

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 24, 2009

1:05 p.m.

MEMBERS PRESENT

Representative Peggy Wilson, Chair
Representative Craig Johnson, Vice Chair
Representative Kyle Johansen
Representative Cathy Engstrom Munoz
Representative Mike Doogan
Representative Max Gruenberg

MEMBERS ABSENT

Representative John Harris

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 9

Designating the Alaska Aviation Heritage Museum located at 4721 Aircraft Drive in Anchorage as the official headquarters for the State of Alaska's Centennial of Flight Celebration.

- MOVED HJR 9 OUT OF COMMITTEE

HOUSE BILL NO. 181

"An Act relating to the use of headlights when operating a motor vehicle."

- HEARD AND HELD

HOUSE BILL NO. 155

"An Act relating to the authorization for the Department of Transportation and Public Facilities to participate in the American Recovery and Reinvestment Act of 2009; and providing for an effective date."

- MOVED CSHB 155(TRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 9

SHORT TITLE: CENTENNIAL OF FLIGHT CELEBRATION

SPONSOR(S): REPRESENTATIVE(S) FOSTER

01/28/09 (H) READ THE FIRST TIME - REFERRALS
01/28/09 (H) TRA
03/24/09 (H) TRA AT 1:00 PM CAPITOL 17

BILL: HB 181

SHORT TITLE: USE OF HEADLIGHTS REQUIRED
SPONSOR(S): REPRESENTATIVE(S) KAWASAKI

03/12/09 (H) READ THE FIRST TIME - REFERRALS
03/12/09 (H) TRA, JUD
03/24/09 (H) TRA AT 1:00 PM CAPITOL 17

BILL: HB 155

SHORT TITLE: AUTHORIZE ECONOMIC STIMULUS PARTICIPATION
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/25/09 (H) READ THE FIRST TIME - REFERRALS
02/25/09 (H) TRA, FIN
03/17/09 (H) TRA AT 1:00 PM CAPITOL 17
03/17/09 (H) Heard & Held
03/17/09 (H) MINUTE(TRA)
03/18/09 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/18/09 (H) <Bill Hearing Postponed>

WITNESS REGISTER

PAUL LABOLLE, Staff
Representative Richard Foster
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 9 on behalf of Representative Foster, prime sponsor.

LELAND CORKRAN, Chief Executive Officer
Pioneer Air Museum
Fairbanks, Alaska

POSITION STATEMENT: Testified on HJR 9.

NORM LAGASSE, Executive Director
Alaska Aviation Heritage Museum (AAHM)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HJR 9.

GAIL PHILLIPS, President
Board of Directors
Alaska Aviation Heritage Museum
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HJR 9.

REPRESENTATIVE SCOTT KAWASAKI
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions as the prime sponsor of HB 181.

KURT SMITH, Traffic and Safety Engineer
Division of Design & Engineering Services
Department of Transportation & Public Facilities (DOTPF)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 181.

MARY SIROKY, Legislative Liaison
Office of the Commissioner
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 181.

AVES THOMPSON, Executive Director
Alaska Trucking Association (ATA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 181.

DANIEL W. COFFEY, Board Member/Legislative Affairs
Alaskan Bikers Advocating Training and Education (ABATE)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 181.

MICHAEL BARNHILL, Senior Assistant Attorney General
Labor and State Affairs Section
Civil Division (Juneau)
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 181.

ACTION NARRATIVE

[1:05:29 PM](#)

CHAIR PEGGY WILSON called the House Transportation Standing Committee meeting to order at 1:05 p.m. Representatives Munoz, Gruenberg, Doogan, and Wilson were present at the call to order. Representatives Johnson and Johansen arrived as the meeting was in progress.

[1:05:37 PM](#)

HJR 9-CENTENNIAL OF FLIGHT CELEBRATION

[1:06:13 PM](#)

CHAIR WILSON announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 9, Designating the Alaska Aviation Heritage Museum located at 4721 Aircraft Drive in Anchorage as the official headquarters for the State of Alaska's Centennial of Flight Celebration.

[1:07:04 PM](#)

PAUL LABOLLE, Staff, Representative Richard Foster, Alaska State Legislature, offered a brief introduction of HJR 9, noting that the State of Alaska's Centennial of Flight Celebration would take place on July 13.

[1:07:41 PM](#)

LELAND CORKRAN, Chief Executive Officer, Pioneer Air Museum, explained that the first flight in Alaska took place in Fairbanks, Alaska, on July 4, 1913. He expressed concern that no one had contacted him about the resolution. He asked to be included since this is where the first flight originated.

[1:08:58 PM](#)

NORM LAGASSE, Executive Director, Alaska Aviation Heritage Museum (AAHM), stated that the AAHM proposed the actual resolution for the museum. He explained that the headquarters designation is the focal point for coordinating all of the celebrations throughout the state. He offered his belief that although four years of planning may seem like a lot of time, it is not given the magnitude of the celebration.

[1:09:58 PM](#)

REPRESENTATIVE JOHNSON inquired as to whether Fairbanks would be included, since the first flight took place in Fairbanks.

MR. LAGASSE answered that the Alaska Aviation Heritage Museum wants to be the point of contact for coordinating celebrations in Fairbanks, Anchorage, and throughout the state. He explained

there were many "firsts" in aviation in Alaska. He stated the goal is to celebrate the "firsts."

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GAIL PHILLIPS, President, Board of Directors, Alaska Aviation Heritage Museum, stated that the Board of Directors believes it can help facilitate interest in the celebrations in the Lower 48 and across the world. She related that the museum is prepared to do so since it has a staff and also has dual membership with the Museum of Flight in Seattle. She explained that the Alaska Aviation Heritage Museum has begun to contact groups in the Lower 48. She opined that if the museum can get the designation completed, other groups can help make plans to celebrate.

[1:12:15 PM](#)

REPRESENTATIVE MUNOZ thanked former Representative Phillips for her service to the state.

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MS. PHILLIPS remarked that when she was Speaker of the House, the price of oil was \$8 per barrel.

CHAIR WILSON, after first determining no one else wished to testify, closed public testimony on HJR 9.

REPRESENTATIVE MUNOZ moved to report HJR 9 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 9 was reported from the House Transportation Standing Committee.

[1:14:01 PM](#)

HB 181-USE OF HEADLIGHTS REQUIRED

[1:14:05 PM](#)

CHAIR WILSON announced that the next order of business would be HOUSE BILL NO. 181, "An Act relating to the use of headlights when operating a motor vehicle."

[1:14:41 PM](#)

REPRESENTATIVE SCOTT KAWASAKI, Alaska State Legislature, as prime sponsor, stated that the purpose of HB 181 is to reduce

accidents and deaths. He explained that the Alaska Highway Safety Office created a strategic highway plan to recommend that the state require car and truck headlights be used when the vehicles are moving. He related that scientific research has shown that simply using headlights is an effective way to reduce highway traffic head-on collisions and fatalities. The Highway Transportation Safety Administration indicated that proper signage, enforcement, and headlight requirements could reduce head-on collisions by between 7 and 15 percent, which could translate in Alaska in reducing deaths by 1 to 2 percent per year. Headlight requirements have been in place since the mid-1990s along the Seward Highway just south of Anchorage. The Department of Public Safety (DPS) has noted a marked decrease in accidents since the implementation. Many other countries in polar regions, such as Sweden, found that crashes in urban areas were reduced by 20 percent and 17 percent in rural areas.

REPRESENTATIVE KAWASAKI related that Alaska would be joining 38 other places in support of the use of headlights on motorcycles. He explained that headlights increase the conspicuousness of motorcycles. This purpose is not to increase the motorcycle operator's visibility, but to increase the visibility of drivers of other vehicles so that they see the motorcycles. He closed by relating that in Juneau near the Fred Meyer store, motorists can see 2.5 or 3 miles to Sunny Point. He stated that when driving at twilight it is much easier to see the car with its headlights on than one without headlights. He urged members to consider this bill for public safety reasons.

[1:17:44 PM](#)

REPRESENTATIVE JOHANSEN referred to HB 181, to the proposed AS 28.35.195, which would not allow a person to operate a motor vehicle on a highway unless the headlight system required by law for that motor vehicle was illuminated. He inquired as to whether "highway" is defined.

REPRESENTATIVE KAWASAKI related that "highway" is defined in Title 19 as any roadway, right-of-way, passageway, or causeway. He opined that any place a person could operate a car would be considered a highway.

REPRESENTATIVE JOHANSEN stated that the definition for highway in the statute under AS 19 includes the Alaska Marine Highway System. He stated that it is common practice to ask passengers driving vehicles onto the ferry to turn the headlights off to avoid blinding the workers. He also recalled that cars entering

the military bases are required to turn off their lights. He inquired as to whether any exemptions are built into the bill to protect the common practices such as when embarking a state ferry.

REPRESENTATIVE KAWASAKI said that he may have to defer to the Department of Transportation & Public Facilities (DOT&PF).

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REPRESENTATIVE JOHNSON recalled testimony for safety zones which impose double fines such that the department did not want to diminish the impact by requiring safety zones in too many places. Thus, if the headlight law became commonplace, he inquired as to whether it would take away the impact and suddenly people would ignore those cars with headlights.

REPRESENTATIVE KAWASAKI opined that the inherent safety of having the ability to see a car would benefit Alaskans more. He further opined that if all cars had their headlights on, it would increase safety on roadways.

[1:21:42 PM](#)

REPRESENTATIVE MUNOZ observed that currently most drivers keep their headlights on. She inquired as to whether the bill sponsor knew the percentage of those who currently do not use headlights.

REPRESENTATIVE KAWASAKI related that many vehicles have continuous running lights, but he does not have specific statistics. He noted that the fiscal note provides for education through the use of signage.

CHAIR WILSON remarked that she likes to use her headlights.

REPRESENTATIVE DOOGAN commented he appreciates when drivers of vehicles use headlights.

[1:23:26 PM](#)

REPRESENTATIVE JOHNSON noted his vehicle has fog lights that he can run independently of his headlights. He inquired as to whether the term "headlights" is defined.

REPRESENTATIVE KAWASAKI offered his belief that headlights is the system of lights and is inclusive.

REPRESENTATIVE JOHNSON inquired as to whether that definition also includes parking lights.

REPRESENTATIVE KAWASAKI related his understanding that it probably would cover parking lights.

REPRESENTATIVE JOHNSON remarked that he would not want to be subject to a fine.

REPRESENTATIVE JOHANSEN offered his belief that two little fog lights would probably not qualify, but said he was uncertain. He inquired as to whether any other states have provisions.

CHAIR WILSON stated that the bill specifically uses the term headlights. She said, "Headlights are headlights. They're not fog lights. They're not parking lights. They're headlights."

[1:26:00 PM](#)

REPRESENTATIVE GRUENBERG referred to 13 AAC 04.010 (c) which read, "Every vehicle traveling on a highway or vehicular way or area must illuminate lights when traveling on any roadway that is posted with signs requiring the use of headlights." He referred to 13 AAC 04.010 (d) which read: "For the purpose of (c) of this section, lights include low intensity headlights, and daytime running lamp devices that meet the standards of 49 CFR 571 revised as of August 29, 1996, if the headlights are not otherwise required under (a)(1) or (2) of this section." He stated that this requires headlights to be on a half hour after sunset and a half hour before sunrise or at any other time when insufficient light or other atmospheric conditions exist and persons or vehicles are not clearly discernable at a distance of 1,000 feet. Additionally, it applies to every vehicle traveling on a highway or other vehicular way or area within the state.

[1:27:41 PM](#)

REPRESENTATIVE JOHNSON stated he is not aware of the standards and is not certain that his question was answered regarding the definition of a headlight.

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REPRESENTATIVE JOHANSEN recalled that last week the committee held a lengthy discussion regarding bicycles that share the roadway. He inquired as to whether bicycles should be added to

the list since the proposed bill language lists only motorized vehicles.

1:29:16 PM

REPRESENTATIVE KAWASAKI explained that he did not want to make the bill extreme. He stated vehicles are 4,000-pound machines that can do a great amount of damage. Thus, the need for public safety law warrants this. He opined that a collision between bicycles would not likely cause a fatality. However, collisions between motor vehicles involve destructive forces and reducing even one or two deaths warrants the bill.

REPRESENTATIVE JOHANSEN inquired as to whether a collision involving a 4,000-pound vehicle and a 40-pound bicycle might also warrant consideration of including bicycles since it might help bicyclists.

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REPRESENTATIVE GRUENBERG offered his belief that the bill is important.

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KURT SMITH, Traffic and Safety Engineer, Division of Design & Engineering Services, Department of Transportation & Public Facilities (DOTPF), stated that DOT&PF strongly supports the bill. He opined that it is a cost effective way to save lives by making vehicles more conspicuous. He explained that signs will be needed at points of entry such as at airports, marine terminals, and border points to advise motorists that Alaska's law requires using headlights. He estimated that about 40 signs would be needed at a total cost of \$135,000. He informed members that DOT&PF has identified \$40,000 in Highway Safety Funding that could be used towards the signs, which would leave a fiscal note of \$95,000. He stated that the Highway Safety Office would also conduct an education campaign about the new law in advance of implementation.

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MR. SMITH recalled questions on exemptions for the Alaska Marine Highway System (AMHS) and military bases. He offered his belief that such exemptions do not exist.

REPRESENTATIVE JOHNSON inquired as to whether a motorist could be cited for obeying a ferry terminal operator's instructions to turn off the headlights on his/her vehicle.

MR. SMITH offered his understanding that there is nothing in law that would provide that exemption, even though common sense would. In response to a request for clarification from Representative Wilson, he stated, "There's nothing in the law that would make the law not applicable on the ferry system."

[1:34:11 PM](#)

CHAIR WILSON asked if it would be okay if the motorist turned lights off at the direction of AMHS staff.

MR. SMITH answered that theoretically nothing in law provides an exemption.

[1:34:39 PM](#)

MARY SIROKY, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), explained that the law does not specifically exempt that situation. However, she noted that common sense would prevail. Additionally, she stated that DOT&PF does not have any enforcement authority in AMHS terminals, so personnel would not be in the position to cite anyone. She reiterated that DOT&PF believes common sense prevails. She stated that if someone instructed a motorist to turn off the lights in a safety situation, that decision would prevail. She opined that the Department of Public Safety would agree.

[1:35:48 PM](#)

REPRESENTATIVE JOHNSON offered his belief that a law is a law, whether it is at military bases or at airports. He opined that if common sense prevails, many statutes would not be necessary.

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REPRESENTATIVE GRUENBERG explained that military bases are covered by federal law. He stated that a well defined legal area of law authorizes federal law to set speed limits. He stated that headlight use on military bases is covered by state law. Furthermore, a local community does not have jurisdiction on the ramp or on the ferry. He asserted that jurisdiction would not be in effect once the person left the community and

entered the parking lot. He explained that the vessel personnel are in charge, and their directions legally control. He offered that people do not use the speed limit of 25 miles per hour since the ferry terminal speed limits are covered by DOT&PF regulations. He offered his belief that AMHS is part of the highway system only in the generic sense, and not in terms of whether a motorist should follow crew docking and undocking instructions. He reiterated that AMHS has the legal authority to control the use of headlights.

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REPRESENTATIVE JOHANSEN expressed interest in reviewing the specific statutes and regulations that provide the AMHS with authority. He explained that cars line up in the parking lot and are directed to a specific lane, such as lane 3 or 4, and drivers are instructed to turn off their lights. He said he was not convinced that common sense would prevail. He suggested the sponsor consider working with DOT&PF on a specific exemption or clarification to allow an official to instruct a person to turn off his/her headlights.

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CHAIR WILSON reviewed two issues the committee had raised. First, the committee would like the definition of headlights clarified and to determine whether fog lights or parking lights will suffice. Second, the committee would like to know whether officials of AMHS have the authority to instruct motorists to turn off their lights when the statute will apply to AMHS.

[1:43:14 PM](#)

REPRESENTATIVE JOHNSON reverted back to discuss military installations. He agreed that once a person is on the military base the federal law applies. However, he recalled that the entrance into Elmendorf Air Force Base is off Boniface Parkway, and motorists are required to turn headlights off. He opined the roadway is not under military jurisdiction, but the military requires motorists to turn headlights off along the mile approach for security reasons. He expressed concern that the military is authorized to use deadly force in certain circumstances. He also expressed concern that the police or troopers might write tickets to enforce the headlight law.

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REPRESENTATIVE GRUENBERG offered to ensure that these issues are addressed in the House Judiciary Standing Committee, which is the next referral for HB 181.

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REPRESENTATIVE JOHANSEN stated that he does not want to stop the bill, but feels frustrated when issues are not taken care of before bills are moved along.

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CHAIR WILSON suggested that the bill could be amended in the House Transportation Standing Committee.

[1:47:06 PM](#)

REPRESENTATIVE DOOGAN talked about removing "motor" from the proposed bill language such that the requirement to use headlights would apply to all vehicles.

[1:47:49 PM](#)

CHAIR WILSON highlighted the proposed language regarding "the headlight system required by law".

[1:48:04 PM](#)

REPRESENTATIVE DOOGAN offered that he is not certain the law requires bicycles to have working headlights; therefore, [removing "motor" from the proposed bill language] may not accomplish his intent [to include bicycles in the use of headlights]. However, he suggested rather than having to rewrite the entire vehicle code, having a requirement that anyone operating a vehicle on a highway utilize some sort of light system would be preferable to having only some vehicles with lights in use.

[1:48:32 PM](#)

REPRESENTATIVE JOHANSEN asked for the definition of vehicle.

REPRESENTATIVE GRUENBERG suggested the definition would be in Title 28.

[1:49:03 PM](#)

REPRESENTATIVE JOHNSON referred to the fiscal note of \$135,135. He inquired as to whether DOT&PF needs additional authorization to spend the \$40,000 mentioned in earlier testimony.

MR. SMITH answered that DOT&PF has the authorization to use the additional funds.

REPRESENTATIVE JOHNSON asked if DOT&PF could use any other funds for signage.

MR. SMITH answered no.

1:50:30 PM

REPRESENTATIVE GRUENBERG stated that the term vehicle is defined in AS 28.90.990 (a)(29), which he read as follows:

(29) "vehicle" means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; "vehicle" does not include

(A) devices used exclusively upon stationary rails or tracks;

(B) mobile homes;

REPRESENTATIVE GRUENBERG opined that this does not seem to be grammatical. He cited AS 28.90.990(a)(16), which read:

(16) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human or animal power; "A vehicle which is self propelled except a vehicle moved by human or animal power."

1:51:53 PM

AVES THOMPSON, Executive Director, Alaska Trucking Association (ATA), stated that his association is a statewide organization representing the interests of nearly 200 companies located from Barrow to Ketchikan. He mentioned part of the ATA's mission statement is to promote highway and driver safety. He offered his belief that the ATA can demonstrate its strong emphasis on safety. He related his understanding that there is a positive impact on safety when headlights are on at all times when driving a vehicle. Mr. Thompson stated that the ATA supports HB 181. He offered his hope that the details discussed today can be worked out. He emphasized that the ATA does not want

frivolous citations written to enforce the proposed headlight law.

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REPRESENTATIVE GRUENBERG inquired as to whether Mr. Thompson received an e-mail response to his questions.

MR. THOMPSON answered yes. He related that his question had been if a headlamp is broken, whether a commercial vehicle would be placed out of service and not allowed to proceed until the headlamp was repaired. The answer Representative Gruenberg had provided was that a broken headlamp would constitute a violation and the commercial vehicle would be allowed to proceed to a place for repairs.

REPRESENTATIVE GRUENBERG offered to provide a copy of the correspondence to the committee.

[1:54:30 PM](#)

DANIEL W. COFFEY, Board Member/Legislative Affairs, Alaskan Bikers Advocating Training and Education (ABATE), stated that he represents the largest nonprofit motorcycle organization in the state. He related that ABATE trained 1,000 people in motorcycle training last year. He explained that he is the legislative chair as well as a board member for ABATE. He stated that ABATE is opposed to HB 181. He explained if everyone's headlights are on that diminishes the effect of the motorcycle headlights. He said, "If you have a sea of headlights it's hard to pick out a motorcycle."

[1:55:52 PM](#)

REPRESENTATIVE GRUENBERG argued that it would be no different from everyone using headlights during evening hours.

MR. COFFEY explained that currently motorcycles are required to use headlights so people scan and see the motorcycle headlights. He expressed concern that if HB 181 passes, as people scan they will only see headlights and would not see the motorcycle headlight, which is smaller and may appear to be a motor vehicle farther away.

CHAIR WILSON remarked that Mr. Coffee raised a good point.

[1:57:32 PM](#)

REPRESENTATIVE JOHNSON commented that this goes back to his concern that if everyone's headlights are on, it would act to dilute the overall effect. He asserted this testimony verifies that point for him.

[1:58:10 PM](#)

CHAIR WILSON pointed out that 39 of 50 states, including Alaska, require headlights on motorcycles are used at all times.

REPRESENTATIVE KAWASAKI confirmed that is correct.

[1:58:41 PM](#)

REPRESENTATIVE GRUENBERG inquired as to whether all new cars are built to have headlights turn on when the vehicle is started. He offered his belief that if this is a federal requirement, as older cars are taken out of commission, more and more cars will use their headlights at all times.

MR. COFFEY disagreed. He related his understanding that only General Motors Corporation products have daytime running lights. He noted that several other manufacturers have, at one time, produced vehicles with headlights that remain on, but he said he believes the manufacturers have since retracted those practices. He stated, "I don't believe it is a federal law for headlights, other than for motorbikes."

[1:59:34 PM](#)

REPRESENTATIVE DOOGAN related he is trying to understand this bill. He reviewed that if motorcycles currently have their headlights on and people see them due to the headlight usage, then the argument is these vehicles would lose their ability to be seen when other vehicles are using headlights. He related his driving experience has shown that any vehicle with its headlights on is visible. Those vehicles without headlights on are not visible. He disagreed that the headlights will get lost in the shuffle or people will get accustomed to seeing headlights. He inquired as to whether any studies support the idea that the universal use of headlights renders them less effective.

MR. COFFEY said he does not know of any studies. He offered his belief that a person could look down a street and see a truck

with its headlights on, while not seeing a motorcycle in front of the truck.

REPRESENTATIVE JOHNSON recalled hearing testimony that argued against having too many safety zones, since they would become commonplace. He noted that is the same argument used with headlights.

[2:02:13 PM](#)

REPRESENTATIVE DOOGAN offered his understanding that the two issues are not related.

[2:02:56 PM](#)

MR. COFFEY emphasized that he does not advocate the elimination of safety zones. He highlighted that motorcycles have problems being seen mostly in urban areas.

MR. COFFEY, in response to Chair Wilson, explained that he has experienced this since motorcyclists die each year. In further response to Chair Wilson, Mr. Coffey offered to find out if there has been an increase in motorcycle accidents in states that have a headlight requirement.

[2:04:13 PM](#)

CHAIR WILSON stated that public testimony would remain open on HB 181 for further discussion.

[HB 181 was held over.]

[2:04:39 PM](#)

HB 155-AUTHORIZE ECONOMIC STIMULUS PARTICIPATION

CHAIR WILSON announced that the final order of business would be HOUSE BILL NO. 155, "An Act relating to the authorization for the Department of Transportation and Public Facilities to participate in the American Recovery and Reinvestment Act of 2009; and providing for an effective date."

MICHAEL BARNHILL, Senior Assistant Attorney General, Labor and State Affairs Section, Civil Division (Juneau), Department of Law (DOL), stated that HB 155 provides explicit authority for the Department of Transportation & Public Facilities (DOT&PF) to

participate in program funding set forth by the federal economic stimulus bill that was passed by Congress last month.

2:06:05 PM

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, labeled 26-GH1056\A.1, which read [including some handwritten changes]:

Page 2, line 19:
Delete "and"

Page 2, line 20, following "law,"
Insert "and subject to appropriation,"

Page 2, line 19, following "any"
Insert "other"

REPRESENTATIVE JOHNSON objected for purposes of discussion.

REPRESENTATIVE GRUENBERG referred to page 2, line 19, of HB 155. He explained that subsection (d) is the only provision of the bill which is legislation rather than legislative intent.

2:06:58 PM

REPRESENTATIVE GRUENBERG explained that in the rest of the bill, the expenditure of the funds is subject to appropriation. He pointed out the reference to the term "appropriation" on page 1, line 12, and on page 2, lines 7 and 17, of HB 155. However, he noted that subsection (d) references participation but does not specifically use the term "appropriation." He expressed interest in having all aspects of the economic stimulus funding subject to appropriation. He noted that he added one grammatical change which he referred to as the handwritten portion of Amendment 1.

CHAIR WILSON noted that if Amendment 1 was adopted, [subsection (d)] would read as follows:

(d) Notwithstanding any other provision of state law, to the extent not already authorized by state law, and subject to appropriation, the Department of Transportation and Public Facilities is authorized to participate in the programs and funding enacted by Division A, Titles VI and XII, P.L. 111-5 (American Recovery and Reinvestment Act of 2009).

MR. BARNHILL stated that he does not object to Amendment 1.

REPRESENTATIVE JOHNSON removed his objection. There being no further objection, Amendment 1 was adopted.

[2:09:01 PM](#)

REPRESENTATIVE JOHANSEN moved to report HB 155, as amended, out of committee with individual recommendations and the accompanying fiscal note.

REPRESENTATIVE MUNOZ objected. She asked whether additional "resolution" would be required to address the stimulus contingent funds of secondary projects.

MR. BARNHILL answered that additional contingent projects will be addressed in HB 154, the appropriations bill, so that other projects can be substituted in case some are not "shovel ready" or there are additional funds.

[2:10:30 PM](#)

REPRESENTATIVE MUNOZ removed her objection.

There being no further objection, CSHB 155(TRA) was reported from the House Transportation Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:11 p.m.