

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

May 14, 2003

9:35 a.m.

MEMBERS PRESENT

Senator John Cowdery, Chair
Senator Gene Therriault
Senator Georgianna Lincoln
Senator Donny Olson

MEMBERS ABSENT

Senator Thomas Wagoner, Vice Chair

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 280(FIN)

"An Act relating to the regulation of commercial motor vehicles to avoid loss or withholding of federal highway money, and to out-of-service orders concerning commercial motor vehicles; moving authority for commercial motor vehicle regulation from the Department of Public Safety to the Department of Transportation and Public Facilities; amending Rule 43.1, Alaska Rules of Administration; and providing for an effective date."

MOVED CSHB 280(FIN) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 250(FIN)

"An Act relating to protests of state contract awards, to claims on state contracts, to the arbitration of certain state construction contract claims, and to hearings and appeals under the State Procurement Code; making conforming amendments in the State Procurement Code; and providing for an effective date."

MOVED CSHB 250(FIN) OUT OF COMMITTEE

PREVIOUS ACTION

HB 250 -No previous action to record.
HB 280 -No previous action to record.

WITNESS REGISTER

Barbara Cotting
Staff to Representative Jim Holm
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 250

Richard Cattenach
No address provided

POSITION STATEMENT: Testified on HB 250

Aves D. Thompson
Director, Division of Measurement Standards &
Commercial Vehicle Enforcement
Department of Transportation &
Public Facilities
3132 Channel Dr.
Juneau, AK 99801-7898

POSITION STATEMENT: Testified on HB 280

ACTION NARRATIVE

TAPE 03-21, SIDE A

CHAIR JOHN COWDERY called the Senate Transportation Standing Committee meeting to order at 9:35 a.m. Present were Senators Gene Therriault, Georgianna Lincoln, Donny Olson and Chair John Cowdery. The first order of business to come before the committee was HB 250.

HB 250-STATE CONTRACTS

CHAIR COWDERY announced the committee heard the Senate version of the bill previously. He described it as a clean up bill to settle contract disputes expeditiously.

BARBARA COTTING, staff to Representative Jim Holm, said the bill is the mirror of SB 125.

DICK CATTENACH testified via teleconference from Anchorage. He said the bill deals with three problems:

- Timeliness of decisions - Redundancies would be removed
- Fairness of decisions - Hearing officers would be independent of the department
- Cost of the process - Rules 68, 79 and 82 would encourage quick settlement of claims - Prevailing party recovers a portion of legal fees

He said he was unaware of any opposition.

SENATOR OLSON asked him to expand on the fee payment to the prevailing party.

MR. CATTENACH replied the prevailing party would receive a portion of the legal fees.

SENATOR OLSON asked if there was any provision for the party that doesn't prevail.

MR. CATTENACH replied the losing party pays their own fees.

SENATOR GEORGIANNA LINCOLN asked if there were any concerns expressed on SB 125.

CHAIR COWDERY said there were questions relating to the procurement code but those were addressed in both bills.

SENATOR THERRIAULT made a motion to move CSHB 250 (FIN) from committee with attached indeterminate fiscal note and individual recommendations. There being no objection, it was so ordered.

HB 280-COMMERCIAL MOTOR VEHICLES:REGULATIONS

AVES THOMPSON, Director of the Division of Measurement Standards & Commercial Vehicle Enforcement in the Department of Transportation & Public Facilities (DOTPF), said his division is responsible for: commercial vehicle size, weight and safety enforcement; and commercial vehicle operating credentials; and for enforcing and maintaining standards for weights and measures used in commerce in Alaska. The key elements of the commercial vehicle safety program include the fixed weight station and mobile commercial vehicle enforcement.

Commercial vehicle enforcement officers conduct driver vehicle safety inspections, enforce size and weight regulations and inspect hazardous materials that are transported.

Beginning in FY 1998, the division was consolidated to DOTPF to provide more convenient and efficient program management. Although largely successful, the authority to promulgate regulation for driver vehicle safety requirements and hazardous materials transport wasn't transferred at that time and still resides in the Department of Public Safety. HB 280 transfers that authority to DOTPF and completes the consolidation.

Except for matters that relate to drivers of commercial motor vehicles, the bill gives the authority to adopt regulations

necessary to avoid withholding of federal highway money to DOTPF. The regulations address equipment standards, working conditions for drivers and vehicle inspection standards. The hazardous materials transport regulations deal with notification, movement, labeling and documentation of the same.

HB 280 also sets a prohibition against operating a commercial motor vehicle after it is placed out of service under a regulation adopted under Title 19. Other sections provide for changes to the bill schedule and allow for a transition period for the existing regulation to continue until the new regulations are adopted.

Federal motor vehicle safety regulations provide that a state becomes ineligible for program or incentive funds under the Motor Carrier Assistance Program for failure to adopt new regulation or amendment to the federal regulations within three years of the effective date. Adoption of the changes hasn't occurred since 1995 and the state is out of compliance. In FY 03, Alaska will receive more than \$685,000 in basic program and incentive program receipts. Passage of HB 280 is important so DOTPF has the authority to adopt the regulations and avoid the loss of future federal funding.

CHAIR COWDERY commented the bill is important. He asked for a motion.

SENATOR THERRIAULT motioned to move CSHB 280(FIN) and attached zero fiscal note from committee with individual recommendations. There being no objection, it was so ordered.

There being no further business to come before the committee, Chair Cowdery adjourned the meeting at 9:47 pm.