

**HOUSE BILL NO. 227**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES PHILLIPS, Cowdery

Introduced: 4/3/97

Referred: Transportation

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Alaska Capital Improvement Project Authority; relating  
2 to the powers and duties of the Department of Transportation and Public  
3 Facilities; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 44.42 is amended by adding new sections to read:

6 **Article 2. Alaska Capital Improvement Project Authority.**

7 **Sec. 44.42.110. Alaska Capital Improvement Project Authority.** (a) There  
8 is created in the Department of Transportation and Public Facilities the Alaska Capital  
9 Improvement Project Authority.

10 (b) The authority consists of seven members. Members of the authority are  
11 appointed by the governor and subject to confirmation by a majority of the members  
12 of the legislature in joint session. The members serve for staggered five-year terms  
13 and until a successor is appointed. A vacancy among the members of the authority  
14 occurring other than by expiration of term shall be filled in the same manner as the

1 original appointment but only for the unexpired term and until a successor is  
2 appointed. The members of the authority may be removed by the governor only for  
3 cause.

4 (c) The governor shall appoint at least one member, but not more than two  
5 members, of the authority from among the residents of each of the four judicial  
6 districts in the state. Two members of the authority must have experience in the  
7 operation, management, or use of modes of surface transportation facilities, including  
8 highways, railroads, mass transportation facilities, or recreational transportation  
9 facilities. Two members of the authority must have experience in the operation,  
10 management, or use of modes of air transportation facilities, including airports,  
11 commercial or private aviation facilities, or passenger or freight air services facilities.  
12 Two members of the authority must have experience in the operation, management, or  
13 use of modes of water-borne transportation facilities, including ports and harbors,  
14 passenger or freight service facilities, recreational transportation facilities, or ferries.  
15 One member of the authority must have experience in the operation, management, or  
16 use of public buildings or public facilities other than transportation facilities.

17 (d) The members of the authority serve without compensation but are entitled  
18 to per diem and travel expenses authorized for boards and commissions under  
19 AS 39.20.180. The members of the authority shall comply with AS 39.50 (conflict of  
20 interest).

21 (e) The members of the authority shall select a chair from among its members.  
22 Four members of the authority constitute a quorum. The authority may take action  
23 upon the affirmative vote of four of its members.

24 **Sec. 44.42.120. Powers and duties of the authority.** (a) The authority shall  
25 review, revise as appropriate, and approve the following plans and programs prepared  
26 by the department for capital improvement projects for the construction and  
27 maintenance of transportation and public facilities constructed, operated, or maintained  
28 by the department:

29 (1) construction and maintenance program for state-owned airports and  
30 air navigation facilities under AS 02.15.065;

31 (2) construction and maintenance program for highways under

1 AS 19.10.140 and 19.10.150;

2 (3) five-year plan for local service roads and trails under AS 19.30.141;

3 (4) comprehensive plan for the Alaska marine highway system under  
4 AS 19.65.011;

5 (5) construction and maintenance program for state-owned marine  
6 facilities under AS 35.10.085;

7 (6) state transportation plan under AS 44.42.050;

8 (7) state public facilities plan under AS 44.42.055.

9 (b) Plans and programs approved by the authority shall be submitted to the  
10 governor and legislature.

11 (c) The authority shall review, revise as appropriate, and approve the capital  
12 improvement projects budget for transportation and public facilities prepared and  
13 proposed by the department to implement the plans and programs approved by the  
14 authority under (a) of this section. The department shall include in the proposed  
15 budget submitted to the authority the projects to be undertaken during the following  
16 two fiscal years and a ranking of priorities for the projects. The capital improvement  
17 project budget approved by the authority shall be submitted to the governor for  
18 inclusion in the state capital projects budget and to the legislature.

19 (d) The authority may submit proposals for capital improvement projects for  
20 construction and maintenance of transportation and public facilities to the governor for  
21 inclusion in supplemental or special appropriation bills.

22 (e) The authority may hire the minimum of staff, including a director,  
23 necessary to efficiently perform the functions of the authority.

24 (f) The authority has independent fiscal, budgeting, and administrative powers  
25 necessary to independently perform the functions of the authority. The authority is a  
26 state agency for purposes of AS 37.07.

27 (g) The annual operating budget of the department is not subject to review or  
28 approval under this section.

29 **Sec. 44.42.130. Fees; regulations.** (a) The authority shall set fees, charges,  
30 tolls, and rentals for the use of toll facilities under AS 37.15.740 by regulations  
31 adopted under AS 44.62 (Administrative Procedure Act).

1 (b) The authority shall establish standards for marking and posting highways,  
 2 for traffic control signals, and for determination of speed limits and speed zones by  
 3 regulations adopted under AS 44.62 (Administrative Procedure Act).

4 \* **Sec. 2.** AS 02.15 is amended by adding a new section to read:

5 **Sec. 02.15.065. Construction and maintenance program for airports and**  
 6 **air navigation facilities.** (a) The department shall establish a continuing, long-range  
 7 planning procedure for construction and maintenance of state-owned airports and air  
 8 navigation facilities.

9 (b) The department shall prepare annually a capital improvement project  
 10 construction and maintenance program for state-owned airports and air navigation  
 11 facilities that, subject to appropriation by the legislature, must include the projects to  
 12 be undertaken by the department during the following construction season, must  
 13 establish project priorities, and must describe proposed capital improvement projects  
 14 for construction and maintenance of state-owned airports and air navigation facilities  
 15 for at least the next succeeding two fiscal years. The department may propose  
 16 increases, decreases, amendments, or revisions to the construction and maintenance  
 17 program from time to time as circumstances warrant. The capital improvement project  
 18 construction and maintenance program and changes to the program, as proposed by the  
 19 department, are subject to review, revision, and approval of the Alaska Capital  
 20 Improvement Project Authority.

21 (c) Before February 2 of each year, the department shall prepare a list of  
 22 capital improvement projects for construction and maintenance of airports and air  
 23 navigation facilities that have been either proposed by the department, approved by the  
 24 Alaska Capital Improvement Project Authority, or funded by an appropriation by the  
 25 legislature. The statement must set out a general itemization of the estimated cost for  
 26 each project and the total estimates of all projects.

27 (d) This section does not apply to the state-owned international airports at  
 28 Anchorage and Fairbanks.

29 \* **Sec. 3.** AS 19.05.040 is amended to read:

30 **Sec. 19.05.040. Powers of department.** The department may

31 (1) acquire property;

- 1 (2) exercise the power of eminent domain;
- 2 (3) take immediate possession of real property, or any interest in it
- 3 under a declaration of taking or by other lawful means;
- 4 (4) acquire rights-of-way for present or future use;
- 5 (5) control access to highways;
- 6 (6) regulate roadside development;
- 7 (7) preserve and maintain the scenic beauty along state highways;
- 8 (8) dispose of property acquired for highway purposes;
- 9 (9) accept and dispose of federal funds or property available for
- 10 highway construction, maintenance, or equipment;
- 11 (10) enter into contracts or agreements relating to highways with the
- 12 federal government, municipalities, a political subdivision, or with a foreign
- 13 government, if the contract is approved by the federal government;
- 14 (11) [ESTABLISH, LEVY, AND] collect tolls, fees, charges, and
- 15 rentals for the use of state roads, highways, bridges, tunnels, crossings, and causeways;
- 16 and
- 17 (12) exercise any other power necessary to carry out the purpose of
- 18 AS 19.05 - AS 19.25.

19 \* **Sec. 4.** AS 19.10.040 is amended to read:

20 **Sec. 19.10.040. Uniform system of marking and posting.** The department

21 shall classify, designate, and mark highways under its jurisdiction **under standards**

22 **adopted by the Alaska Capital Improvement Project Authority. The Alaska**

23 **Capital Improvement Project Authority shall adopt regulations establishing**

24 **standards for** [AND SHALL PROVIDE] a uniform system of marking and posting

25 these highways. The system of marking and posting must correlate with and, as far

26 as possible, conform to the recommendations of the Manual on Traffic Control Devices

27 as adopted by the American Association of State Highway Officials.

28 \* **Sec. 5.** AS 19.10.050 is amended to read:

29 **Sec. 19.10.050. Traffic control signals.** The **Alaska Capital Improvement**

30 **Project Authority** [DEPARTMENT] shall prescribe types of traffic control signals to

31 regulate traffic on highways. These signals must correlate with and, as far as possible,

1 conform to the recommendations of the Manual on Uniform Traffic Control Devices  
 2 as adopted by the American Association of State Highway Officials. The **Alaska**  
 3 **Capital Improvement Project Authority** [DEPARTMENT] shall adopt uniform  
 4 regulations for the placing and installation of traffic control signals.

5 \* **Sec. 6.** AS 19.10.070 is amended to read:

6 **Sec. 19.10.070. Speed limits and zones.** The department may conduct  
 7 investigations with the assistance of the Department of Public Safety and shall  
 8 determine safe speed limits and safe speed zones on highways and other roadways  
 9 under its jurisdiction **in accordance with standards adopted by the Alaska Capital**  
 10 **Improvement Project Authority.**

11 \* **Sec. 7.** AS 19.10.072(a) is amended to read:

12 (a) In determining safe speed limits and safe speed zones, the department shall  
 13 **comply with** [CONSIDER] the **standards adopted by the Alaska Capital**  
 14 **Improvement Project Authority under this section. The Alaska Capital**  
 15 **Improvement Project Authority shall adopt standards for determining safe speed**  
 16 **limits and safe speed zones. In adopting the standards, the Alaska Capital**  
 17 **Improvement Project Authority shall consider the** following factors in the order of  
 18 priority listed:

19 (1) neighborhood safety, including the presence of children and  
 20 pedestrian traffic;

21 (2) the presence of schools, houses, parks, and crosswalks;

22 (3) the presence of driveways, parked vehicles, and multiple turn  
 23 locations;

24 (4) that speed at which safe and prudent drivers could pass through the  
 25 speed zone; [AND]

26 (5) the effectiveness of local enforcement of the speed zone; **and**

27 **(6) other factors the Alaska Capital Improvement Project Authority**  
 28 **considers appropriate.**

29 \* **Sec. 8.** AS 19.10.140 is amended to read:

30 **Sec. 19.10.140. Long-range program for highway construction and**  
 31 **maintenance.** The [GOVERNOR SHALL REQUIRE THE] department **shall** [TO]

1 establish a continuing, long-range program for highway construction and maintenance.  
 2 **Subject to review, revision, and approval by the Alaska Capital Improvement**  
 3 **Project Authority, the** [THE] program must annually project proposed **capital**  
 4 **improvement projects for** construction and maintenance of highways for not less than  
 5 the next succeeding **two** [FIVE] years. A statement of the **approved** program shall  
 6 be submitted by the governor to the legislature annually, and the **approved** long-range  
 7 program shall include in detail the **construction** program **proposed** [PREPARED]  
 8 under AS 19.10.150.

9 \* **Sec. 9.** AS 19.10.150 is amended to read:

10 **Sec. 19.10.150. Construction program.** (a) Before February 2 of each year,  
 11 the department shall prepare a statement showing what **capital improvement projects**  
 12 **for construction of highways have been either proposed** [WORK HAS BEEN  
 13 REQUESTED AND PROPOSED AND MAY BE UNDERTAKEN] by the department,  
 14 **approved by the Alaska Capital Improvement Project Authority, or funded by an**  
 15 **appropriation by the legislature.** The statement must set **out** [FORTH] a general  
 16 itemization of the estimated cost for each project and the total estimates of all projects.

17 (b) The department shall **prepare** [ADOPT] a construction program which  
 18 must include the projects to be undertaken by **the department** [IT] during the  
 19 following construction season and must establish project priorities. The department  
 20 may **propose increases, decreases, amendments, or revisions of** [INCREASE,  
 21 DECREASE, AMEND, OR REVISE] the construction program from time to time as  
 22 circumstances warrant. **The construction program and changes to the program are**  
 23 **subject to review, revision, and approval by the Alaska Capital Improvement**  
 24 **Project Authority.**

25 \* **Sec. 10.** AS 19.10.180 is amended to read:

26 **Sec. 19.10.180. Request for public bids.** Requests for public bids are  
 27 governed by AS 36.30 (State Procurement Code). The request for public bids may  
 28 require the contractor to furnish equipment, labor, materials, and supplies for the  
 29 project, or **the request for bids** [IT] may state that the department will furnish the  
 30 materials and supplies. If the department elects to provide materials and supplies for  
 31 a project, **the department** [IT] shall **make the election before the department**

1 releases the request for bids [DO SO AT THE TIME IT ADOPTS THE  
 2 CONSTRUCTION PROGRAM]. The department shall acquire these materials and  
 3 supplies under AS 36.30 by requesting bids for them according to the class, type, and  
 4 nature of the materials and supplies. The contract for materials and supplies may be  
 5 awarded either upon the basis of delivery to the construction project directly or to a  
 6 central storehouse or storehouses maintained by the department. Those materials and  
 7 supplies so purchased by the department may be delivered to the project site without  
 8 expense to the contractor, or the department [IT] may sell the materials and  
 9 supplies [THEM] to the contractor at cost and make the materials and supplies a part  
 10 of the construction cost.

11 \* **Sec. 11.** AS 19.30.141 is amended to read:

12 **Sec. 19.30.141. Acquisition and construction programs.** Before October 1  
 13 of each fiscal year, each local government eligible for allocation of funds under  
 14 AS 19.30.131 shall submit to the commissioner [FOR APPROVAL] a five-year plan  
 15 for the acquisition and construction of local service roads and trails. Before  
 16 December 1 of each fiscal year, the commissioner shall submit to the Alaska Capital  
 17 Improvement Project Authority for review, revision, and approval [GOVERNOR]  
 18 a five-year plan for the acquisition and construction of local service roads and trails,  
 19 including the approved local government programs. An organized borough shall  
 20 include in its five-year plan local service road acquisition and construction programs  
 21 for all cities other than home rule cities within the boundaries of the borough. The  
 22 commissioner shall include in the five-year plan local service road and trail acquisition  
 23 and construction within the unorganized borough. The five-year plan approved by  
 24 the Alaska Capital Improvement Project Authority shall be submitted to the  
 25 governor and the legislature.

26 \* **Sec. 12.** AS 19.65.011 is amended to read:

27 **Sec. 19.65.011. Comprehensive long-range plan.** The Department of  
 28 Transportation and Public Facilities shall prepare a comprehensive long-range plan for  
 29 the development and improvement of the Alaska marine highway system and shall  
 30 revise and update the plan at least every five years. The department shall submit the  
 31 comprehensive long-range plan and revisions and updates of the plan to the Alaska

1        **Capital Improvement Project Authority for review, revision, and approval. The**  
2        **department shall submit the approved plan to the** legislature.

3        \* **Sec. 13.** AS 30.15.010 is amended to read:

4                **Sec. 30.15.010. State grants for port facilities construction.** To the extent  
5        funds are appropriated by the legislature, or from the proceeds from the sale of bonds,  
6        the state may make grants to municipalities to finance a portion of the cost of  
7        constructing local, regional, or state port facilities. The state shall participate only in  
8        those projects approved by the governor on recommendation of the commissioner **and**  
9        **the Alaska Capital Improvement Project Authority.**

10       \* **Sec. 14.** AS 35.10 is amended by adding a new section to article 2 to read:

11                **Sec. 35.10.085. Construction and maintenance program for marine**  
12        **facilities.** (a) The department shall establish a continuing, long-range planning  
13        procedure for construction and maintenance of state-owned marine facilities, including  
14        harbors, docks, breakwaters, and waterways.

15                (b) The department shall prepare annually a capital improvement project  
16        construction and maintenance program for state-owned marine facilities that, subject  
17        to appropriation by the legislature, must include the projects to be undertaken by the  
18        department during the following construction season, must establish project priorities,  
19        and must describe proposed capital improvement projects for construction and  
20        maintenance of state-owned marine facilities for at least the next succeeding two fiscal  
21        years. The department may propose increases, decreases, amendments, or revisions to  
22        the construction and maintenance program from time to time as circumstances warrant.  
23        The capital improvement project construction and maintenance program and changes  
24        to the program, as proposed by the department, are subject to review, revision, and  
25        approval of the Alaska Capital Improvement Project Authority.

26                (c) Before February 2 of each year, the department shall prepare a list of  
27        capital improvement projects for construction and maintenance of marine facilities that  
28        have been either proposed by the department, approved by the Alaska Capital  
29        Improvement Project Authority, or funded by an appropriation by the legislature. The  
30        statement must set out a general itemization of the estimated cost for each project and  
31        the total estimates of all projects.

1 \* **Sec. 15.** AS 35.10.100 is amended to read:

2           **Sec. 35.10.100. Determining need and priority of projects.** The department  
3 shall prepare the preliminary determination of need for each project of the type  
4 described in AS 35.10.090 and its feasibility and appropriateness through  
5 representations and data submitted to it by the residents of each community desiring  
6 a project, and from other information available to it. The department shall **submit the**  
7 **preliminary determination for each project to the Alaska Capital Improvement**  
8 **Project Authority. The Alaska Capital Improvement Project Authority may**  
9 approve and make the final determination of those projects, and their order or priority  
10 for which application is made.

11 \* **Sec. 16.** AS 35.15.020 is amended to read:

12           **Sec. 35.15.020. Request for public bids.** The solicitation of bids for  
13 construction of public works is governed by AS 36.30 (State Procurement Code). The  
14 request for bids may require the contractor to furnish equipment, labor, materials, and  
15 supplies for the project, or **the request for bids** [IT] may state that the department will  
16 furnish the materials and supplies. If the department elects to provide materials and  
17 supplies for a project, **the department** [IT] shall make the election **before the**  
18 **department releases the request for bids** [AT THE TIME IT ADOPTS THE  
19 CONSTRUCTION PROGRAM]. The department shall acquire these materials and  
20 supplies under AS 36.30 by requesting bids for them according to the class, type, and  
21 nature of the materials and supplies. The contract may be awarded either upon the  
22 basis of delivery to the construction project directly or to a central storehouse or  
23 storehouses maintained by the department. Those materials and supplies so purchased  
24 by the department may be delivered to the project site without expense to the  
25 contractor, or **the department** [IT] may sell **the materials and supplies** [THEM] to  
26 the contractor at cost and make the materials and supplies a part of the construction  
27 cost.

28 \* **Sec. 17.** AS 37.15.730 is amended to read:

29           **Sec. 37.15.730. Review of toll facility projects.** A toll facility may be  
30 financed under AS 37.15.610 - 37.15.760 if the following conditions are met for that  
31 toll facility:

1 (1) the department submits to the governor and the legislature a  
 2 feasibility study **reviewed and approved by the Alaska Capital Improvement**  
 3 **Project Authority** that finds that the toll facility is financially feasible and able to  
 4 produce revenue adequate to repay the bonds with which it is financed;

5 (2) if financing in addition to revenue bonds is required to finance the  
 6 toll facility, the department submits to the governor and legislature a finance plan  
 7 **reviewed and approved by the Alaska Capital Improvement Project Authority** that  
 8 includes an estimate of the total cost of the toll facility and a description of the sources  
 9 of money that will be used to finance the total cost of the toll facility; and

10 (3) the office of management and budget reviews the feasibility study  
 11 and the finance plan, if required, and reports its findings and recommendations to the  
 12 governor and legislature not later than 90 days after the study and plan are received  
 13 by the office.

14 \* **Sec. 18.** AS 37.15.740 is amended to read:

15 **Sec. 37.15.740. Toll facility charges.** The **Alaska Capital Improvement**  
 16 **Project Authority** [COMMISSIONER OF TRANSPORTATION AND PUBLIC  
 17 FACILITIES] shall fix [AND COLLECT] the fees, charges, tolls, and rentals **for the**  
 18 **use of state toll facilities. The Department of Transportation and Public Facilities**  
 19 **shall collect the fees, charges, tolls, and rentals owing to** [DERIVED BY] the state  
 20 from the ownership, lease, use, and operation of the facilities authorized by  
 21 AS 37.15.720 and 37.15.730 and improvements of the facilities. **The amount of fees,**  
 22 **charges, tolls, and rentals set by the authority shall** [AS WILL] provide revenue  
 23 sufficient to comply with all of the covenants of the bond resolution.

24 \* **Sec. 19.** AS 37.15.760(7) is amended to read:

25 (7) "toll facilities" means highways, roads, bridges, tunnels, crossings,  
 26 and causeways upon which tolls, charges, rentals, or other user fees are placed by the  
 27 **Alaska Capital Improvement Project Authority** [COMMISSIONER OF  
 28 TRANSPORTATION AND PUBLIC FACILITIES].

29 \* **Sec. 20.** AS 39.50.200(b) is amended by adding a new paragraph to read:

30 (56) Alaska Capital Improvement Project Authority (AS 44.42.110).

31 \* **Sec. 21.** AS 44.42.020(a) is amended to read:

- 1 (a) The department shall
- 2 (1) plan, design, construct, and maintain all state modes of
- 3 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
- 4 and similar facilities;
- 5 (2) study existing transportation modes and facilities in the state to
- 6 determine how they might be improved or whether they should continue to be
- 7 maintained;
- 8 (3) study alternative means of improving transportation in the state with
- 9 regard to the economic costs of each alternative and its environmental and social
- 10 effects;
- 11 (4) develop a comprehensive, long-range intermodal transportation plan
- 12 for the state;
- 13 (5) study alternatives to existing modes of transportation in urban areas
- 14 and develop plans to improve urban transportation;
- 15 (6) cooperate and coordinate with and enter into agreements with
- 16 federal, state, and local government agencies and private organizations and persons in
- 17 exercising its powers and duties;
- 18 (7) manage, operate, and maintain state transportation facilities and all
- 19 docks, floats, breakwaters, and buildings, including all state highways, vessels,
- 20 railroads, pipelines, airports, and aviation facilities;
- 21 (8) study alternative means of transportation in the state, considering
- 22 the economic, social, and environmental effects of each alternative;
- 23 (9) coordinate and develop state and regional transportation systems,
- 24 considering deletions, additions, and the absence of alterations;
- 25 (10) develop facility program plans for transportation and state
- 26 buildings, docks, and breakwaters required to implement the duties set out in this
- 27 section, including [BUT NOT LIMITED TO] functional performance criteria and
- 28 schedules for completion;
- 29 (11) supervise and maintain all state automotive and mechanical
- 30 equipment, aircraft, and vessels, except vessels and aircraft used by the Department of
- 31 Fish and Game or the Department of Public Safety; for state vehicles maintained by

1 the department, the department shall annually evaluate the cost, efficiency, and  
 2 commercial availability of natural gas for automotive purposes, and the purpose for  
 3 which the vehicles are intended to be used, and convert or purchase vehicles to use  
 4 [UTILIZE] natural gas whenever practicable; the department may participate in joint  
 5 ventures with public or private partners that will foster the availability of natural gas  
 6 for all automotive fuel consumers;

7 (12) supervise aeronautics inside the state, under AS 02.10;

8 (13) complete and maintain a current inventory of public facilities,  
 9 including a projection of the serviceability of the facilities and projections of  
 10 replacements and additions to facilities needed to provide the level of services  
 11 programmed by the various user agencies, for municipalities with populations  
 12 of less than 12,000 and for unincorporated communities, and perform those  
 13 duties on a cooperative basis with larger municipalities;

14 (14) adopt energy performance standards for public facilities of the  
 15 state, the construction of which begins after July 1, 1980; the standards shall be based  
 16 on thermal and lighting energy standards established by the American Society of  
 17 Heating, Refrigeration and Air Conditioning Engineers as adapted for application in  
 18 high latitude, cold climate environs;

19 (15) provide planning assistance, including [BUT NOT LIMITED TO]  
 20 energy audits and related technical services, to school districts and regional educational  
 21 attendance areas to develop and implement

22 (A) standards for the design, construction, and operation of rural  
 23 educational facilities; and

24 (B) energy conservation measures for rural educational facilities

25 (16) implement the safety and financial responsibility requirements for  
 26 air carriers under AS 02.40.010 - 02.40.990;

27 (17) inspect weights and measures;

28 **(18) submit to the Alaska Capital Improvement Project Authority**  
 29 **for review, revision, and approval**

30 **(A) plans and programs prepared by the department that**  
 31 **are described under AS 44.42.120;**

1 **(B) proposed capital improvement project budgets to fund**  
 2 **the plans and programs approved by the Alaska Capital Improvement**  
 3 **Project Authority;**

4 **(19) provide assistance, information, staff, and other support**  
 5 **requested by the Alaska Capital Improvement Project Authority.**

6 \* **Sec. 22.** AS 44.42.050(a) is amended to read:

7 (a) The commissioner shall develop annually a comprehensive, intermodal,  
 8 long-range transportation plan for the state. In developing and revising the state plan,  
 9 the commissioner shall consider means and costs of improving existing modes and  
 10 facilities, state and federal subsidies, and the costs and benefits of new transportation  
 11 modes and facilities. The commissioner shall also consider the recommendation of the  
 12 Alaska Transportation Planning Council. The plan shall be submitted to the **Alaska**  
 13 **Capital Improvement Project Authority** [GOVERNOR] for review, **revision**, and  
 14 approval. **The department shall submit the approved plan to** [AND SUBMITTED  
 15 BY] the governor **and** to the legislature.

16 \* **Sec. 23.** AS 44.42.050(c) is amended to read:

17 (c) Copies of the plan **and revisions of the plan**, as **approved by the Alaska**  
 18 **Capital Improvement Project Authority** [REVISED], shall be kept on file as a  
 19 public document in the office of the commissioner and at each regional office of the  
 20 department.

21 \* **Sec. 24.** AS 44.42.050(d) is amended to read:

22 (d) The plan must include a description of projects planned for design and  
 23 construction for the following two **fiscal** years. The description is in addition to the  
 24 long-range **programs** [PLAN] required by (a) of this section and by **AS 02.15.065**,  
 25 **AS 19.10.140, and AS 35.10.085**. The description must include an itemization of the  
 26 estimated cost for each project and the total cost of all projects. The commissioner  
 27 shall propose and forward to the **Alaska Capital Improvement Project Authority**  
 28 [GOVERNOR] for review, **revision**, and approval [AND INCLUSION,  
 29 AS APPROVED, IN THE CAPITAL BUDGET] a construction program that includes  
 30 the projects to be undertaken during the following two **fiscal** years, including  
 31 recommended project priorities. **The Alaska Capital Improvement Project**

1        **Authority shall submit the approved construction program to the governor for**  
2        **inclusion in the capital budget and to the legislature.** Funds for transportation  
3        construction projects and necessary contingencies shall be itemized as allocations  
4        within the bill for the General Appropriations Act.

5        \* **Sec. 25.** AS 44.42.055(b) is amended to read:

6                (b) In developing and biennially revising the facility procurement plan, the  
7        commissioner shall

8                        (1) request and receive on an annual basis from all state agencies a  
9        projection of the anticipated facility needs of the agency for the next annual capital  
10       improvement program;

11                        (2) consult with officials and representatives of municipalities, the  
12       federal government, interested corporations and other organizations concerning public  
13       facility needs in the state;

14                        (3) develop specific facility procurement plans for projects in each of  
15       the following categories:

16                                (A) sewage and other wastewater collection, treatment, and  
17       disposal facilities;

18                                (B) water source, treatment, and distribution facilities;

19                                (C) solid waste collection and disposal facilities;

20                                (D) hazardous and toxic waste collection and disposal facilities;

21                                (E) electrical generation and distribution systems;

22                                (F) health care and social services facilities;

23                                (G) educational facilities;

24                                (H) transportation facilities;

25                                (I) public safety and justice facilities;

26                                (J) recreational facilities;

27                                (K) sanitation facilities; and

28                                (L) cultural facilities;

29                        (4) prepare recommendations to accommodate the various levels of  
30       service identified by state agencies and other parties with respect to the services  
31       described in (3) of this subsection, to include

- 1 (A) current and future facility needs;
- 2 (B) space standards and design guidelines for the appropriate
- 3 facility types;
- 4 (C) maintenance and operations standards for the appropriate
- 5 facility types;
- 6 (D) construction techniques and contracting methods;
- 7 (E) facility project budget requirements; and
- 8 (F) relative costs of identified alternatives (life cycle cost
- 9 analysis) including but not limited to the installation and operation of energy
- 10 systems that are not dependent on oil or gas for water heating, space heating
- 11 and cooling requirements, and for the generation of electrical or mechanical
- 12 power;
- 13 (5) identify common public facility needs among the various user
- 14 agencies; [AND]
- 15 (6) submit its findings, plans, and recommendations to the **Alaska**
- 16 **Capital Improvement Project Authority for review, revision as appropriate, and**
- 17 **approval; and**
- 18 **(7) submit the approved findings, plans, and recommendations to**
- 19 **the** governor and to the appropriate state agency to facilitate the development of
- 20 agency capital improvement budget requests.

21 \* **Sec. 26.** AS 44.42.900 is amended by adding new paragraphs to read:

22 (4) "authority" means the Alaska Capital Improvement Project

23 Authority;

24 (5) "capital improvement project" means a project with a cost

25 exceeding \$10,000 to acquire or improve a transportation or public facility with an

26 anticipated life exceeding one year; in this paragraph, "project" includes land

27 acquisition, construction, repair, or structural improvement of a facility, engineering

28 and design for a facility, and acquisition or repair of equipment.

29 \* **Sec. 27.** AS 44.47.092 is amended to read:

30 **Sec. 44.47.092. Land use planning and state facility procurement plan.**

31 The department shall make recommendations to the Department of Transportation and

1       Public Facilities, to the Alaska Capital Improvement Project Authority, and to  
2       appropriate program agencies concerning the effect upon the comprehensive plan or  
3       other land use plans or proposals of municipalities and unincorporated communities  
4       with respect to the facility procurement plan required to be prepared in accordance  
5       with AS 35.10.170 and AS 44.42.055.

6       \* **Sec. 28.** SAVINGS CLAUSE. (a) Litigation, hearings, investigations, and other  
7       proceedings pending under a law amended or repealed by this Act, or in connection with  
8       functions transferred by this Act, continue in effect and may be continued and completed  
9       notwithstanding a transfer or amendment or repeal provided for in this Act.

10       (b) The regulations adopted by the Department of Transportation and Public Facilities  
11       that relate to functions transferred by this Act remain in effect and may be implemented and  
12       enforced by the department until the Alaska Capital Improvement Project Authority adopts its  
13       own regulations under AS 44.42 and those regulations take effect.

14       \* **Sec. 29.** INITIAL APPOINTMENT OF MEMBERS OF THE ALASKA CAPITAL  
15       IMPROVEMENT PLANNING AUTHORITY. Notwithstanding AS 44.42.110, added by  
16       sec. 1 of this Act, the governor shall designate persons initially appointed to serve as members  
17       of the Alaska Capital Improvement Project Authority to terms as follows: one person to a one-  
18       year term, one person to a two-year term, two persons to a three-year term, one person to a  
19       four-year term, and two persons to a five-year term.

20       \* **Sec. 30.** This Act takes effect July 1, 1997.