

1 IN THE SENATE

BY KERTTULA AND RODEY

2

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act dividing the Department of Transportation and  
Public Facilities into two principal departments; and  
providing for an effective date."

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

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\* Section 1. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds  
that the diverse needs of the state with respect to public facilities and  
land, air, and marine transportation would be best served by the creation  
of two distinct departments. One department should plan, construct, man-  
age, operate, and maintain the air and land transportation systems of the  
state. Another department should perform those functions with respect to  
marine transportation, state ferries, harbors, docks, floats, breakwaters,  
buildings, and similar public works.

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\* Sec. 2. AS 44.17.005 is amended to read:

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Sec. 44.17.005. OFFICES AND DEPARTMENTS. There are in the state  
government the following principal offices and departments:

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(1) Office of the Governor;

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(2) Department of Administration;

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(3) Department of Law;

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(4) Department of Revenue;

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(5) Department of Education;

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(6) Department of Health and Social Services;

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(7) Department of Labor;

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(8) Department of Commerce and Economic Development;

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(9) Department of Military and Veterans' Affairs;

- 1 (10) Department of Natural Resources;
- 2 (11) Department of Fish and Game;
- 3 (12) Department of Public Safety;
- 4 (13) [REPEALED
- 5 (14) REPEALED
- 6 (15) DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
- 7 (16)] Department of Environmental Conservation;
- 8 (14) [(17)] Department of Community and Regional Affairs;
- 9 (15) [(18)] Department of Corrections;
- 10 (16) Department of Highways and Aviation;
- 11 (17) Department of Public Works and Marine Transportation.

12 \* Sec. 3. AS 44 is amended by adding a new chapter to read:

13 CHAPTER 43. DEPARTMENT OF HIGHWAYS AND AVIATION.

14 Sec. 44.43.011. COMMISSIONER OF HIGHWAYS AND AVIATION. (a) The  
15 principal executive officer of the Department of Highways and Aviation  
16 is the commissioner of highways and aviation.

17 (b) The commissioner shall establish regions within the state.  
18 The functions of the department within each region shall be performed,  
19 to the maximum extent possible, through a regional office. Each  
20 regional office shall be directed by a regional director appointed by  
21 the commissioner.

22 Sec. 44.43.021. GENERAL DUTIES AND POWERS OF THE DEPARTMENT.

23 (a) The department shall, consistent with priorities established by  
24 the commissioner,

25 (1) plan, design, construct, manage, operate, and maintain  
26 all state highways, roads, bridges, traffic signs and signals, pipe-  
27 lines, airports, landing strips, and other highway and aviation facil-  
28 ities;

29 (2) supervise and maintain all state automotive and

1 mechanical equipment and aircraft, except aircraft used by the Depart-  
2 ment of Fish and Game or the Department of Public Safety.

3 (b) The department may

4 (1) engage in experimental projects relating to available  
5 or future modes of air and land transportation and means of improving  
6 existing air and land transportation facilities and service;

7 (2) exercise the power of eminent domain, including the  
8 declaration of taking as provided in AS 09.55;

9 (3) publish plans, schedules, directories, guides, and  
10 manuals for distribution, with or without charge, to private or public  
11 entities or persons;

12 (4) cooperate and coordinate with and enter into agreements  
13 with federal, state, and local government agencies and private organi-  
14 zations and persons in exercising its powers and duties.

15 (c) The department shall procure and maintain state equipment  
16 used in the performance of its duties under this section.

17 Sec. 44.43.031. STATE TRANSPORTATION PLAN. (a) In cooperation  
18 with the commissioner of public works and marine transportation, the  
19 commissioner shall develop annually a comprehensive, intermodal,  
20 long-range transportation plan for the state. In developing and  
21 revising the state plan, the commissioner shall consider means and  
22 costs of improving existing modes and facilities, state and federal  
23 subsidies, and the costs and benefits of alternative transportation  
24 modes and facilities, including environmental and social effects. The  
25 commissioner shall also consider the recommendation of the Alaska  
26 Transportation Planning Council. The plan shall be submitted to the  
27 governor for review and approval and submitted by the governor to the  
28 legislature with the general appropriation bill submitted under  
29 AS 37.07.020.

1 (b) In developing and revising the plan, the commissioner shall  
2 seek public review and evaluation by any reasonable means and may

3 (1) consult and cooperate with officials and representa-  
4 tives of the federal government, other governments, interstate commis-  
5 sions and authorities, local agencies and authorities, interested  
6 corporations and other organizations concerning problems affecting  
7 transportation in the state; and

8 (2) request from an agency or other unit of the state  
9 government or of a political subdivision of it, or from a public  
10 authority, the assistance and data that may be necessary to enable the  
11 commissioner to carry out responsibilities under this section; these  
12 entities shall provide the assistance and data requested.

13 (c) Copies of the plan, as revised, shall be kept on file as a  
14 public document in the office of the commissioner and at each regional  
15 office of the department.

16 Sec. 44.43.041. PROJECT PRIORITY LIST. (a) The plan developed  
17 under AS 44.43.031 must include, for projects that are funded in part  
18 through federal funds,

19 (1) for the following two years, a description and listing,  
20 by priority, of preconstruction projects and a description and list-  
21 ing, by priority, of construction projects; the lists must include  
22 works that are in progress and the priorities shall be indicated on a  
23 statewide basis;

24 (2) for each project listed under (1) of this subsection,  
25 an itemization of the total estimated cost, progress and costs in-  
26 curred to date, and the federal and state components of those costs;

27 (3) an explanation of changes in priority from the priority  
28 listing in the previous year's plan.

29 (b) The department may not undertake preconstruction or

1 construction work on projects that include federal funding if the work  
2 reflects a change in priority from a priority list previously submit-  
3 ted to the legislature until 30 days after submitting a new priority  
4 list to the legislature or to the Legislative Budget and Audit Commit-  
5 tee if the legislature is not in session.

6 (c) The legislature may, by concurrent resolution, approve a  
7 priority list submitted under this section or recommend changes in a  
8 project or the priorities established by the list.

9 Sec. 44.43.990. DEFINITIONS. In this chapter

10 (1) "commissioner" means the commissioner of highways and  
11 aviation;

12 (2) "department" means the Department of Highways and  
13 Aviation.

14 \* Sec. 4. AS 44 is amended by adding a new chapter to read:

15 CHAPTER 44. DEPARTMENT OF PUBLIC WORKS  
16 AND MARINE TRANSPORTATION.

17 Sec. 44.44.011. COMMISSIONER OF PUBLIC WORKS AND MARINE TRANS-  
18 PORTATION. The principal executive officer of the Department of  
19 Public Works and Marine Transportation is the commissioner of marine  
20 transportation and public works.

21 Sec. 44.44.021. GENERAL DUTIES AND POWERS OF THE DEPARTMENT.

22 (a) The department shall

23 (1) plan, design, construct, manage, operate, and maintain  
24 marine transportation facilities, state ferries, water and harbor  
25 facilities, park and recreation facilities, and public buildings;

26 (2) supervise and maintain all state vessels, except ves-  
27 sels used by the Department of Fish and Game or the Department of  
28 Public Safety;

29 (3) complete and maintain a current inventory of public

1 facilities, including a projection of the serviceability of the facil-  
2 ities and projections of replacements and additions to facilities  
3 needed to provide the level of services programmed by the various user  
4 agencies, for municipalities with populations of less than 12,000 and  
5 for unincorporated communities, and perform those duties on a coopera-  
6 tive basis with larger municipalities;

7 (4) adopt energy performance standards for public facil-  
8 ities of the state, the construction of which began after July 1,  
9 1980; the standards shall be based on thermal and lighting energy  
10 standards established by the American Society of Heating, Refrig-  
11 eration and Air Conditioning Engineers as adapted for application in  
12 high latitude, cold climate environs;

13 (5) provide planning assistance, including energy audits  
14 and related technical services, to school districts and regional  
15 educational attendance areas to develop and implement

16 (A) standards for the design, construction, and opera-  
17 tion of rural educational facilities; and

18 (B) energy conservation measures for rural educational  
19 facilities.

20 (b) The department may

21 (1) engage in experimental projects relating to available  
22 or future modes of marine transportation and means of improving exist-  
23 ing marine transportation facilities and service;

24 (2) exercise the power of eminent domain, including the  
25 declaration of taking as provided in AS 09.55;

26 (3) publish plans, schedules, directories, guides, and  
27 manuals for distribution, with or without charge, to private or public  
28 entities or persons;

29 (4) cooperate and coordinate with and enter into agreements

1 with federal, state, and local government agencies and private organi-  
2 zations and persons in exercising its powers and duties.

3 (c) The department shall procure and maintain state equipment  
4 used in the performance of its duties under this section.

5 Sec. 44.44.031. STATE PUBLIC FACILITIES PLAN. (a) The commis-  
6 sioner shall develop and annually revise a statewide comprehensive  
7 facility procurement plan for public facilities of the state and its  
8 municipalities.

9 (b) In developing and annually revising the facility procurement  
10 plan, the commissioner shall

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

14 (2) consult with officials and representatives of munici-  
15 palities, the federal government, interested corporations, and other  
16 organizations concerning public facility needs in the state;

17 (3) develop specific facility procurement plans for proj-  
18 ects in each of the following categories:

- 19 (A) sewage transmission and treatment systems;  
20 (B) water transmission and treatment systems;  
21 (C) electrical generation and distribution systems;  
22 (D) health care and social services facilities;  
23 (E) educational facilities;  
24 (F) transportation facilities;  
25 (G) public safety and justice facilities;  
26 (H) recreational facilities;  
27 (I) sanitation facilities; and  
28 (J) cultural facilities;

29 (4) prepare recommendations to accommodate the various

1 levels of service identified by state agencies and other parties with  
2 respect to the services described in (3) of this subsection, to in-  
3 clude

4 (A) current and future facility needs;

5 (B) space standards and design guidelines for the  
6 appropriate facility types;

7 (C) maintenance and operations standards for the  
8 appropriate facility types;

9 (D) construction techniques and contracting methods;

10 (E) facility project budget requirements; and

11 (F) relative costs of identified alternatives (life  
12 cycle cost analysis) including the installation and operation of  
13 energy systems that are not dependent on oil or gas for water  
14 heating, space heating and cooling requirements, and for the  
15 generation of electrical or mechanical power;

16 (5) identify common public facility needs among the various  
17 user agencies; and

18 (6) submit its findings, plans and recommendations to the  
19 governor and to the appropriate state agency to facilitate the devel-  
20 opment of agency capital improvement budget requests.

21 (c) In the preparation and revision of the facility procurement  
22 plan, the commissioner may

23 (1) develop and adopt regulations for use in carrying out  
24 the purpose of (b) of this section; regulations may not be adopted  
25 under this paragraph unless approval is received from appropriate  
26 program agencies;

27 (2) make recommendations on the total capital improvement  
28 program to affected state agencies, local governments, and other  
29 interested parties and organizations, and to the office of management

1 and budget.

2 (d) In this section, "public facility"

3 (1) means a capital improvement within one of the categor-  
4 ies described in (b) of this section that is constructed

5 (A) for subsequent occupancy or operation by the  
6 state, a public corporation of the state, the University of  
7 Alaska, a political subdivision, or a regional educational atten-  
8 dance area;

9 (B) by a political subdivision or any private party  
10 with the assistance of financial support provided by the state if  
11 funds appropriated or paid by way of a grant or loan in advance  
12 of construction of the facility, or any part of it, are 50 per-  
13 cent or more of the estimated costs of construction of the facil-  
14 ity;

15 (2) does not include projects constructed with the proceeds  
16 of one or more loans issued by a loan program administered by the  
17 Department of Commerce and Economic Development.

18 Sec. 44.44.990. DEFINITIONS. In this chapter

19 (1) "commissioner" means the commissioner of public works  
20 and marine transportation;

21 (2) "department" means the Department of Public Works and  
22 Marine Transportation.

23 \* Sec. 5. TRANSFER OF HIGHWAY AND AVIATION FUNCTIONS. (a) The Depart-  
24 ment of Highways and Aviation, described in sec. 3 of this Act, has the  
25 duties formerly held by the Department of Transportation and Public Facil-  
26 ities under

27 (1) AS 02;

28 (2) AS 19.10 - AS 19.45; and

29 (3) AS 35, except with respect to marine facilities and public

1 buildings.

2 (b) In performing the duties assigned to the department under this  
3 section, the Department of Highways and Aviation

4 (1) is subject to the restrictions placed on the former Depart-  
5 ment of Transportation and Public Facilities with respect to those duties;  
6 and

7 (2) has the powers bestowed on the former Department of Trans-  
8 portation and Public Facilities with respect to those duties.

9 \* Sec. 6. TRANSFER OF PUBLIC WORKS AND MARINE TRANSPORTATION FUNCTIONS.

10 (a) The Department of Public Works and Marine Transportation, described in  
11 sec. 4 of this Act, has the duties formerly held by the Department of  
12 Transportation and Public Facilities under

13 (1) AS 19.60 - AS 19.65;

14 (2) AS 30;

15 (3) AS 35, except with respect to highways and aviation facili-  
16 ties; and

17 (4) AS 41.21.

18 (b) In performing the duties assigned to the department under this  
19 section, the Department of Public Works and Marine Transportation

20 (1) is subject to the restrictions placed on the former Depart-  
21 ment of Transportation and Public Facilities with respect to those duties;  
22 and

23 (2) has the powers bestowed on the former Department of Trans-  
24 portation and Public Facilities with respect to those duties.

25 \* Sec. 7. BOARDS AND COMMISSIONS. Wherever the commissioner of trans-  
26 portation and public facilities serves as a member of a board, commission,  
27 or other multi-member group, the commissioner of highways and aviation  
28 shall serve in that group after July 1, 1990.

29 \* Sec. 8. PROCUREMENTS. The Department of Highways and Aviation and

1 the Department of Public Works and Marine Transportation and their commis-  
2 sioners shall each exercise, within their respective jurisdictions, the  
3 duties of the Department of Transportation and Public Facilities and its  
4 commissioner under AS 36.30 (State Procurement Code).

5 \* Sec. 9. AS 44.42 is repealed.

6 \* Sec. 10. The division of legal services of the Legislative Affairs  
7 Agency shall prepare a bill conforming the Alaska Statutes to the changes  
8 made by this Act. The bill shall be presented to the House and Senate  
9 Rules Committees for introduction on the first day of the Second Session of  
10 the Sixteenth Alaska State Legislature.

11 \* Sec. 11. Sections 1 - 9 of this Act take effect July 1, 1990.

12 \* Sec. 12. Section 10 of this Act takes effect immediately under  
13 AS 01.10.070(c).