining on the contract was left to the scientists. There is no evidence that Wood forced Viereck to resign or forced Kessel to terminate Pruitt. Nonetheless, it is clear that O'Neill and others believe that Wood forced the firing of these men. This, however, is a matter of opinion, not of record.

As the years of Wood's presidency progressed from his initial imbroglio with Chariot to his retirement in 1973, he clearly gained a reputation as a man who was "running the show." At times his style seemed paternalistic to both students and faculty, some would even say autocratic. He was a man of strongly held opinions. This was hardly a hidden aspect of Wood's record. Nonetheless, it was during his presidency that faculty tenure, the keystone of academic freedom, was established. Faculty governance through the Fairbanks Assembly was also created. O'Neill refers readers to Terence Cole's history of the University of Alaska for more examples of "fir-

ings" in the Wood years. I too gave his advice, but found no charge by Cole that Wood himself ordered these terminations. Anyone who has sat on departmental or university committee knows that non-tenured faculty can be terminated for any number of reasons ranging from professional to budgetary considerations. Cole does cite examples of strongly held Wood opinions as on the trans-Alaska pipeline. He also notes that not all faculty agreed with Wood on many issues. But the overall portrait Cole leaves with the reader is laudatory. Wood served as UA president during a tumultuous time in American history, and in Cole's words "left behind a statewide institution that had grown so rapidly in thirteen years that the campus would have hardly been recognized by the class of 1960." He was the builder of the modern University of Alaska in both its cement and human aspects.

Matters of opinion are just that. Bill Wood had many strong opinions. But the evidence that he turned those opinions to actions against others are conjectural at best. If matters of opinion are repeated regularly in the press and other venues, they will become matters of record if they are not examined and challenged.

For any reader who may still wonder about the character of this man mourned by so many, though still attacked by some, I would suggest that they read the books cited by O'Neill, his own "Firecracker Boys" or Terence Cole's excellent "The Cornerstone on College Hill." Sort through the evidence and form your own opinion, both about the man and about the community that mourned him. This is what William R. Wood and any other well-cast president of a university would want you to do.

John Whitehead, professor emeritus of history from the University of Alaska Fairbanks, now resides in Athens, Ga.

3-20-01

Rose Elsner  
389 Hagelbarger  
Fairbanks, Alaska 99712

April 12, 2001

Alaska State Legislature  
Juneau, Alaska 99811

Re: Senate Bill No. 119

**NAMING THE FAIRBANKS INTERNATIONAL AIRPORT**

To Whom It May Concern:

The Fairbanks International Airport is the main connector for aviation related travel for all the people of the interior and the North Slope as well. As an international stop over, FIA serves the world as well.

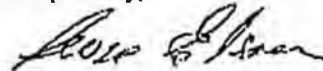
The people of the Fairbanks North Star Borough as well as the people of the interior and northern villages can take pride in FIA.

FIA is located outside the boundaries of the City of Fairbanks. The city residents and businesses are only a fraction of the overall residents and businesses that this international facility serves.

Please DO NOT change the name of the second busiest international airport in Alaska.

The fiscal note that accompanied Senate Bill 119 showed zero cost to change the name. The fiscal note cannot represent the true cost of changing the name. With no disrespect intended, the legislature does have all the information.

Respectfully,



Rose Elsner

☆ ☆ ☆ ☆  
☆ ☆  
☆ ☆  
*Auxiliary* ☆ ☆ *Number 8*  
**PIONEERS OF ALASKA**

*P.O. Box 70656  
Fairbanks, Alaska 99707-0656*

April 3, 2001

House Rules Committee, MS 3100  
Rep. Pete Kott, Chairman  
Room 204, Capitol Building  
Juneau, AK 99801-1182

Ref: Opposition to SB 119

Dear Rep. Kott and Members of the House Rules Committee:

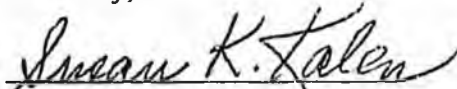
At our regular meeting of April 2, 2001, the members of Pioneers of Alaska, Auxiliary #8, voted unanimously to OPPOSE renaming the Fairbanks International Airport after William R. Wood, and further, to keep the name of the Fairbanks International Airport unchanged.

We feel that William Wood had little to do with the development of the airport, nor with aviation in Interior Alaska. Wood Center on the campus of the University of Alaska, of which he was president, is named after him. That is appropriate. Renaming the Fairbanks International Airport after him is not appropriate.

The Alaska Legislature is moving too rapidly on this issue, without enough time for input from the citizens of Fairbanks. We of Auxiliary #8, Pioneers of Alaska, with a membership of over 900 women, strongly oppose SB 119, and ask you to hold it until more public input is heard.

Thank you for your consideration.

Sincerely,



Susan K. Kalen, Secretary  
Auxiliary No. 8, Pioneers of Alaska

Copy: Interior Delegation

APR 17 REC'D

**JAMES E. MOODY, P.E.**

FAIRBANKS: (907) 456-8000

BOX 1092, 99707

~~FAIRBANKS: (907) 456-8000~~~~4000 UNIVERSITY DRIVE~~

April 17, 2001

The Honorable Pete Kott  
 Chairman, Rules Committee  
 Alaska State House of Representatives  
 Juneau, Alaska

Re: SB119; HB 151  
 Renaming Fairbanks International Airport

Dear Chairman Kott:

As a retired career Airport Engineer with over 30 years service to Alaska in the Department of Aviation and its successors (Division of Aviation, Department of Public Works, and DOT&PF), and a pilot since 1939, I encourage you to seek some other means of honoring Dr. Wood rather than renaming Fairbanks International.

It was our policy to name public airports and related facilities (seaplane bases, etc.) after the community they served for clarity and to avoid confusion. You no doubt are aware that airport initials are used extensively for such things as baggage tags, Morse code identifiers on radio aids for navigation, weather reports, flight plans, and so on. Personal names applied to State fields generally resulted from sudden emotional outpourings of sentiment; fields are seldom known by those names. Thus the 'honor' becomes meaningless or hollow.

In a few instances, public fields carry personal names to identify specific facilities when more than one serve the same community -- like Chicago-O'Hare and Chicago-Midway. Private fields -- usually smaller, non-commercial, general aviation airports -- are more likely to have personal names like the O'Malley Strip and Bradley Sky Ranch.

It would be more significant to erect a monument to Dr. Wood at the airport, and the cost would likely be no more than the cost of changing signs, letterhead, and public notices, etc., associated with a name change. (Personally I feel a more appropriate monument location would be at Golden Heart Plaza -- Wood's personal triumph in the City. Another possibility -- with or without a monument -- would be naming the new road access to the University after him.)

Please note that in no way should my opposition to the airport renaming serve to tarnish Wood's reputation; it is a technical and practical matter.

Respectfully,

*James E. Moody*  
 James E. Moody, P.E.

cc: Committee members Kohring, McGuire,  
 Morgan, Porter, Berkowitz, and Joule.

**Subject: Dr. Wood Memorial**

**Date: Thu, 01 Mar 2001 17:44:26 -0900**

**From: "Glen M. Wilcox" <akbear@akpub.com>**

**To: akbear@akpub.com**

I would like to urge you not to change the name of the Fairbanks International Airport to honor Dr. Wood by naming it after him. I have just returned from one of our local service clubs and it was the general agreement that it would be contrary even to Dr. Wood's own wishes, recently expressed by himself when it was suggested that the name of Airport Road be changed to his name. It is enough that one of the principal buildings at the University is named for him and that he has been able to enjoy that for years. It is not out of the lack of caring for or about him, but any action to name the airport for him would be inappropriate, especially when he had no particular connection to aviation even though he served on a committee related to the airport at one time. He needs to be honored as an educator not as one connected to aviation. Thank you.  
Glen . . .

\*\*\*\*\*  
Alaska Internet Publishing, Inc. Phone: (907) 452-2500  
Glen M. Wilcox akbear@akpub.com  
www.akpub.com Fax: (907) 456-2500  
1714 Marika Road Cellular: (907)388-2500  
Fairbanks, Alaska 99709  
\*\*\*\*\*

ROSE ELSNER  
389 Hagelbarger  
Fairbanks, Alaska 99712

907-457-7891  
Fax: 907-455-7891

April 19, 2001

The Honorable Pete Kott,  
House Rules Committee  
Alaska State Legislature  
State Capitol, Room 204  
Juneau, Alaska 99801-1182

Fax: 907-465-2819

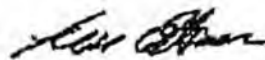
Dear Representative Kott:

Please do not change the name of the Fairbanks International Airport. The name should stay as everyone in the state recognizes it, i.e., the second largest international airport in the state and the hub serving all of interior and northern Alaska. FIA is very important to a diversified population and as an international stopover, serves the world as well. The name represents the geographic location of the general area and FIA is located outside the boundaries of the City of Fairbanks. This is not a city owned facility, it is A STATE OWNED INTERNATIONAL AIRPORT. It is more appropriately associated with all aviation of the interior and northern part of Alaska, i.e., the vast majority of half the state.

In the Apr. 18, 2001 edition of the Fairbanks Daily News Miner, you were reported to be considering another hearing on the proposal in early May. I feel that your committee should kill the proposal that suggested the name change since the legislators who suggested the name change were not representing the vast majority of users and residents of the interior and northern Alaska.

I realize that you are a lawmaker representing Eagle River, but my request is to you on a broader scale. As an important lawmaker holding the interest of the entire state in your hands, please do not take action that would change the name - Fairbanks International Airport.

Sincerely,



Rose Elsner

Rose Elsner  
389 Hugelbarger  
Fairbanks, Alaska 99712

April 12, 2001

EDITOR  
FAIRBANKS DAILY NEWS MINER  
200 North Cushman  
Fairbanks, Alaska 99701

Re: Senate Bill No. 119

**NAMING THE FAIRBANKS INTERNATIONAL AIRPORT**

To Whom It May Concern:

The Fairbanks International Airport is the main connector for aviation related travel for all the people of the interior and the North Slope as well. As an international stop over, FIA serves the world as well.

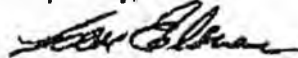
The people of the Fairbanks North Star Borough as well as the people of the interior and northern villages can take pride in FIA.

FIA is located outside the boundaries of the City of Fairbanks. The city residents and businesses are only a fraction of the overall residents and businesses that this international facility serves.

The Alaska Legislature should not change the name of the second busiest international airport in Alaska.

The fiscal note that accompanied Senate Bill 119 showed zero cost to change the name. The fiscal note cannot represent the true cost of changing the name. With no disrespect intended, the legislators involved do not have all the information.

Respectfully,



Rose Elsner

**Subject: Pioneers of Alaska, Auxiliary #8 Opposition to SB 119**

**Date:** Tue, 03 Apr 2001 10:33:56 -0800

**From:** "Susan K. Kalen" <skkalen@eagle.ptialaska.net>

**To:** Representative\_Pete\_Kott@legis.state.ak.us

**CC:** Representative\_Lesil\_McGuire@legis.state.ak.us,  
Representative\_Reggie\_Joule@legis.state.ak.us,  
Representative\_Vic\_Kohring@legis.state.ak.us, Representative\_Brian\_Porter@legis.state.ak.us,  
Representative\_Carl\_Morgan@legis.state.ak.us,  
Representative\_Ethan\_Berkowitz@legis.state.ak.us,  
Representative\_Jeanette\_James@legis.state.ak.us,  
Representative\_Jim\_Whitaker@legis.state.ak.us, Representative\_Joe\_Hayes@legis.state.ak.us,  
Representative\_John\_Coghill@legis.state.ak.us, Representative\_John\_Davies@legis.state.ak.us,  
Representative\_Hugh\_Fate@legis.state.ak.us, Senator\_Gene\_Therriault@legis.state.ak.us,  
Senator\_Pete\_Kelley@legis.state.ak.us, Senator\_Gary\_Wilken@legis.state.ak.us

**TO:** Rep. Kott and Members of the House Rules Committee:  
**FROM:** Pioneers of Alaska, Auxiliary No. 8

At our regular meeting of April 2, 2001, we voted unanimously to OPPOSE renaming the Fairbanks International Airport after William R. Wood, and further, to keep the name of the Fairbanks International Airport unchanged.

We feel William Wood had little to do with the development of the airport nor with aviation in Interior Alaska. Wood Center on the UAF campus is named after him, which is appropriate. Renaming the Fairbanks International Airport after him would be inappropriate.

The Alaska Legislature is moving too rapidly on this issue, without enough time for input from the citizens of Fairbanks. We of Auxiliary #8, Pioneers of Alaska, with a membership of over 900 women, strongly oppose SB 119, and ask you to hold it until more public opinion is heard.

Thank you for your consideration.  
Susan K. Kalen, Secretary, Auxiliary #8, Pioneers of Alaska

Copy: Interior Delegation.

**Subject: SB 119 and companion House bill**

**Date:** Wed, 28 Mar 2001 13:22:56 -0900

**From:** "Kathleen (Mike) Dalton" <pioneer@mosquitonet.com>

**To:** "Sen. Gary Wilken" <Senator\_Gary\_Wilken@legis.state.ak.us>,  
"Rep. Jim Whitaker" <Representative\_Jim\_Whitaker@legis.state.ak.us>

**CC:** "Representative Ethan Berkowitz" <Representative\_Ethan\_Berkowitz@legis.state.ak.us>,  
"Representative Reggie Joule" <Representative\_Reggie\_Joule@legis.state.ak.us>,  
"Rep. Brian Porter" <Representative\_Brian\_Porter@legis.state.ak.us>,  
"Rep. Carl Morgan" <Representative\_Carl\_Morgan@legis.state.ak.us>,  
"Rep. Lesil McGuire" <Representative\_Lesil\_McGuire@legis.state.ak.us>,  
"Rep. Pete Kott" <Representative\_Pete\_Kott@legis.state.ak.us>,  
"Rep. Vic Kohring" <Representative\_Vic\_Kohring@legis.state.ak.us>

Dear Legislators:

Naming Fairbanks International Airport after Dr. William R. Wood is a matter that needs some public discussion in Fairbanks, in the State of Alaska, and in the aviation community. It needs some time. Please put the brakes on.

I suggest the bill remain in House Rules until the 2002 session so you and others can let the current emotional mourning process over a beloved community leader (Dr. Wood) take time to heal and so more rational discussion of the issue is possible later.

Do you remember years ago when the well meaning, loving, supportive Seattle folks renamed SEA-TAC the Henry (Scoop) Jackson airport - only six months later to remove that name and return to the original designation. At some cost and effort. It was not out of disrespect to the late Senator Jackson that they did that.

Many years before that - in 1963 - well meaning, grief stricken folks rushed out to re-name the space launch center (Cape Canaveral) to the Kennedy Space Center, only to come back months later and to remove the Kennedy name and to recapture the geographic Cape Canaveral name. It was not out of disrespect for President Kennedy that that change occurred.

A little caution is needed here. More public discussion is needed. A respectable time of mourning is appropriate.

Sincerely,

*Kathleen (Mike) Dalton*

Sunday, April 8, 2001

# LOCAL

## Festival Fairbanks aims to realize Wood's vision

By NANCY TARNAI  
Staff Writer

It's a good thing Michelle Calvillo keeps a ready supply of tissues on her desk at Festival Fairbanks; it's not uncommon recently for visitors to need a Kleenex or two for wiping away tears.

The February death of the non-profit organization's beloved founder and executive director, William R. Wood, left a definite hole in the downtown Fairbanks office, but don't look for the doors to close, or for the staff to sit around weeping. They have, as Calvillo asserts, plenty to do.

"It would have been nice to have had more time to grieve," said Calvillo, who had worked for Wood at Festival Fairbanks 14 years. After two days off, Calvillo and her administrative assistant, Marti Steury, were back at work.

"We have a corporation to run and we wanted people to know we're still here," Calvillo said.

Festival Fairbanks board members agreed. Althea St. Martin said because Wood was so good at sharing his vision the board and staff have at least six years worth of goals to achieve. "Dr. Wood is no longer with us but he certainly left his vision," St. Martin said. "Festival Fairbanks reminds us of our history—to recognize and celebrate it."

"We've all lost a very good friend," Festival Fairbanks board President Frank Chapados said. "But we are going forward with the program."

Regrouping is the word Barbara Schuhmann used to describe the current situation. "Dr. Wood's inspiration will carry all of us on," she said. "He inspired us to do bigger, more forward-thinking projects. We will have to work very hard to try to make Dr. Wood's visions come true."

"The need is certainly still there," board member Bill Robertson said. "No other group does what we do. It's such a broad spectrum. We identify things that would enhance the community and fill a niche."

Festival Fairbanks got its start 20 years ago, when Wood was city mayor. The original mission was to ensure a 1984 Fairbanks celebration of Alaska statehood's silver anniversary. Since then, the organization has expanded and left its mark on the city in a variety of ways.

Ever appreciated the waving flags at Cushman Street Bridge? Enjoyed a concert at Golden Heart Plaza? Been transfixed by the flowers in the downtown area in the summer time? Attended local events from fireworks to film festivals? Then you've been touched by Festival Fairbanks. Under Wood's direction, Festival Fairbanks has helped promote everything from potatoes to Pope John Paul II's visit.

"We are unique in that public and private companies can work together for the good of the community," Calvillo said. "It's a different avenue to approach people."

"Our mission statement is so broad it allows us to be open to opportunities. We can work on almost anything."

The beauty of Festival Fairbanks is that it can "do all the things that need to be done that nobody else wants to do," Calvillo said. They may not be high recognition, but are nevertheless needs that benefit the community.

As Wood lay in his hospital bed, he made lists of projects for Festival Fairbanks to continue after he was gone. "Right up till the end he was dictating things he wanted done," Calvillo said.

And Wood had been preparing the organization for his demise a long time. "He often said, 'I'll never be here to see this project finished,'" Calvillo said. "He started using that line 14 years ago. We were always at the ready and he defeated the odds so many times."

Wood, a retired University of Alaska president, was such a dynamic community leader that Calvillo said even working side by side with him for so many years she never figured out how he accomplished so much

each day.

Calvillo said the greatest gift he ever gave her was an awareness of how much gardening meant to her. "Plus he gave me confidence that if something is needed it can be accomplished."

Since Wood's death, Calvillo heard a local businessman say he was sort of relieved that Wood would no longer be knocking on his door asking for contributions to improve the community. Calvillo informed him right away that Wood had trained others to carry on the fund-raising duties.

The corporation is funded by city bed taxes (collected by hotels, motels, bed and breakfast inns); contracts with the city, corporate sponsorships,  
See FESTIVAL FAIRBANKS, Page B-3

## FESTIVAL FAIRBANKS

Continued from Page B-1

private donations and government grants. "We have always lived hand-to-mouth on a very tight budget," Calvillo said. "I firmly believe if we continue to serve the community we will be able to fund Festival Fairbanks."

The future looks bright for Festival Fairbanks, Calvillo predicts. "In one word, it's opportunity," she said. On the agenda right now are the development of Barnette Landing (a downtown greenbelt project) and the Fairbanks Centennial celebration. Downtown beautification is a continuous goal.

"This year is exceedingly busy," Calvillo commented. "We are working for the long-term best interests and quality of life for Alaskans."

The structure of Festival Fairbanks remains essentially the

same, with a board of directors making the decisions. Calvillo was promoted to executive director, formerly Wood's position. The office definitely reflects a more feminine perspective these days. "It's girly, isn't it?" Calvillo asked, pointing out her collection of stuffed bunnies and plants in pretty pots.

She makes a point of keeping a photo of Wood behind her desk so that she can feel as if he is looking over her shoulder. "Dr. Wood was not just an integral part of Festival Fairbanks," she said. "He was a mentor and a friend."

"His presence is so strong here for us it's sometimes difficult to realize he won't be coming back. We're going to keep his dream alive and keep moving, but I sure miss him."

# Alaska State Legislature

Representative Jim Whitaker  
House of Representatives  
District 31



Session  
Capitol Building, Room 411  
Juneau, Alaska 99801  
Phone: (907) 465-3004  
Fax: (907) 465-2070

Interim  
119 N. Cushman St. Suite 213  
Fairbanks, AK 99701  
Phone: (907) 452-1088  
Fax: (907) 452-1146

## SPONSOR STATEMENT House Bill 151

House Bill 151 will rename the Fairbanks International Airport, the William R. Wood Fairbanks International Airport.

In 1973, Dr. Wood retired as the President of the University of Alaska after thirteen years of service. One of Two University of Alaska Presidents who decided to stay in state, Dr. Wood opened an office in Fairbanks where international, state, local, and academic ideas and plans were given birth and manifested as parks, plazas, hospitals, and industrial and agricultural growth.

It is important to remember that Dr. Wood was not only an educator, but also a poet, a thinker, an advocate for economic development, and an advocate for individual responsibility and self-reliance. He also understood the requisite relationship between successful self-reliant individuals and a robust, prosperous community.

Dr. Wood inspired thousands of individuals around the world through his deeds and dedication for this place we call home. He also leaves a legacy of Alaskans and Fairbanksans who consider him a regional and local hero. This from a man who asked no more of life than to leave his community and state a little better than he found it. He succeeded.

By re-naming the Fairbanks International Airport as the William R. Wood Fairbanks International Airport, we will hopefully inspire future generations of Alaskans to ponder and aspire to Dr. Wood's simple yet magnificent legacy; to ask nothing more of life than to leave our state, our home, just a little better than we found it.

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SSHB 151  
 (H) Publish Date: 3/14/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT & PF  
 Title: An Act naming the William R. Wood Fairbanks BRU: \_\_\_\_\_  
           International Airport Component: \_\_\_\_\_  
 Sponsor: Rep. Whitaker \_\_\_\_\_  
 Requester: House Transportation Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: Mike Kriebler, Committee Aide Phone 465-2186

Representative *Vic Lehman* Date 3/14/01  
 Committee Chair

**S B**

**1 2 3**

## SPONSOR STATEMENT

### (CS)SB 123: Legislative Approval For Railroad Facilities

Senate Bill 123 requires the Alaska Railroad Corporation to obtain legislative approval for their Program of Projects, a list of federally funded projects required by the Federal Transit Administration and the Federal Highway Administration. The committee substitute for SB 123 represents a collaborative effort with the ARRC which will require approval for major construction projects which would impact our communities, while excluding regular maintenance projects, minor construction and realignment projects, and projects outside of communities that are entirely on federal land.

SB 123 will require the ARRC board of directors to present their Program of Projects to the legislature on the first day of each regular session. The Program of Projects will be referred to the House and Senate Finance committees for review. The legislature may disapprove by law the expenditure of federal funds for the construction of a project during the first 60 days of session. Failure of the legislature to disapprove by law is approval for the expenditure of the funds. This process is similar to that utilized by the Local Boundary Commission.

The bill was introduced in response to the Alaska Railroad Corporation's multimillion dollar rail station project at the Ted Stevens International Airport. The ARRC received direct federal appropriations for the project. There was no input or coordination with the Alaska State Legislature prior for this project. More importantly, there was no public review process in Alaska at any level before it was begun.

The rail station project will impact a large number of Anchorage residents. Many West Anchorage residents are opposed to the depot because the ARRC will need to realign and elevate the railroad tracks near their neighborhoods. They may be greatly impacted by the increase of train traffic and noise. There are also serious concerns about the feasibility and economic practicality of the project.

In response to the concerns with the Anchorage rail station project, requiring the ARRC to obtain legislative approval for future projects will better ensure that those Alaskan residents affected will be informed and have the opportunity for a review process in a timely manner.

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
Bill Version: SB 123  
(S) Publish Date: 3/23/01

Revision Date/Time (Note if correction): 03/21/2001 5:00p.m. Dept. Affected: DCED  
Title: An Act relating to legislative approval for the BRU: ARRC  
design and construction of facilities of the ARRC. Component: Alaska Railroad  
Sponsor: Senator Pearce Corporation  
Requester: Senate Transportation Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Senate Bill 123 would have no fiscal impact on the state's budget but would have an impact on the Alaska Railroad's budget. Expenses resulting from SB 123 would stem from efforts directly related to seeking legislative approval for the design or construction of capital projects costing more than \$5 million. These costs would include airfare, lodging and expenses for railroad representatives other than the railroad's legislative liaison to work in Juneau.

An increase in long term maintenance and operating costs could be associated with the delay or cancellation of projects as a result of SB 123. For example, if the legislature did not support building a new car shop to house and maintain the Alaska Railroad's growing passenger fleet, the cost to the railroad would be significant. The ARRC plans to build facilities to accommodate and support its passenger business. This construction is necessary to protect equipment from the harsh environment and minimize winterization costs and will result in a significant cost avoidance. It is difficult to recoup these type costs through increased fares.

Prepared by: Wendy Lindskoog, Director Phone 907-265-2498  
Division: Alaska Railroad Corporation Date/Time 03/21/2001 5:00p.m.  
Approved by: Commissioner Deborah B. Sedwick Date 3/21/2001  
Agency: Department of Community and Economic Development

For distribution information, call the Governor's Legislative Office



# Fairbanks Industrial Development Corporation

April 12, 2001

Representative Jeanette James  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Representative James:

Recently, the Board of Directors of Fairbanks Industrial Development Corporation voted to make the extension of the Alaska Railroad to the Canadian border one of our long-term goals. We feel this project is essential to the future of economic growth in Alaska.

We strongly support the legislation you have initiated regarding the railroad. When you return to Fairbanks and your schedule allows, we would certainly appreciate an opportunity to meet with you and discuss how FIDC can assist your efforts.

If our organization can be of any assistance to you in this matter please feel free to contact me at 452-2185.

Sincerely,

  
Dean M. Owen  
Executive Director

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 123  
 (S) Publish Date: 3/23/01

Revisio. Date/Time (Note if correction): 03/21/2001 5:00p.m. Dept. Affected: DCED  
 Title: An Act relating to legislative approval for the BRU: ARRC  
design and construction of facilities of the ARRC. Component: Alaska Railroad  
 Sponsor: Senator Pearce Corporation  
 Requester: Senate Transportation Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Senate Bill 123 would have no fiscal impact on the state's budget but would have an impact on the Alaska Railroad's budget. Expenses resulting from SB 123 would stem from efforts directly related to seeking legislative approval for the design or construction of capital projects costing more than \$5 million. These costs would include airfare, lodging and expenses for railroad representatives other than the railroad's legislative liaison to work in Juneau.

An increase in long term maintenance and operating costs could be associated with the delay or cancellation of projects as a result of SB 123. For example, if the legislature did not support building a new car shop to house and maintain the Alaska Railroad's growing passenger fleet, the cost to the railroad would be significant. The ARRC plans to build facilities to accommodate and support its passenger business. This construction is necessary to protect equipment from the harsh environment and minimize winterization costs and will result in a significant cost avoidance. It is difficult to recoup these type costs through increased fares.

Prepared by: Wendy Lindskoog, Director Phone 907-265-2498  
 Division: Alaska Railroad Corporation Date/Time 03/21/2001 5:00p.m.  
 Approved by: Commissioner Deborah B. Sedwick Date 3/21/2001  
 Agency: Department of Community and Economic Development

For distribution information, call the Governor's Legislative Office

## SPONSOR STATEMENT

### **(CS)SB 123: Legislative Approval For Railroad Facilities**

Senate Bill 123 requires the Alaska Railroad Corporation to obtain legislative approval for their Program of Projects, a list of federally funded projects required by the Federal Transit Administration and the Federal Highway Administration. The committee substitute for SB 123 represents a collaborative effort with the ARRC which will require approval for major construction projects which would impact our communities, while excluding regular maintenance projects, minor construction and realignment projects, and projects outside of communities that are entirely on federal land.

SB 123 will require the ARRC board of directors to present their Program of Projects to the legislature on the first day of each regular session. The Program of Projects will be referred to the House and Senate Finance committees for review. The legislature may disapprove by law the expenditure of federal funds for the construction of a project during the first 60 days of session. Failure of the legislature to disapprove by law is approval for the expenditure of the funds. This process is similar to that utilized by the Local Boundary Commission.

The bill was introduced in response to the Alaska Railroad Corporation's multimillion dollar rail station project at the Ted Stevens International Airport. The ARRC received direct federal appropriations for the project. There was no input or coordination with the Alaska State Legislature prior for this project. More importantly, there was no public review process in Alaska at any level before it was begun.

The rail station project will impact a large number of Anchorage residents. Many West Anchorage residents are opposed to the depot because the ARRC will need to realign and elevate the railroad tracks near their neighborhoods. They may be greatly impacted by the increase of train traffic and noise. There are also serious concerns about the feasibility and economic practicality of the project.

In response to the concerns with the Anchorage rail station project, requiring the ARRC to obtain legislative approval for future projects will better ensure that those Alaskan residents affected will be informed and have the opportunity for a review process in a timely manner.

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 123  
 (S) Publish Date: 3/23/01

Revision Date/Time (Note if correction): 03/21/2001 5:00p.m. Dept. Affected: DCED  
 Title: An Act relating to legislative approval for the BRU: ARRC  
design and construction of facilities of the ARRC. Component: Alaska Railroad  
 Sponsor: Senator Pearce Corporation  
 Requester: Senate Transportation Component Number: \_\_\_\_\_

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANCE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Senate Bill 123 would have no fiscal impact on the state's budget but would have an impact on the Alaska Railroad's budget. Expenses resulting from SB 123 would stem from efforts directly related to seeking legislative approval for the design or construction of capital projects costing more than \$5 million. These costs would include airfare, lodging and expenses for railroad representatives other than the railroad's legislative liaison to work in Juneau.

An increase in long term maintenance and operating costs could be associated with the delay or cancellation of projects as a result of SB 123. For example, if the legislature did not support building a new car shop to house and maintain the Alaska Railroad's growing passenger fleet, the cost to the railroad would be significant. The ARRC plans to build facilities to accommodate and support its passenger business. This construction is necessary to protect equipment from the harsh environment and minimize winterization costs and will result in a significant cost avoidance. It is difficult to recoup these type costs through increased fares.

Prepared by: Wendy Lindskoog, Director Phone 907-265-2498  
 Division: Alaska Railroad Corporation Date/Time 03/21/2001 5:00p.m.  
 Approved by: Commissioner Deborah B. Sedwick Date 3/21/2001  
 Agency: Department of Community and Economic Development

For distribution information, call the Governor's Legislative Office

# ALASKA STATE LEGISLATURE

REPRESENTATIVE  
**JEANNETTE JAMES**  
PO Box 56622  
North Pole, Alaska 99705  
(907) 456-1546  
FAX (907) 488-4271



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-3743  
FAX (907) 465-2381

House of Representatives  
House District 34

## **Sponsor Statement, HB 241**

4/17/01

If all government-funded employment in Alaska disappeared one day, only a few thousand private sector family-wage jobs would remain. It can be argued Alaska does not have an economy. ... Rather Alaska has a series of boom and bust cycles tied to the price of, and demand for, natural resources.

Alaska's economic future will be built on improved infrastructure. Connecting Alaska to the rest of North America by rail will benefit the mining, agriculture, tourism, military, manufacturing, and oil and gas sectors of the economy, while reducing the cost of bringing goods to the state as well as exporting our products.

The purpose of HB 241 is to begin the process of completing the last transcontinental railroad. Without appropriating funds, HB 241 authorizes the Alaska Railroad to delineate a transportation and utility corridor from existing tracks at Eielson AFB to the Canadian Border. After a survey and full delineation is achieved, state land would be transferred fee simple title.

This bill also authorizes and encourages the Alaska Railroad Corp. to obtain ownership or a right of way through any other lands, whether federal or private.

HB 241 mandates a 500-foot wide transportation and utility corridor that could allow for pipelines for gas or water as well as electric transmission lines and fiber optic cable. HB 241 allows the Alaska Railroad to use funds it can obtain, such as from federal appropriations or by sale of bonds, to survey and obtain a right of way to the Canadian border.

A separate section of this bill authorizes the Alaska Railroad to investigate extending to Whitehorse, Yukon.

**SB**

**226**



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## SPONSOR STATEMENT

Senate Substitute for Sponsor Substitute for Senate Bill 226 (FIN)am

**“An Act relating to design of highway projects; and providing for an effective date.”**

Senate Bill 226 extends the required design life for federally funded major new roads in Anchorage and Fairbanks from 20 years to 25 years. Highway maintenance and repair projects are exempted.

Current federal law requires a design life of at least 20 years for major projects and 50 years for bridges.

The Federal Highway Administration has indicated in writing that nothing in this legislation would jeopardize federal funding. DOT does not oppose this legislation.

Because of delays in right-of-way acquisition and construction problems, many projects are not completed on time and do not get a 20-year design life. Hopefully, by extending to 25 years the required design life on projects over \$10 million, they will achieve at least a 20-year life.

DD/kk

**Co-Chair: Senate Finance Committee**

**Vice-Chair: Senate Judiciary Committee**

**Member: Legislative Budget and Audit Committee • Legislative Council**



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## Sponsor Statement

### Senate Substitute for Sponsor Substitute for Senate Bill 226 (Fin)am

**“ An Act relating to design of highway projects; and providing for an effective date“**

Committee Substitute for Sponsor Substitute for Senate Bill 226 (Fin) adds a section to AS 19.10.160 that specifies that designs for new roads and major upgrades should be based on anticipated traffic levels at varying durations based on estimated project costs.

- Projects that cost under \$5,000,000 would be designed for traffic levels at least 10 years after completion.
- Projects that cost \$5,000,000 to \$10,000,000 would be designed for traffic levels at least 20 years after completion.
- Projects that cost over \$10,000,000 would be designed for traffic levels at least 25 years after completion.

This requirement applies only to federally recognized metropolitan planning areas. Highway maintenance projects are exempted. This bill affects only projects in Anchorage and possibly Fairbanks.

Currently, the DOT/PF regulations state that road projects should be designed for 20 years of use. Current interpretation of the 20-year period is that the period begins when the project's Environmental Impact Statement process is completed. The average time for a project to be ready for the public's use from that point is usually about 8-11 years (5-6 years moving up the priority list and then 3-5 years for design and construction). That leaves very few years of use within the 20-year time period. The bill modifies the planning horizon and design criteria so that the estimated traffic level criteria used are based on a starting point of after the construction is complete.

Project costs can be used as an indicator of extensiveness of the project work. Factors determining the cost of projects include the design, materials used, and construction execution. Lower cost projects can be expected to provide for shorter useful lives than higher cost projects and can be expected to be done more frequently.

Federal regulations require that federally funded major upgrades and new roads be designed for at least 20 years of use while bridges must last at least 50 years.

DD:pc

**Co-Chair: Senate Finance Committee**

**Vice-Chair: Senate Judiciary Committee**

**Member: Legislative Budget and Audit Committee • Legislative Council**



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## Finance Sectional Analysis

### Senate Substitute for Sponsor Substitute for Senate Bill 226 (Fin)am

**Sec. 1** Adds a new section to AS 19.10.160 that specifies that designs for new roads and major upgrades should be based on anticipated traffic levels at varying durations based on estimated project costs.

- Projects that cost under \$5,000,000 would be designed for traffic levels at least 10 years after completion.
- Projects that cost \$5,000,000 to \$10,000,000 would be designed for traffic levels at least 20 years after completion.
- Projects that cost over \$10,000,000 would be designed for traffic levels at least 25 years after completion.

This requirement applies to federally recognized metropolitan planning areas only. Highway maintenance projects are exempted.

*Rationale:* Project costs can be used as an indicator of extensiveness of the project work. Factors determining the cost of projects include the design, materials used, and construction execution. Lower cost projects can be expected to provide for shorter useful lives than higher cost projects.

**Sec.2** Adds an effective date of January 1,2003.

DD:pc

Co-Chair: Senate Finance Committee

Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council

January-May: STATE CAPITOL • JUNEAU, AK • 99801 • (907) 465-3892 • FAX: (907) 465-6595

June-December: 716 West Fourth Avenue • Suite 400 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

[www.akrepublicans.org/Donlevy.htm](http://www.akrepublicans.org/Donlevy.htm) • [www.legis.state.ak.us/senate/donlevy/htm](http://www.legis.state.ak.us/senate/donlevy/htm)

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSSSSB226(FIN)  
(S) Publish Date: 4/18/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
Title: An Act requiring certain highway BRU \_\_\_\_\_  
projects to be designed and constructed... Component \_\_\_\_\_  
Sponsor: Donley  
Requester: Senate Rules Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: Dennis R. Poshard, Assistant to Commissioner Phone 465-3904  
Division: Commissioner's Office Date/Time 4/17/02 2:18 PM  
Approved by: Joseph L. Perkins, Commissioner Date 4/17/2002  
Agency: Alaska Department of Transportation and Public Facilities