

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

February 19, 2004

1:33 p.m.

MEMBERS PRESENT

Representative Jim Holm, Chair
Representative Beverly Masek
Representative Dan Ogg
Representative Nick Stepovich
Representative Mary Kapsner

MEMBERS ABSENT

Representative Vic Kohring
Representative Albert Kookesh

COMMITTEE CALENDAR

HOUSE BILL NO. 327

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 327

SHORT TITLE: POWERS/DUTIES DOTPF

SPONSOR(S): REPRESENTATIVE(S) HOLM

05/16/03	(H)	READ THE FIRST TIME - REFERRALS
05/16/03	(H)	TRA, STA
02/19/04	(H)	TRA AT 1:30 PM CAPITOL 17

WITNESS REGISTER

TODD LARKIN, Staff
to Representative Jim Holm
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 327 on behalf of
Representative Holm, sponsor.

ACTION NARRATIVE

TAPE 04-6, SIDE A

Number 0001

CHAIR JIM HOLM called the House Transportation Standing Committee meeting to order at 1:33 p.m. Representatives Holm, Masek, Stepovich, Ogg, and Kapsner were present at the call to order.

HB 327-POWERS/DUTIES DOTPF

CHAIR HOLM announced that the first order of business would be HOUSE BILL NO. 327, "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities."

CHAIR HOLM clarified that the [proposed committee substitute (CS), labeled 23-LS1135\H, Utermohle, 2/17/04,] was being discussed.

Number 0080

TODD LARKIN, Staff to Representative Jim Holm, Alaska State Legislature, presented HB 327 on behalf of Representative Holm, sponsor. Mr. Larkin, paraphrasing from the sponsor statement, stated:

HB 327 is being brought forward at the suggestion of DOT [Department of Transportation & Public Facilities (DOT&PF)] and the attorney general's office to clean up old statute, which is now - and really always has been - obsolete. A situation has developed in rural Alaska where a bridge is being held up because of an oversight by state government.

In ... 1977, the then-governor wrote ... Executive Order number 39, Section 2, creating the Alaska Transportation [Planning] Council, among other things. It directed the commissioner of DOT to consult with this council on all annual transportation projects. Projects were not supposed to move forward without the recommendation of the council being considered.

Unfortunately, ... the then-governor and the succeeding governors failed to appoint members to this council, so it never came into physical existence. Therefore, there's no one to consider the opinions of DOT. In our fervor to comply with many ... federal requirements in getting our roads, ... the state converted their attention to complying with ... federal requirements to get our projects done.

... This somewhat fell by the wayside because it was outside of the legislative process by executive order - by failure of action to actually ... arrive in statute. It was just somewhat ignored.

Number 0302

MR. LARKIN directed attention to Section 2 [subsection (a), page 3, lines 29-31, and page 4, lines 1-5], which read:

(a) The commissioner shall develop [ANNUALLY] a comprehensive, intermodal, long-range transportation plan for the state. In developing and revising the state plan, the commissioner shall consider means and costs of improving existing modes and facilities, state and federal subsidies, and the costs [AND BENEFITS] of new transportation modes and facilities. [THE COMMISSIONER SHALL ALSO CONSIDER THE RECOMMENDATION OF THE ALASKA TRANSPORTATION PLANNING COUNCIL.] The plan shall be submitted to the governor for review and approval and submitted by the governor to the legislature.

MR. LARKIN brought attention to [page 3, lines 30-31, and page 4, lines 1-2], the language that directs the commissioner to study the costs and benefits of new transportation modes and facilities, and he said [DOT&PF] would speak to the ramifications of that language and why that portion of the statute is impractical. He noted that although the Alaska Transportation [Planning] Council exists in statute, the council itself does not exist; there's nobody to consult with and no recommendations. He said that litigation has been brought forth because of this oversight, and it is likely there will be more litigation in the future. Mr. Larkin said every project in the state will be dramatically affected by this, and rural projects will be even more affected by things like the cost benefit study, if it were to remain in statute.

MR. LARKIN said the requirements to [conduct annual studies] are being changed so [studies are conducted] "periodically" at the discretion of the commissioner, because annual requirements are cost prohibitive. He said the requirement to study alternative fuel has been expanded to include all alternative fuel. Mr. Larkin noted that the other changes are "house-cleaning measures." He explained that the requirement for DOT&PF to keep school buildings in compliance with energy performance standards, which was originally established in 1977, is being changed so local school districts [assume that responsibility].

CHAIR HOLM asked if the change is being made because the school districts are truly responsible for that and should be given that authority and responsibility.

MR. LARKIN, in response, said exactly.

Number 0548

REPRESENTATIVE STEPOVICH asked if this pertains to all DOT&PF facilities.

Number 0620

CHAIR HOLM stated that he would like DOT&PF to have time to participate, and for the bill to have proper hearing. [HB 327 was held over.]

ADJOURNMENT

The House Transportation Standing Committee meeting was recessed at approximately 1:53 p.m. until February 24, 2004, at 1:30 p.m. [The meeting was never reconvened.]