

# ALASKA STATE LEGISLATURE



SENATOR JOE THOMAS

March 8, 2011

Attorney General John Burns  
Department of Law  
1031 W 4th Ave #200  
Anchorage, AK 99501

Dear Attorney General Burns,

I am writing to you in your capacity as legal counsel to the Knik Arm Bridge and Toll Authority under AS 19.75.081.

In testimony to the Senate Transportation Committee, representatives of the Authority stated that Senate Bills 79 and 80 do not create any legal obligation for the state, and that the legislation creates only a non-binding "moral obligation" to ensure payment of an annual "availability payment" to the developer to cover the cost of construction, bridge maintenance, toll collection and a reasonable profit.

If that is accurate, I am unclear about the meaning of the language added to the statute on page 2, line 16 of SB 80 which states, "The monetary obligations incurred by the authority under the partnerships or contracts are obligations of the state, and satisfaction of those obligations from funds other than authority funds is subject to appropriation."

I would appreciate confirmation from the Department of Law that the state has no financial responsibility or legal obligation under the current statute or the proposed SB 79 and SB 80, for any costs associated with the Authority, with the construction, operation or maintenance of the bridge, or as a result of failure to complete and operate the bridge.

Thank you for your assistance.

Regards,

A handwritten signature in cursive script that reads "Joe J. Thomas".

Senator Joe Thomas

Handwritten initials "HB" in a stylized, blocky font.

Cc: Knik Arm Bridge and Toll Authority Chairman Michael Foster and Members,  
Knik Arm Bridge and Toll Authority Executive Director Andrew Niemiec,  
Senate Finance Committee