

Introduced by:	Mayor
Substitute Introduced:	12/02/08
O2008-19-33 (Mayor)	See Original for Prior History
Hearing:	12/02/08
Action:	Enacted
Vote:	7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-19-33
(MAYOR) SUBSTITUTE**

**AN ORDINANCE APPROPRIATING \$383,652.50 IN CRUISE SHIP PASSENGER TAX
PROCEEDS RECEIVED FROM THE STATE OF ALASKA TO THE CITY OF
SEWARD FOR PORT IMPROVEMENTS**

WHEREAS, in the August 22, 2006, State election, the voters approved the initiative in Ballot Measure 2 enacting AS 43.52.010-.060 (subsequently renumbered AS 43.52.200-.295), which imposed a tax on travel aboard cruise ships; and

WHEREAS, the Alaska legislature enacted SB 256 and HB 310, which authorized sharing calendar 2007 and 2008 Commercial Passenger Vessel (CPV) excise tax collections with the first five ports of call in the State of each vessel; and

WHEREAS, CPV excise tax collections are primarily derived from taxes imposed on cruise ship passengers; and

WHEREAS, the amount received in FY2008 by the Borough from the State of Alaska for the 2007 calendar CPV program was \$383,652.50; and

WHEREAS, the City of Seward has requested that funds received by the Borough be appropriated to it for improvement of port security and fire protection for cruise ships docking in Seward; and

WHEREAS, the intended use of these funds by the City of Seward will comply with federal legislation and court rulings that permit the use of these funds for piloting services, wharfage services, and general harbor service such as police and fire protection; and


WHEREAS, AS 43.52.230(b) requires the borough to use the funds for purposes that are consistent with the proposed use by Seward;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That \$383,652.50 received from the State of Alaska in FY2008 for the commercial passenger vessel excise tax collection program be appropriated in FY2009 to account 100.94910.00000.43011, contract services, from the Borough's General Fund, fund balance for payment to the City of Seward to be used to improve port security and fire protection for cruise ships docking in Seward.

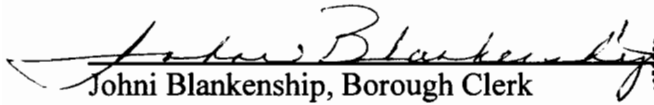
SECTION 2. That this ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF DECEMBER, 2008.



Milli Martin, Assembly President

ATTEST:



Johni Blankenship, Borough Clerk



Yes: Knopp, Long, Smalley, Smith, Sprague, Superman, Martin
No: None
Absent: Fischer, Pierce