

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

3/5/82

Date: 3-31-82

Mr. Speaker:

The Committee on FINANCE has had HB 654

"An Act relating to the Department of Transportation and Public Facilities and establishing the Board of Transportation and Public Facilities at the head of the department; and providing for an effective date."

under consideration and ~~(a majority of the committee)~~ ~~(the committee)~~ reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 654 (Finance) same title
 new title
- and recommends individual recommendations
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation = 16.7
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

David L. ...

Robert J. ...

Albert ...

...

CHAIRMAN

Original sponsor: Transportation Committee

Offered: 3/5/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2

CS FOR HOUSE BILL NO. 654 (Transportation)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the Department of Transportation and Public Facilities and establishing the Board of Transportation and Public Facilities at the head of the department; and providing for an effective date."

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

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

12

Sec. 44.42.011. BOARD OF TRANSPORTATION AND PUBLIC FACILITIES.

13

There is at the head of the Department of Transportation and Public Facilities the Board of Transportation and Public Facilities.

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Sec. 44.42.013. COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES.

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The commissioner of transportation and public facilities is the principal executive officer of the department. The board shall appoint the commissioner of transportation and public facilities subject to the approval of the governor.

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Sec. 44.42.015. COMPOSITION OF BOARD AND TERMS OF MEMBERS. (a)

20

The board consists of seven members. The members of the board shall be appointed by the governor and are subject to confirmation by a majority of the members of the legislature in joint session.

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(b) One member of the board shall be appointed from each allocation district described in AS 19.30.127. Two members of the board shall be appointed from the state at large.

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(c) Members appointed shall have the following qualifications:

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(1) two members shall be experienced in highway construction;

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(2) two members shall have an aeronautical background;

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1 (3) one member shall have a maritime background;
2 (4) one member shall be an economist; and
3 (5) one member shall be selected from the public at
4 large.

5 (d) Members serve overlapping four-year terms. A member may not
6 serve more than two full terms on the board.

7 Sec. 44.42.017. COMPENSATION OF BOARD MEMBERS. Each member of the
8 board is entitled to travel expenses and \$150 per diem for each day
9 going to and from and for each day in actual attendance at board meet-
10 ings. A member is entitled to \$100 per diem for each day going to and
11 from and for each day in actual attendance at other meetings or con-
12 ferences authorized by the board.

13 Sec. 44.42.019. BOARD STAFF. The board may employ the staff it
14 considers necessary to meet its responsibilities. The staff of the
15 board are in the partially exempt service under AS 39.25.120.

16 Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board shall
17 recommend policies for adoption by the legislature that are designed to
18 assure the development and maintenance of a comprehensive and balanced
19 statewide transportation system that will meet the needs of the people
20 of the state for safe and efficient transportation services. The poli-
21 cies shall provide, when appropriate, for the use of integrated inter-
22 modal transportation systems to implement the social, economic, and
23 environmental policies, goals, and objectives of the people of the
24 state, and especially to conserve nonrenewable natural resources includ-
25 ing land and energy. In preparing these policies the board shall

26 (1) consider the transportation policies that are stated in
27 existing state laws and recommend changes in these laws that the board
28 considers desirable;

29 (2) inventory the policies, goals, and objectives of municipi-

1 pal governments of the state and define the role of the state and municipi-
2 pal governments in determining transportation policies, in transportation
3 planning, and in implementing the state transportation plan;

4 (3) propose a six-year transportation plan for the state and,
5 after notice and public hearings, submit the transportation plan and
6 estimates of the appropriation necessary to implement the plan as well
7 as annual revisions of the plan to the legislature by the 10th day of
8 each regular legislative session;

9 (4) integrate the state transportation plan with the needs of
10 the elderly and the handicapped and coordinate federal and state programs
11 directed at assisting municipalities to answer the needs of the elderly
12 and the handicapped.

13 (b) In conformity with the policies, goals, and objectives stated
14 in (a) of this section and the state transportation plan adopted by the
15 legislature, the board shall

16 (1) plan, design, construct, and maintain all state modes of
17 transportation and transportation facilities, communication facilities,
18 and all docks, floats, breakwaters, buildings, and similar facilities;

19 (2) study existing transportation modes and facilities and
20 communication facilities in the state to determine how they might be
21 improved or whether they should continue to be maintained;

22 (3) study alternative means of improving transportation and
23 communication in the state with regard to the economic costs of each
24 alternative and its environmental and social effects;

25 (4) develop a comprehensive, long-range intermodal transpor-
26 tation plan for the state;

27 (5) study alternatives to existing modes of transportation in
28 urban areas and develop plans to improve urban transportation;

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

1 with federal, state, and local government agencies and private organiza-
2 tions and persons in exercising its powers and duties;

3 (7) manage, operate, and maintain state transportation facili-
4 ties, communication facilities, and all docks, floats, breakwaters, and
5 buildings, including state highways, vessels, railroads, pipelines, air-
6 ports, and aviation facilities;

7 (8) study alternative means of transportation in the state,
8 considering the economic, social, and environmental impacts of each
9 alternative;

10 (9) coordinate and develop state and regional transportation
11 systems, considering deletions, additions, and the absence of altera-
12 tions;

13 (10) develop facility program plans for transportation and
14 communication facilities and state buildings, docks, and breakwaters
15 required to implement the duties set out in this section, including but
16 not limited to

17 (A) functional performance criteria; and

18 (B) schedules for completion;

19 (11) supervise and maintain all state automotive and mechani-
20 cal equipment, aircraft, and vessels, except aircraft and vessels used
21 by the Department of Fish and Game or the Department of Public Safety;

22 (12) supervise aeronautics and communications inside the
23 state, under AS 02.10;

24 (13) complete and maintain a current inventory of public
25 facilities, including a projection of the serviceability of the facili-
26 ties and projections of replacements and additions to facilities needed
27 to provide the level of services programmed by the various user agencies,
28 for municipalities with populations of less than 12,000, and for unincor-
29 porated communities, and perform those duties on a cooperative basis

1 with larger municipalities;

2 (14) adopt energy performance standards for public facilities
3 of the state that are constructed after July 1, 1980; the standards
4 shall be based on thermal and lighting energy standards established by
5 the American Society of Heating, Refrigeration and Air Conditioning
6 Engineers as adapted for application in high latitude, cold climate
7 environs;

8 (15) provide planning assistance, including but not limited to
9 energy audits and related technical services, to school districts and
10 regional educational attendance areas to develop and implement

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

13 (B) energy conservation measures for rural educational
14 facilities.

15 (c) The board may

16 (1) engage in experimental projects relating to available or
17 future modes of transportation and any means of improving existing
18 transportation facilities and service and communication;

19 (2) exercise the power of eminent domain, including the
20 declaration of taking as provided in AS 09.55.

21 (d) Under procedures adopted by it the board shall supervise the
22 execution by the commissioner of other statutory powers and responsi-
23 bilities granted to the commissioner by law.

24 * Sec. 2. AS 44.42.030 is amended to read:

25 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt
26 regulations under the Administrative Procedure Act (AS 44.62) to imple-
27 ment, interpret, or make more specific its powers and duties.

28 * Sec. 3. AS 44.42.040 is amended to read:

29 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-

1 SIONER] shall establish regions within the state. The functions of the
2 department within each region shall be performed, to the maximum extent
3 feasible, through a regional office. Each regional office shall be
4 directed by a regional transportation and public facilities director
5 appointed by the commissioner.

6 * Sec. 4. AS 44.42.050(a) is amended to read:

7 (a) The board [COMMISSIONER] shall develop annually a comprehen-
8 sive, intermodal, long-range transportation plan for the state. In
9 developing and revising the state plan, the board [COMMISSIONER] shall
10 consider means and costs of improving existing modes and facilities,
11 state and federal subsidies, and the costs and benefits of new transpor-
12 tation modes and facilities. The board [COMMISSIONER] shall also con-
13 sider the recommendation of the Alaska Transportation Planning Council.
14 The plan shall be submitted to the governor for his review and approval
15 and submitted by the governor to the legislature.

16 * Sec. 5. AS 44.42.050(b) is amended to read:

17 (b) In developing and revising the plan, the board [COMMISSIONER]
18 shall seek public review and evaluation by any reasonable means and may

19 (1) consult and cooperate with officials and representatives
20 of the federal government, other governments, interstate commissions and
21 authorities, local agencies and authorities, interested corporations and
22 other organizations concerning problems affecting transportation in the
23 state; and

24 (2) request from an agency or other unit of the state govern-
25 ment or of a political subdivision of it, or from a public authority,
26 the assistance and data that may be necessary to enable the board [COM-
27 MISSIONER] to carry out its [HIS] responsibilities under this section;
28 every such entity shall provide the assistance and data requested.

29 * Sec. 6. AS 44.42.050(d) is amended to read:

1 (d) The plan shall include a description of projects planned for
2 design and construction for the following two years. The description is
3 in addition to the long-range plan required by (a) of this section and
4 by AS 19.10.140. The description shall include an itemization of the
5 estimated cost for each project and the total cost of all projects. The
6 board [COMMISSIONER] shall propose and forward to the governor for his
7 review and approval and inclusion, as approved, in the capital budget a
8 construction program which includes the projects to be undertaken during
9 the following two years, including recommended project priorities. Funds
10 for transportation construction projects and necessary contingencies
11 shall be itemized as allocations within the bill for the General Appro-
12 priations Act.

13 * Sec. 7. AS 44.42.055(a) is amended to read:

14 (a) The board [COMMISSIONER] shall develop and annually revise a
15 statewide comprehensive facility procurement plan for public facilities
16 of the state and its municipalities.

17 * Sec. 8. AS 44.42.055(b) is amended to read:

18 (b) In developing and annually revising the facility procurement
19 plan, the board [COMMISSIONER] shall

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

23 (2) consult with officials and representatives of municipali-
24 ties, the federal government, interested corporations and other organiza-
25 tions concerning public facility needs in the state;

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

28 (A) sewage transmission and treatment systems;

29 (B) water transmission and treatment systems;

- 1 (C) electrical generation and distribution systems;
- 2 (D) health care and social services facilities;
- 3 (E) educational facilities;
- 4 (F) transportation facilities;
- 5 (G) public safety and justice facilities;
- 6 (H) recreational facilities;
- 7 (I) sanitation facilities; and
- 8 (J) cultural facilities;

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

- 12 (A) current and future facility needs;
- 13 (B) space standards and design guidelines for the appro-
14 priate facility types;
- 15 (C) maintenance and operations standards for the appro-
16 priate facility types;
- 17 (D) construction techniques and contracting methods;
- 18 (E) facility project budget requirements; and
- 19 (F) relative costs of identified alternatives (life
20 cycle cost analysis) including but not limited to the installation
21 and operation of energy systems which are not dependent on oil or
22 gas for water heating, space heating and cooling requirements, and
23 for the generation of electrical or mechanical power;

24 (5) identify common public facility needs among the various
25 user agencies; and

26 (6) submit its findings, plans and recommendations to the
27 governor and to the appropriate state agency to facilitate the develop-
28 ment of agency capital improvement budget requests.

29 * Sec. 9. AS 44.42.055(c) is amended to read:

1 (c) In the preparation and revision of the facility procurement
2 plan, the board [COMMISSIONER] may

3 (1) develop and adopt regulations for use in carrying out the
4 purpose of (b) of this section; regulations may not be adopted under
5 this section unless approval is received from appropriate program
6 agencies;

7 (2) make recommendations on the total capital improvement
8 program to affected state agencies, local governments, and other inter-
9 ested parties and organizations, and to the divisions of budget and
10 management and policy development and planning.

11 * Sec. 10. AS 44.42.060 is amended to read:

12 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The board [COMMIS-
13 SIONER] may apply for and accept, on behalf of the state, grants from
14 the federal government or an agency of it, or from another state, a
15 foundation, or any person, for any of the functions or purposes of the
16 department.

17 * Sec. 11. AS 44.42.900 is amended by adding a new paragraph to read:

18 (4) "board" means the Board of Transportation and Public
19 Facilities.

20 * Sec. 12. AS 35.15.080(a)(2) is amended to read:

21 (2) may provide by agreement for transfer to and assumption
22 by the municipality of the department's responsibilities relating to the
23 planning, design, and construction of a public works project, unless the
24 board [COMMISSIONER] determines that assumption of responsibilities by
25 the municipality is not practicable or not in the best interests of the
26 state.

27 * Sec. 13. AS 35.15.080(b) is amended to read:

28 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-
29 TIES] determines that assumption of responsibilities by a municipality

1 under (a)(2) of this section is not practicable or not in the best
2 interests of the state, it [HE] shall notify the governing body of the
3 municipality of its [HIS] finding and specify reasons for it. If the
4 governing body requests reconsideration of the decision, the board
5 shall direct the commissioner to [HE SHALL] hold a hearing in the munici-
6 pality within 30 days following mailing of the request. Following the
7 hearing, the board [HE] may affirm, modify or reverse its [HIS] initial
8 decision and shall specify in writing the reasons.

9 * Sec. 14. AS 35.15.080(c) is amended to read:

10 (c) A municipality may request joint assumption of responsibilities
11 with the department relating to the planning, design and construction of
12 a public works project. A regional educational attendance area may
13 request joint assumption of responsibilities with the department relating
14 to the planning, design and construction of an educational facility. Two
15 or more municipalities or regional educational attendance areas may by
16 mutual agreement provide for cooperative assumption of responsibilities
17 relating to the planning and construction of a public works project. If
18 two or more municipalities or regional educational attendance areas
19 request assumption of responsibilities for a project and meet the stan-
20 dard of practicability set out in (a)(2) of this section, the board
21 [COMMISSIONER] shall determine which municipality or regional educational
22 attendance area is best able to direct planning, design, and construction
23 of the project and enter into an agreement with that municipality or
24 regional educational attendance area, or provide for joint or cooperative
25 administration, as the parties may agree or the board [COMMISSIONER] may
26 determine. Decisions of the board [COMMISSIONER] under this subsection
27 are final.

28 * Sec. 15. AS 35.15.080(f) is amended to read:

29 (f) To carry out the purpose of this section, the board [COMMIS-

1 SIONER OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regulations
2 relating to the application for and the making and the conditions of
3 agreements and the local assumption of responsibilities for the planning,
4 design and construction of public works under this section. It [HE]
5 shall include in grant contracts terms and conditions requiring a
6 regional school board and its contractors to adhere to the provisions of
7 AS 36.05.010 with respect to the payment of wage rates on construction
8 projects, and AS 36.10.010 with respect to employment preference, and
9 may require different terms in agreements for different projects to meet
10 local conditions and unique requirements and to assure compliance with
11 the public facilities procurement policies developed by the department
12 under AS 35.10.160 - 35.10.200. If necessary, the board [COMMISSIONER]
13 may require as a condition of an agreement approval of the agreement by
14 the federal government. Regulations adopted, amended or repealed by the
15 department under this section which relate to educational facilities
16 shall be developed in conjunction with the Alaska Association of School
17 Boards and the Alaska Association of School Administrators and reviewed
18 by those associations before final action on the regulations is taken by
19 the department.

20 * Sec. 16. AS 35.20.050 is amended to read:

21 Sec. 35.20.050. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE OF
22 EXCHANGE. When the board [COMMISSIONER] formally declares that it is in
23 the best public interest of the state to do so, the department may
24 acquire by purchase or otherwise privately or publicly owned land or an
25 interest in it for the purpose of exchanging it for privately or publicly
26 owned land which the department is authorized by law to acquire.

27 * Sec. 17. AS 35.25.020 is amended by adding a new paragraph to read:

28 (7) "board" means the Board of Transportation and Public
29 Facilities established in AS 44.42.011.

1 * Sec. 18. AS 39.25.120 is amended by adding a new paragraph to read:

2 (20) the staff of the Board of Transportation and Public
3 Facilities.

4 * Sec. 19. AS 44.42.010 and 44.42.020 are repealed.

5 * Sec. 20. Members of the Board of Transportation and Public Facilities
6 shall be appointed for the following initial terms: two for four years, two
7 for three years, two for two years, and one for one year.

8 * Sec. 21. This Act takes effect July 1, 1982.
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SHB 654 Relating to DOTPF and establishing the
Title Board of Transportation & Public Facilities at the head of the Dept.
Requested by House Transportation Date 1/21

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected Administration and Support
BRU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	89.8	98.8	108.6	119.4	131.3
200 TRAVEL	-0-	56.9	62.6	68.9	75.8	83.4
300 CONTRACTUAL	-0-	55.0	60.5	66.5	73.1	80.4
400 COMMODITIES	-0-	5.0	5.5	6.0	6.6	7.2
500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	216.7	228.4	251.0	275.9	303.3

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	216.7	228.4	251.0	275.9	303.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE 3/24

PREPARED BY D. M. Wang Reid
AGENCY Department of Transportation & Public Facil.

Original: Legislative Finance
cc: Budget and Management

PHONE 465-3900

Prime Sponsor (First Legislator Named)

CS
ESTIMATED COST ON HB654
For Board of Transportation & Facilities

100	Personal Services			
	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
	Secretary I			
	10B 1726/mo	<u>20,712</u>	\$72,552	
	Benefits at 23.8%		<u>17,267</u>	\$89,819
200	Travel			
	Per Diem-Members			
	(per as 44.42.017)			
	Meetings			
	5 days - Initial set up x 7 members	(35)		
	3 days - 6 Regular x 7 members	(126)		
	5 days - Special x 7 members	(35)		
		<u>196</u> x \$150/day	29,400	
	3 days x 3 Inspection x 7 members	(63) x \$100/day	6,300	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
	<u>28</u> x \$80/day		\$ 2,240	
200	Air Fare - Members			
	& Staff			
	\$1,566 per meeting x 8 meetings	12,528		
	Avg/trip = \$261			
	\$261 x 7 members x 3 inspection	5,481		
	trips			
	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$56,849
300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
330	Space rental		9,300	
364	Equipment Rental		6,000	
380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400	Commodities		
480	Office Supplies	\$ 5,000	
	Total Commodities		\$ 5,000
500	Equipment		
	Furniture & Office		
	Equipment including	<u>10,000</u>	
	2 desks, 2 chairs		10,000
	3 file cabinets, 1 book shelve		
	1 typewriter, 1 calculator		
	3 guest chairs, 1 table		
	Total cost Estimated		<u>\$216,668</u>
	Total Estimated Cost FY 83		\$216,700

TESTIMONY ON CS HB 648, CS HB 649, CS HB 651,
CS HB 652 and CS HB 654

My name is Walter B. Parker. I am a resident of Anchorage, Alaska residing at 3724 Campbell Airstrip Road. I have been active in Alaskan transportation operations and planning since 1946.

CS HB 654

I strongly support this bill. I believe that the Board would serve as the forum that has long been needed to discuss the transportation affairs of the state. It is time to decentralize some of the power in the state executive and this bill certainly is a good step in that direction.

I believe if we look at the Department of Education and see that the same Commissioner working with his board has survived some of the greatest policy changes in state history is a good indication of the way in which the board proposed in this bill might work for transportation. As a former Commissioner I would regard the board as an enhancement of the decision making power rather than a check upon it.

The change I would suggest would be to have two maritime members and drop the economist. This does not reflect a bias against economists who despite our present revenue forecasts I tend to admire as a profession. However, I believe this board should reflect overall transportation background and not specified professional expertise.

Bill Analysis by Rep. Bette Cato's office.

House Bill 654

This is "an act relating to the Department of Transportation and Public Facilities and establishing a board at the Department of Transportation and Public Facilities and providing for an effective date."

This bill establishes a board of transportation made up of 7 members. One member of the Board shall be appointed from each allocation district as in AS.19.30.127, (Local Service Roads and Trails districts.)

two members with highway construction experience
two members with aeronautical experience
one member with a maritime background
one member with to be an economist
one member shall be selected from the public at large

Members serve overlapping terms with no member serving more than two terms.

Sec. 44.42.017 The board is entitled to compensation of \$150 per day as well as travel and per diem, and is authorized \$100 for board approved meetings or conferences.

Sec. 44.42.019 The board is authorized to hire staff as necessary. Staff is in the partially exempt category.

Sec. 44.42.021, Powers and Duties

(a) The board shall: "Recommend policy for adoption to the legislature to assure the development and maintenance of a comprehensive and balanced statewide system that will meet the needs of the people of the state for safe and efficient transportation services." The bill outlines considerations for the board in their preparation of these policies. (inasmuch as these are straightforward in the bill, I will not go into detail here, but highlight significant areas)

(c) The board may (1) engage in experimental projects relating to existing or future modes of transportation.. (2) exercise the power of eminent domain, including the declaration of taking as in AS. 09.55.

(d), .." the board shall supervise the execution (of the plan) by the commissioner of other statutory powers and responsibilities granted to the commissioner by law.", which gives added accountability from the commissioner to the board.

Sec. 44.42.040 The board may adopt regulations.

Sec. 44.42.040 The board shall adopt regions in the state. The functions of the department.. shall be performed, to the maximum extent possible through the regional office. Region directors are appointed by the commissioner. (Recall that the board has supervisory powers here)

This section also elaborates on the "plan" for transportation.
Sec. 4, AS.44.42.050 (a) provides for an annual comprehensive
intermodal, long range plan.

Sec. 5 AS 44.42.050 (b) provides for amendments to the plan.

Sec. 6 speaks to "two year" plan but does not address two phase funding.
See HB 650.

Sec. 7 through Sec. 10 speaks to Public Facilities and outlines
procedures for the public facilities and other plans.

Sec. 12 through Sec. 16 inserts the word board in place of the word
commissioner

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2

HOUSE BILL NO. 654

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - SECOND SESSION

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28 (1) two members shall be experienced in highway construction;
29 (2) two members shall have an aeronautical background;

- 1 (3) one member shall have a maritime background;
- 2 (4) one member shall be an economist; and
- 3 (5) one member shall be a graduate of an accredited law
- 4 school.

5 (d) Members serve overlapping four-year terms. A member may not
6 serve more than two full terms on the board.

7 Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board shall
8 recommend policies for adoption by the legislature that are designed to
9 assure the development and maintenance of a comprehensive and balanced
10 statewide transportation system that will meet the needs of the people
11 of the state for safe and efficient transportation services. The poli-
12 cies shall provide, when appropriate, for the use of integrated inter-
13 modal transportation systems to implement the social, economic, and
14 environmental policies, goals, and objectives of the people of the
15 state, and especially to conserve nonrenewable natural resources includ-
16 ing land and energy. In preparing these policies the board shall

17 (1) consider the transportation policies that are stated in
18 existing state laws and recommend changes in these laws that the board
19 considers desirable;

20 (2) inventory the policies, goals, and objectives of municipi-
21 pal governments of the state and define the role of the state and municipi-
22 pal governments in determining transportation policies, in transportation
planning, and in implementing the state transportation plan;

24 (3) propose a six-year transportation plan for the state and,
25 after notice and public hearings, submit the transportation plan and
26 estimates of the appropriation necessary to implement the plan as well
27 as annual revisions of the plan to the legislature by the 10th day of
28 each regular legislative session;

29 (4) integrate the state transportation plan with the needs of

1 the elderly and the handicapped and coordinate federal and state programs
2 directed at assisting municipalities to answer the needs of the elderly
3 and the handicapped.

4 (b) In conformity with the policies, goals, and objectives stated
5 in (a) of this section and the state transportation plan adopted by the
6 legislature, the board shall

7 (1) plan, design, construct, and maintain all state modes of
8 transportation and transportation facilities, communication facilities,
9 and all docks, floats, breakwaters, buildings, and similar facilities;

10 (2) study existing transportation modes and facilities and
11 communication facilities in the state to determine how they might be
12 improved or whether they should continue to be maintained;

13 (3) study alternative means of improving transportation and
14 communication in the state with regard to the economic costs of each
15 alternative and its environmental and social effects;

16 (4) develop a comprehensive, long-range intermodal transpor-
17 tation plan for the state;

18 (5) study alternatives to existing modes of transportation in
19 urban areas and develop plans to improve urban transportation;

20 (6) cooperate and coordinate with and enter into agreements
21 with federal, state, and local government agencies and private organiza-
22 tions and persons in exercising its powers and duties;

23 (7) manage, operate, and maintain state transportation facili-
24 ties, communication facilities, and all docks, floats, breakwaters, and
25 buildings, including state highways, vessels, railroads, pipelines, air-
26 ports, and aviation facilities;

27 (8) study alternative means of transportation in the state,
28 considering the economic, social, and environmental impacts of each
29 alternative;

1 (9) coordinate and develop state and regional transportation
2 systems, considering deletions, additions, and the absence of altera-
3 tions;

4 (10) develop facility program plans for transportation and
5 communication facilities and state buildings, docks, and breakwaters
6 required to implement the duties set out in this section, including but
7 not limited to

8 (A) functional performance criteria; and

9 (B) schedules for completion;

10 (11) supervise and maintain all state automotive and mechani-
11 cal equipment, aircraft, and vessels, except aircraft and vessels used
12 by the Department of Fish and Game or the Department of Public Safety;

13 (12) supervise aeronautics and communications inside the
14 state, under AS 02.10;

15 (13) complete and maintain a current inventory of public
16 facilities, including a projection of the serviceability of the facili-
17 ties and projections of replacements and additions to facilities needed
18 to provide the level of services programmed by the various user agencies,
19 for municipalities with populations of less than 12,000, and for unincor-
20 porated communities, and perform those duties on a cooperative basis
21 with larger municipalities;

22 (14) adopt energy performance standards for public facilities
23 of the state that are constructed after July 1, 1980; the standards
24 shall be based on thermal and lighting energy standards established by
25 the American Society of Heating, Refrigeration and Air Conditioning
26 Engineers as adapted for application in high latitude, cold climate
27 environs;

28 (15) provide planning assistance, including but not limited to
29 energy audits and related technical services, to school districts and

1 regional educational attendance areas to develop and implement

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

4 (B) energy conservation measures for rural educational
5 facilities.

6 (c) The board may

7 (1) engage in experimental projects relating to available or
8 future modes of transportation and any means of improving existing
9 transportation facilities and service and communication;

10 (2) exercise the power of eminent domain, including the
11 declaration of taking as provided in AS 09.55.

12 (d) Under procedures adopted by it the board shall supervise the
13 execution by the commissioner of other statutory powers and responsi-
14 bilities granted to the commissioner by law.

15 * Sec. 2. AS 44.42.030 is amended to read:

16 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt
17 regulations under the Administrative Procedure Act (AS 44.62) to imple-
18 ment, interpret, or make more specific its powers and duties.

19 * Sec. 3. AS 44.42.040 is amended to read:

20 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-
21 SIONER] shall establish regions within the state. The functions of the
22 department within each region shall be performed, to the maximum extent
23 feasible, through a regional office. Each regional office shall be
24 directed by a regional transportation and public facilities director
25 appointed by the commissioner.

26 * Sec. 4. AS 44.42.050(a) is amended to read:

27 (a) The board [COMMISSIONER] shall develop annually a comprehen-
28 sive, intermodal, long-range transportation plan for the state. In
29 developing and revising the state plan, the board [COMMISSIONER] shall

1 consider means and costs of improving existing modes and facilities,
2 state and federal subsidies, and the costs and benefits of new transpor-
3 tation modes and facilities. The board [COMMISSIONER] shall also con-
4 sider the recommendation of the Alaska Transportation Planning Council.
5 The plan shall be submitted to the governor for his review and approval
6 and submitted by the governor to the legislature.

7 * Sec. 5. AS 44.42.050(b) is amended to read:

8 (b) In developing and revising the plan, the board [COMMISSIONER]
9 shall seek public review and evaluation by any reasonable means and may

10 (1) consult and cooperate with officials and representatives
11 of the federal government, other governments, interstate commissions and
12 authorities, local agencies and authorities, interested corporations and
13 other organizations concerning problems affecting transportation in the
14 state; and

15 (2) request from an agency or other unit of the state govern-
16 ment or of a political subdivision of it, or from a public authority,
17 the assistance and data that may be necessary to enable the board [COM-
18 MISSIONER] to carry out its [HIS] responsibilities under this section;
19 every such entity shall provide the assistance and data requested.

20 * Sec. 6. AS 44.42.050(d) is amended to read:

21 (d) The plan shall include a description of projects planned for
22 design and construction for the following two years. The description is
23 in addition to the long-range plan required by (a) of this section and
24 by AS 19.10.140. The description shall include an itemization of the
25 estimated cost for each project and the total cost of all projects. The
26 board [COMMISSIONER] shall propose and forward to the governor for his
27 review and approval and inclusion, as approved, in the capital budget a
28 construction program which includes the projects to be undertaken during
29 the following two years, including recommended project priorities. Funds

1 for transportation construction projects and necessary contingencies
2 shall be itemized as allocations within the bill for the General Appro-
3 priations Act.

4 * Sec. 7. AS 44.42.055(a) is amended to read:

5 (a) The board [COMMISSIONER] shall develop and annually revise a
6 statewide comprehensive facility procurement plan for public facilities
7 of the state and its municipalities.

8 * Sec. 8. AS 44.42.055(b) is amended to read:

9 (b) In developing and annually revising the facility procurement
10 plan, the board [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 municipali-
15 ties, the federal government, interested corporations and other organiza-
16 tions concerning public facility needs in the state;

17 (3) develop specific facility procurement plans for projects
18 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 levels

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

3 (A) current and future facility needs;

4 (B) space standards and design guidelines for the appro-
5 priate facility types;

6 (C) maintenance and operations standards for the appro-
7 priate facility types;

8 (D) construction techniques and contracting methods;

9 (E) facility project budget requirements; and

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

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

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

20 * Sec. 9. AS 44.42.055(c) is amended to read:

21 (c) In the preparation and revision of the facility procurement
22 plan, the board [COMMISSIONER] may

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

27 (2) make recommendations on the total capital improvement
28 program to affected state agencies, local governments, and other inter-
29 ested parties and organizations, and to the divisions of budget and

1 management and policy development and planning.

2 * Sec. 10. AS 44.42.060 is amended to read:

3 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The board [COMMIS-
4 SIONER] may apply for and accept, on behalf of the state, grants from
5 the federal government or an agency of it, or from another state, a
6 foundation, or any person, for any of the functions or purposes of the
7 department.

8 * Sec. 11. AS 44.42.900 is amended by adding a new paragraph to read:

9 (4) "board" means the Board of Transportation and Public
10 Facilities.

11 * Sec. 12. AS 35.15.080(a)(2) is amended to read:

12 (2) may provide by agreement for transfer to and assumption
13 by the municipality of the department's responsibilities relating to the
14 planning, design, and construction of a public works project, unless the
15 board [COMMISSIONER] determines that assumption of responsibilities by
16 the municipality is not practicable or not in the best interests of the
17 state.

18 * Sec. 13. AS 35.15.080(b) is amended to read:

19 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-
20 TIES] determines that assumption of responsibilities by a municipality
21 under (a)(2) of this section is not practicable or not in the best
22 interests of the state, it [HE] shall notify the governing body of the
23 municipality of its [HIS] finding and specify reasons for it. If the
24 governing body requests reconsideration of the decision, the board
25 shall direct the commissioner to [HE SHALL] hold a hearing in the munici-
26 pality within 30 days following mailing of the request. Following the
27 hearing, the board [HE] may affirm, modify or reverse its [HIS] initial
28 decision and shall specify in writing the reasons.

29 * Sec. 14. AS 35.15.080(c) is amended to read:

1 (c) A municipality may request joint assumption of responsibilities
2 with the department relating to the planning, design and construction of
3 a public works project. A regional educational attendance area may
4 request joint assumption of responsibilities with the department relating
5 to the planning, design and construction of an educational facility. Two
6 or more municipalities or regional educational attendance areas may by
7 mutual agreement provide for cooperative assumption of responsibilities
8 relating to the planning and construction of a public works project. If
9 two or more municipalities or regional educational attendance areas
10 request assumption of responsibilities for a project and meet the stan-
11 dard of practicability set out in (a)(2) of this section, the board
12 [COMMISSIONER] shall determine which municipality or regional educational
13 attendance area is best able to direct planning, design, and construction
14 of the project and enter into an agreement with that municipality or
15 regional educational attendance area, or provide for joint or cooperative
16 administration, as the parties may agree or the board [COMMISSIONER] may
17 determine. Decisions of the board [COMMISSIONER] under this subsection
18 are final.

19 * Sec. 15. AS 35.15.080(f) is amended to read:

20 (f) To carry out the purpose of this section, the board [COMMIS-
21 SIONER OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regulations
22 relating to the application for and the making and the conditions of
23 agreements and the local assumption of responsibilities for the planning,
24 design and construction of public works under this section. It [HE]
25 shall include in grant contracts terms and conditions requiring a
26 regional school board and its contractors to adhere to the provisions of
27 AS 36.05.010 with respect to the payment of wage rates on construction
28 projects, and AS 36.10.010 with respect to employment preference, and
29 may require different terms in agreements for different projects to meet

1 local conditions and unique requirements and to assure compliance with
2 the public facilities procurement policies developed by the department
3 under AS 35.10.160 - 35.10.200. If necessary, the board [COMMISSIONER]
4 may require as a condition of an agreement approval of the agreement by
5 the federal government. Regulations adopted, amended or repealed by the
6 department under this section which relate to educational facilities
7 shall be developed in conjunction with the Alaska Association of School
8 Boards and the Alaska Association of School Administrators and reviewed
9 by those associations before final action on the regulations is taken by
10 the department.

11 * Sec. 16. AS 35.20.050 is amended to read:

12 Sec. 35.20.050. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE OF
13 EXCHANGE. When the board [COMMISSIONER] formally declares that it is in
14 the best public interest of the state to do so, the department may
15 acquire by purchase or otherwise privately or publicly owned land or an
16 interest in it for the purpose of exchanging it for privately or publicly
17 owned land which the department is authorized by law to acquire.

18 * Sec. 17. AS 35.25.020 is amended by adding a new paragraph to read:

19 (7) "board" means the Board of Transportation and Public
20 Facilities established in AS 44.42.011.

21 * Sec. 18. AS 44.42.010 and 44.42.020 are repealed.

22 * Sec. 19. Members of the Board of Transportation and Public Facilities
23 shall be appointed for the following initial terms: two for four years, two
24 for three years, two for two years, and one for one year.

25 * Sec. 20. This Act takes effect July 1, 1982.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SHB 654 Relating to DOTPF and establishing the
Title Board of Transportation & Public Facilities at the head of the Dept.
Requested by House Transportation Date 1/21

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected Administration and Support
BRU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	89.8	98.8	108.6	119.4	131.3
200 TRAVEL	-0-	56.9	62.6	68.9	75.8	83.4
300 CONTRACTUAL	-0-	55.0	60.5	66.5	73.1	80.4
400 COMMODITIES	-0-	5.0	5.5	6.0	6.6	7.2
500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	216.7	228.4	251.0	275.9	303.3

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	216.7	228.4	251.0	275.9	303.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE 3/24

PREPARED BY D. U. Wynn

AGENCY Department of Transportation & Public Facilities

Original: Legislative Finance

PHONE 465-3900

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

as
ESTIMATED COST ON HB654
For Board of Transportation & Facilities

100	Personal Services			
	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
	Secretary I			
	10B 1726/mo	<u>20,712</u>	\$72,552	
	Benefits at 23.8%		<u>17,267</u>	\$89,819
200	Travel			
	Per Diem-Members			
	(per as 44.42.017)			
	Meetings			
	5 days - Initial set up x 7 members	(35)		
	3 days - 6 Regular x 7 members	(126)		
	5 days - Special x 7 members	(35)		
		<u>196</u> x \$150/day	29,400	
	3 days x 3 Inspection x 7 members	(63) x \$100/day	6,300	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
	<u>28</u> x \$80/day		\$ 2,240	
200	Air Fare - Members			
	& Staff			
	\$1,566 per meeting x 8 meetings	12,528		
	Avg/trip = \$261			
	\$261 x 7 members x 3 inspection	5,481		
	trips			
	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$56,849
300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
330	Space rental		9,300	
364	Equipment Rental		6,000	
380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400	Commodities		
480	Office Supplies	\$ 5,000	
	Total Commodities		\$ 5,000
500	Equipment		
	Furniture & Office		
	Equipment including	<u>10,000</u>	
	2 desks, 2 chairs		10,000
	3 file cabinets, 1 book shelve		
	1 typewriter, 1 calculator		
	3 guest chairs, 1 table		
	Total cost Estimated		<u>\$216,668</u>
	Total Estimated Cost FY 83		\$216,700

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 654 Relating to DOTPF and establishing the
Title Board of Transportation & Public Facilities at the head of the Dept.
 Requested by House Transportation Date 1/21

II. FISCAL DETAIL
 Agency Affected Department of Transportation and Public Facilities
 Program Category Affected Administration and Support
 BRU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities
 (Note: If more than one budget component is affected, separate line-item
 amounts and funding for each component in the analysis section.)

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500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	201.7	211.9	232.8	255.9	281.2

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	201.7	211.9	232.8	255.9	281.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE 2/4/82 PREPARED BY D.H. Wong Don Loop
 AGENCY Department of Transportation & Public Facilities
 Original: Legislative Finance PHONE 465-3900
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

ESTIMATED COST ON HB654
For Board of Transportation & Facilities

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	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
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	Benefits at 23.8%		<u>17,267</u>	\$89,819
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	Per Diem-Members			
	\$80/day			
	(per as 39.20.180)			
	Meetings			
	5 days - Initial set up x 7 members (35)			
	3 days - 6 Regular x 7 members (126)			
	5 days - Special x 7 members (35)			
	3 days x 3 Inspection x 7 members (63)			
		<u>259</u> x \$80/day	\$20,720	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
		<u>28</u> x \$80/day	\$ 2,240	
200	Air Fare - Members			
	& Staff			
	\$1,566 per meeting x 8 meetings	12,528		
	Avg/trip = \$261			
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	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$41,869
300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
330	Space rental		9,300	
364	Equipment Rental		6,000	
380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400	Commodities		
480	Office Supplies	\$ 5,000	
	Total Commodities		\$ 5,000
500	Equipment		
	Furniture & Office		
	Equipment including	<u>10,000</u>	
	2 desks, 2 chairs		10,000
	3 file cabinets, 1 book shelve		
	1 typewriter, 1 calculator		
	3 guest chairs, 1 table		
	Total cost Estimated		<u>\$201,688</u>
	Total Estimated Cost FY 83		\$201,700

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Sec. 39.20.160. Regulations. The fixing and payment under AS 39.20.110 — 39.20.170 of travel and per diem allowances and of advances and recovery and reimbursement of travel expenses shall be in accordance with regulations adopted by the commissioner of administration. The regulations shall be uniform for all officials and employees, and all agencies and departments. The regulations shall also govern the use of public transportation facilities by officials and employees. The regulations relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 9 ch 60 SLA 1957; am § 2 ch 13 SLA 1963)

Sec. 39.20.170. Construction of AS 39.20.110 — 39.20.170. AS 39.20.110 — 39.20.170 may not be construed to modify or repeal a law providing for the travel expenses of the governor, or members of the legislature, or members of boards or commissions of the state government. (§ 10 ch 60 SLA 1957)

Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc. Except as otherwise provided by law, from and after March 27, 1962, the provisions in this section relating to per diem and transportation govern exclusively and supersede all other provisions of law with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to his duties as such member:

(1) For transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170.

(2) For reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to his duties as a member. (§ 1 ch 130 SLA 1953; am § 1 ch 34 SLA 1960; am § 1 ch 37 SLA 1962; am § 5 ch 136 SLA 1967; am § 12 ch 47 SLA 1974)

Cross reference. — As to coverage of state board and commission members under the Worker's Compensation Act, see AS 23.30.242.

Quoted in Employers Liab. Assurance Corp. v. Groothuis, 8 Alas. L.J. No. 12, p. 134 (Nov., 1970).

Cited in Laborers & Hod Carriers Local 341 v. Groothuis, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 808 (1972).

Public Records and Recorders
Title 40
Public Resources
Title 41
Public Utilities and Carriers
Title 42

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

B
654

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 654 Relating to DOTPF and establishing the
Title Board of Transportation & Public Facilities at the head of the Dept.
Requested by House Transportation Date 1/21

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected Administration and Support
BRU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	89.8	98.8	108.6	119.4	131.3
200 TRAVEL	-0-	41.9	46.1	50.7	55.8	61.3
300 CONTRACTUAL	-0-	55.0	60.5	66.5	73.1	80.4
400 COMMODITIES	-0-	5.0	5.5	6.0	6.6	7.2
500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	201.7	211.9	232.8	255.9	281.2

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	201.7	211.9	232.8	255.9	281.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE

2/4/82

PREPARED BY

D.H. Worn

Ron Leal

AGENCY Department of Transportation & Public Facilities

Original: Legislative Finance

PHONE 465-3900

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

ESTIMATED COST ON HB654
For Board of Transportation & Facilities

100	Personal Services			
	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
	Secretary I			
	10B 1726/mo	<u>20,712</u>	\$72,552	
	Benefits at 23.8%		<u>17,267</u>	\$89,819
200	Travel			
	Per Diem-Members			
	\$80/day			
	(per as 39.20.130)			
	Meetings			
	5 days - Initial set up x 7 members (35)			
	3 days - 6 Regular x 7 members (126)			
	5 days - Special x 7 members (35)			
	3 days x 3 Inspection x 7 members (63)			
		<u>259</u> x \$80/day	\$20,720	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
		<u>28</u> x \$80/day	\$ 2,240	
200	Air Fare - Members			
	& Staff			
	\$1,566 per meeting x 8 meetings	12,528		
	Avg/trip = \$261			
	\$261 x 7 members x 3 inspection	5,481		
	trips			
	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$41,869
300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
330	Space rental		9,300	
364	Equipment Rental		6,000	
380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400	Commodities		
480	Office Supplies	\$ 5,000	
	Total Commodities		\$ 5,000
500	Equipment		
	Furniture & Office		
	Equipment including	<u>10,000</u>	
	2 desks, 2 chairs		10,000
	3 file cabinets, 1 book shelve		
	1 typewriter, 1 calculator		
	3 guest chairs, 1 table		
	Total cost Estimated		<u>\$201,688</u>
	Total Estimated Cost FY 83		\$201,700

as affected by use of his transportation, 112 ALR

cessive mileage allowance sense, 134 ALR 1258.

de the state. (a) The official or employee for is clearly necessary

reimburse an official first class fare for the commoation is not ent of Administration on is not in the best omodation.

on authorizes more ial file a justification hen fares other than tion, the Department or employee or pay for

travel only the least ss involved, to secure

herwise authorized by oval for travel outside from his immediate istration if he is not ervention of an official ially from the travel ain approval for the he travel before the him for his travel. (§ 7

(a) An agency may a person entitled to per — 39.20.170 the sums and probable duration

ble travel expense are ewise, from the person from any amount due recovery which may be

Sec. 39.20.160. Regulations. The fixing and payment under AS 39.20.110 — 39.20.170 of travel and per diem allowances and of advances and recovery and reimbursement of travel expenses shall be in accordance with regulations adopted by the commissioner of administration. The regulations shall be uniform for all officials and employees, and all agencies and departments. The regulations shall also govern the use of public transportation facilities by officials and employees. The regulations relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 9 ch 60 SLA 1957; am § 2 ch 13 SLA 1963)

Sec. 39.20.170. Construction of AS 39.20.110 — 39.20.170. AS 39.20.110 — 39.20.170 may not be construed to modify or repeal a law providing for the travel expenses of the governor, or members of the legislature, or members of boards or commissions of the state government. (§ 10 ch 60 SLA 1957)

Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc. Except as otherwise provided by law, from and after March 27, 1962, the provisions in this section relating to per diem and transportation govern exclusively and supersede all other provisions of law with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to his duties as such member:

(1) For transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170.

(2) For reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to his duties as a member. (§ 1 ch 130 SLA 1953; am § 1 ch 34 SLA 1960; am § 1 ch 37 SLA 1962; am § 5 ch 136 SLA 1967; am § 12 ch 47 SLA 1974)

Cross reference. — As to coverage of state board and commission members under the Worker's Compensation Act, see AS 23.30.242.

Quoted in Employers Liab. Assurance Corp. v. Groothuis, 8 Alas. L.J. No. 12, p. 334 (Nov., 1970).

Cited in Laborers & Hod Carriers Local 341 v. Groothuis, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 808 (1972).

Public Records and Recorders Title 40
Public Resources Title 41
Public Utilities and Carriers Title 42

Original sponsor: Transportation Committee

Offered: 3/5/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 654 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL.

6 For an Act entitled: "An Act relating to the Department of Transportation
7 and Public Facilities and establishing the Board of
8 Transportation and Public Facilities at the head of the
9 department; and providing for an effective date."

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

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

12 Sec. 44.42.011. BOARD OF TRANSPORTATION AND PUBLIC FACILITIES.

13 There is at the head of the Department of Transportation and Public
14 Facilities the Board of Transportation and Public Facilities.

15 Sec. 44.42.013. COMMISSIONER OF TRANSPORTATION AND PUBLIC FACIL-
16 ITIES. The commissioner of transportation and public facilities is the
17 principal executive officer of the department. The board shall appoint
18 the commissioner of transportation and public facilities subject to the
19 approval of the governor.

20 Sec. 44.42.015. COMPOSITION OF BOARD AND TERMS OF MEMBERS. (a)
21 The board consists of seven members. The members of the board shall be
22 appointed by the governor and are subject to confirmation by a majority
23 of the members of the legislature in joint session.

24 (b) One member of the board shall be appointed from each allocation
25 district described in AS 19.30.127. Two members of the board shall be
26 appointed from the state at large.

27 (c) Members appointed shall have the following qualifications:

28 (1) two members shall be experienced in highway construction;

29 (2) two members shall have an aeronautical background;

- 1 (3) one member shall have a maritime background;
2 (4) one member shall be an economist; and
3 (5) one member shall be selected from the public at
4 large.

5 (d) Members serve overlapping four-year terms. A member may not
6 serve more than two full terms on the board.

7 Sec. 44.42.017. COMPENSATION OF BOARD MEMBERS. Each member of the
8 board is entitled to travel expenses and \$150 per diem for each day
9 going to and from and for each day in actual attendance at board meet-
10 ings. A member is entitled to \$100 per diem for each day going to and
11 from and for each day in actual attendance at other meetings or con-
12 ferences authorized by the board.

13 Sec. 44.42.019. BOARD STAFF. The board may employ the staff it
14 considers necessary to meet its responsibilities. The staff of the
15 board are in the partially exempt service under AS 39.25.120.

16 Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board shall
17 recommend policies for adoption by the legislature that are designed to
18 assure the development and maintenance of a comprehensive and balanced
19 statewide transportation system that will meet the needs of the people
20 of the state for safe and efficient transportation services. The poli-
21 cies shall provide, when appropriate, for the use of integrated inter-
22 modal transportation systems to implement the social, economic, and
23 environmental policies, goals, and objectives of the people of the
24 state, and especially to conserve nonrenewable natural resources includ-
25 ing land and energy. In preparing these policies the board shall

26 (1) consider the transportation policies that are stated in
27 existing state laws and recommend changes in these laws that the board
28 considers desirable;

29 (2) inventory the policies, goals, and objectives of munici-

1 pal governments of the state and define the role of the state and municipi-
2 pal governments in determining transportation policies, in transportation
3 planning, and in implementing the state transportation plan;

4 (3) propose a six-year transportation plan for the state and,
5 after notice and public hearings, submit the transportation plan and
6 estimates of the appropriation necessary to implement the plan as well
7 as annual revisions of the plan to the legislature by the 10th day of
8 each regular legislative session;

9 (4) integrate the state transportation plan with the needs of
10 the elderly and the handicapped and coordinate federal and state programs
11 directed at assisting municipalities to answer the needs of the elderly
12 and the handicapped.

13 (b) In conformity with the policies, goals, and objectives stated
14 in (a) of this section and the state transportation plan adopted by the
15 legislature, the board shall

16 (1) plan, design, construct, and maintain all state modes of
17 transportation and transportation facilities, communication facilities,
18 and all docks, floats, breakwaters, buildings, and similar facilities;

19 (2) study existing transportation modes and facilities and
20 communication facilities in the state to determine how they might be
21 improved or whether they should continue to be maintained;

22 (3) study alternative means of improving transportation and
23 communication in the state with regard to the economic costs of each
24 alternative and its environmental and social effects;

25 (4) develop a comprehensive, long-range intermodal transpor-
26 tation plan for the state;

27 (5) study alternatives to existing modes of transportation in
28 urban areas and develop plans to improve urban transportation;

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

1 with federal, state, and local government agencies and private organiza-
2 tions and persons in exercising its powers and duties;

3 (7) manage, operate, and maintain state transportation facili-
4 ties, communication facilities, and all docks, floats, breakwaters, and
5 buildings, including state highways, vessels, railroads, pipelines, air-
6 ports, and aviation facilities;

7 (8) study alternative means of transportation in the state,
8 considering the economic, social, and environmental impacts of each
9 alternative;

10 (9) coordinate and develop state and regional transportation
11 systems, considering deletions, additions, and the absence of altera-
12 tions;

13 (10) develop facility program plans for transportation and
14 communication facilities and state buildings, docks, and breakwaters
15 required to implement the duties set out in this section, including but
16 not limited to

17 (A) functional performance criteria; and

18 (B) schedules for completion;

19 (11) supervise and maintain all state automotive and mechani-
20 cal equipment, aircraft, and vessels, except aircraft and vessels used
21 by the Department of Fish and Game or the Department of Public Safety;

22 (12) supervise aeronautics and communications inside the
23 state, under AS 02.10;

24 (13) complete and maintain a current inventory of public
25 facilities, including a projection of the serviceability of the facili-
26 ties and projections of replacements and additions to facilities needed
27 to provide the level of services programmed by the various user agencies,
28 for municipalities with populations of less than 12,000, and for unincor-
29 porated communities, and perform those duties on a cooperative basis

1 with larger municipalities;

2 (14) adopt energy performance standards for public facilities
3 of the state that are constructed after July 1, 1980; the standards
4 shall be based on thermal and lighting energy standards established by
5 the American Society of Heating, Refrigeration and Air Conditioning
6 Engineers as adapted for application in high latitude, cold climate
7 environs;

8 (15) provide planning assistance, including but not limited to
9 energy audits and related technical services, to school districts and
10 regional educational attendance areas to develop and implement

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

13 (B) energy conservation measures for rural educational
14 facilities.

15 (c) The board may

16 (1) engage in experimental projects relating to available or
17 future modes of transportation and any means of improving existing
18 transportation facilities and service and communication;

19 (2) exercise the power of eminent domain, including the
20 declaration of taking as provided in AS 09.55.

21 (d) Under procedures adopted by it the board shall supervise the
22 execution by the commissioner of other statutory powers and responsi-
23 bilities granted to the commissioner by law.

24 * Sec. 2. AS 44.42.030 is amended to read:

25 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt
26 regulations under the Administrative Procedure Act (AS 44.62) to imple-
27 ment, interpret, or make more specific its powers and duties.

28 * Sec. 3. AS 44.42.040 is amended to read:

29 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-

1 SIONER] shall establish regions within the state. The functions of the
2 department within each region shall be performed, to the maximum extent
3 feasible, through a regional office. Each regional office shall be
4 directed by a regional transportation and public facilities director
5 appointed by the commissioner.

6 * Sec. 4. AS 44.42.050(a) is amended to read:

7 (a) The board [COMMISSIONER] shall develop annually a comprehen-
8 sive, intermodal, long-range transportation plan for the state. In
9 developing and revising the state plan, the board [COMMISSIONER] shall
10 consider means and costs of improving existing modes and facilities,
11 state and federal subsidies, and the costs and benefits of new transpor-
12 tation modes and facilities. The board [COMMISSIONER] shall also con-
13 sider the recommendation of the Alaska Transportation Planning Council.
14 The plan shall be submitted to the governor for his review and approval
15 and submitted by the governor to the legislature.

16 * Sec. 5. AS 44.42.050(b) is amended to read:

17 (b) In developing and revising the plan, the board [COMMISSIONER]
18 shall seek public review and evaluation by any reasonable means and may

19 (1) consult and cooperate with officials and representatives
20 of the federal government, other governments, interstate commissions and
21 authorities, local agencies and authorities, interested corporations and
22 other organizations concerning problems affecting transportation in the
23 state; and

24 (2) request from an agency or other unit of the state govern-
25 ment or of a political subdivision of it, or from a public authority,
26 the assistance and data that may be necessary to enable the board [COM-
27 MISSIONER] to carry out its [HIS] responsibilities under this section;
28 every such entity shall provide the assistance and data requested.

29 * Sec. 6. AS 44.42.050(d) is amended to read:

1 (d) The plan shall include a description of projects planned for
2 design and construction for the following two years. The description is
3 in addition to the long-range plan required by (a) of this section and
4 by AS 19.10.140. The description shall include an itemization of the
5 estimated cost for each project and the total cost of all projects. The
6 board [COMMISSIONER] shall propose and forward to the governor for his
7 review and approval and inclusion, as approved, in the capital budget a
8 construction program which includes the projects to be undertaken during
9 the following two years, including recommended project priorities. Funds
10 for transportation construction projects and necessary contingencies
11 shall be itemized as allocations within the bill for the General Appro-
12 priations Act.

13 * Sec. 7. AS 44.42.055(a) is amended to read:

14 (a) The board [COMMISSIONER] shall develop and annually revise a
15 statewide comprehensive facility procurement plan for public facilities
16 of the state and its municipalities.

17 * Sec. 8. AS 44.42.055(b) is amended to read:

18 (b) In developing and annually revising the facility procurement
19 plan, the board [COMMISSIONER] shall

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

23 (2) consult with officials and representatives of municipali-
24 ties, the federal government, interested corporations and other organiza-
25 tions concerning public facility needs in the state;

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

28 (A) sewage transmission and treatment systems;

29 (B) water transmission and treatment systems;

- 1 (C) electrical generation and distribution systems;
- 2 (D) health care and social services facilities;
- 3 (E) educational facilities;
- 4 (F) transportation facilities;
- 5 (G) public safety and justice facilities;
- 6 (H) recreational facilities;
- 7 (I) sanitation facilities; and
- 8 (J) cultural facilities;

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

- 12 (A) current and future facility needs;
- 13 (B) space standards and design guidelines for the appro-
14 priate facility types;
- 15 (C) maintenance and operations standards for the appro-
16 priate facility types;
- 17 (D) construction techniques and contracting methods;
- 18 (E) facility project budget requirements; and
- 19 (F) relative costs of identified alternatives (life
20 cycle cost analysis) including but not limited to the installation
21 and operation of energy systems which are not dependent on oil or
22 gas for water heating, space heating and cooling requirements, and
23 for the generation of electrical or mechanical power;

24 (5) identify common public facility needs among the various
25 user agencies; and

26 (6) submit its findings, plans and recommendations to the
27 governor and to the appropriate state agency to facilitate the develop-
28 ment of agency capital improvement budget requests.

29 * Sec. 9. AS 44.42.055(c) is amended to read:

1 (c) In the preparation and revision of the facility procurement
2 plan, the board [COMMISSIONER] may

3 (1) develop and adopt regulations for use in carrying out the
4 purpose of (b) of this section; regulations may not be adopted under
5 this section unless approval is received from appropriate program
6 agencies;

7 (2) make recommendations on the total capital improvement
8 program to affected state agencies, local governments, and other inter-
9 ested parties and organizations, and to the divisions of budget and
10 management and policy development and planning.

11 * Sec. 10. AS 44.42.060 is amended to read:

12 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The board [COMMIS-
13 SIONER] may apply for and accept, on behalf of the state, grants from
14 the federal government or an agency of it, or from another state, a
15 foundation, or any person, for any of the functions or purposes of the
16 department.

17 * Sec. 11. AS 44.42.900 is amended by adding a new paragraph to read:

18 (4) "board" means the Board of Transportation and Public
19 Facilities.

20 * Sec. 12. AS 35.15.080(a)(2) is amended to read:

21 (2) may provide by agreement for transfer to and assumption
22 by the municipality of the department's responsibilities relating to the
23 planning, design, and construction of a public works project, unless the
24 board [COMMISSIONER] determines that assumption of responsibilities by
25 the municipality is not practicable or not in the best interests of the
26 state.

27 * Sec. 13. AS 35.15.080(b) is amended to read:

28 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-
29 TIES] determines that assumption of responsibilities by a municipality

1 under (a)(2) of this section is not practicable or not in the best
2 interests of the state, it [HE] shall notify the governing body of the
3 municipality of its [HIS] finding and specify reasons for it. If the
4 governing body requests reconsideration of the decision, the board
5 shall direct the commissioner to [HE SHALL] hold a hearing in the munici-
6 pality within 30 days following mailing of the request. Following the
7 hearing, the board [HE] may affirm, modify or reverse its [HIS] initial
8 decision and shall specify in writing the reasons.

9 * Sec. 14. AS 35.15.080(c) is amended to read:

10 (c) A municipality may request joint assumption of responsibilities
11 with the department relating to the planning, design and construction of
12 a public works project. A regional educational attendance area may
13 request joint assumption of responsibilities with the department relating
14 to the planning, design and construction of an educational facility. Two
15 or more municipalities or regional educational attendance areas may by
16 mutual agreement provide for cooperative assumption of responsibilities
17 relating to the planning and construction of a public works project. If
18 two or more municipalities or regional educational attendance areas
19 request assumption of responsibilities for a project and meet the stan-
20 dard of practicability set out in (a)(2) of this section, the board
21 [COMMISSIONER] shall determine which municipality or regional educational
22 attendance area is best able to direct planning, design, and construction
23 of the project and enter into an agreement with that municipality or
24 regional educational attendance area, or provide for joint or cooperative
25 administration, as the parties may agree or the board [COMMISSIONER] may
26 determine. Decisions of the board [COMMISSIONER] under this subsection
27 are final.

28 * Sec. 15. AS 35.15.080(f) is amended to read:

29 (f) To carry out the purpose of this section, the board [COMMISS-

1 SIONER OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regulations
2 relating to the application for and the making and the conditions of
3 agreements and the local assumption of responsibilities for the planning,
4 design and construction of public works under this section. It [HE]
5 shall include in grant contracts terms and conditions requiring a
6 regional school board and its contractors to adhere to the provisions of
7 AS 36.05.010 with respect to the payment of wage rates on construction
8 projects, and AS 36.10.010 with respect to employment preference, and
9 may require different terms in agreements for different projects to meet
10 local conditions and unique requirements and to assure compliance with
11 the public facilities procurement policies developed by the department
12 under AS 35.10.160 - 35.10.200. If necessary, the board [COMMISSIONER]
13 may require as a condition of an agreement approval of the agreement by
14 the federal government. Regulations adopted, amended or repealed by the
15 department under this section which relate to educational facilities
16 shall be developed in conjunction with the Alaska Association of School
17 Boards and the Alaska Association of School Administrators and reviewed
18 by those associations before final action on the regulations is taken by
19 the department.

20 * Sec. 16. AS 35.20.050 is amended to read:

21 Sec. 35.20.050. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE OF
22 EXCHANGE. When the board [COMMISSIONER] formally declares that it is in
23 the best public interest of the state to do so, the department may
24 acquire by purchase or otherwise privately or publicly owned land or an
25 interest in it for the purpose of exchanging it for privately or publicly
26 owned land which the department is authorized by law to acquire.

27 * Sec. 17. AS 35.25.020 is amended by adding a new paragraph to read:

28 (7) "board" means the Board of Transportation and Public
29 Facilities established in AS 44.42.011.

1 * Sec. 18. AS 39.25.120 is amended by adding a new paragraph to read:
2 (20) the staff of the Board of Transportation and Public
3 Facilities.

4 * Sec. 19. AS 44.42.010 and 44.42.020 are repealed.

5 * Sec. 20. Members of the Board of Transportation and Public Facilities
6 shall be appointed for the following initial terms: two for four years, two
7 for three years, two for two years, and one for one year.

8 * Sec. 21. This Act takes effect July 1, 1982.

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Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE

2 HOUSE BILL NO. 654

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Department of Transportation
7 and Public Facilities and establishing the Board of
8 Transportation and Public Facilities at the head of the
9 department; and providing for an effective date,"

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

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

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13 There is at the head of the Department of Transportation and Public
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23 of the members of the legislature in joint session.

24 (b) One member of the board shall be appointed from each allocation
25 district described in AS 19.30.127. Two members of the board shall be
26 appointed from the state at large.

27 (c) Members appointed shall have the following qualifications:

28 (1) two members shall be experienced in highway construction;

29 (2) two members shall have an aeronautical background;

- 1 (3) one member shall have a maritime background;
2 (4) one member shall be an economist; and
3 (5) one member shall be a graduate of an accredited law
4 school.

5 (d) Members serve overlapping four-year terms. A member may not
6 serve more than two full terms on the board.

7 Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board shall
8 recommend policies for adoption by the legislature that are designed to
9 assure the development and maintenance of a comprehensive and balanced
10 statewide transportation system that will meet the needs of the people
11 of the state for safe and efficient transportation services. The poli-
12 cies shall provide, when appropriate, for the use of integrated inter-
13 modal transportation systems to implement the social, economic, and
14 environmental policies, goals, and objectives of the people of the
15 state, and especially to conserve nonrenewable natural resources includ-
16 ing land and energy. In preparing these policies the board shall

17 (1) consider the transportation policies that are stated in
18 existing state laws and recommend changes in these laws that the board
19 considers desirable;

20 (2) inventory the policies, goals, and objectives of municipi-
21 pal governments of the state and define the role of the state and municipi-
22 pal governments in determining transportation policies, in transportation
23 planning, and in implementing the state transportation plan;

24 (3) propose a six-year transportation plan for the state and,
25 after notice and public hearings, submit the transportation plan and
26 estimates of the appropriation necessary to implement the plan as well
27 as annual revisions of the plan to the legislature by the 10th day of
28 each regular legislative session;

29 (4) integrate the state transportation plan with the needs of

1 the elderly and the handicapped and coordinate federal and state programs
2 directed at assisting municipalities to answer the needs of the elderly
3 and the handicapped.

4 (b) In conformity with the policies, goals, and objectives stated
5 in (a) of this section and the state transportation plan adopted by the
6 legislature, the board shall

7 (1) plan, design, construct, and maintain all state modes of
8 transportation and transportation facilities, communication facilities,
9 and all docks, floats, breakwaters, buildings, and similar facilities;

10 (2) study existing transportation modes and facilities and
11 communication facilities in the state to determine how they might be
12 improved or whether they should continue to be maintained;

13 (3) study alternative means of improving transportation and
14 communication in the state with regard to the economic costs of each
15 alternative and its environmental and social effects;

16 (4) develop a comprehensive, long-range intermodal transpor-
17 tation plan for the state;

18 (5) study alternatives to existing modes of transportation in
19 urban areas and develop plans to improve urban transportation;

20 (6) cooperate and coordinate with and enter into agreements
21 with federal, state, and local government agencies and private organiza-
22 tions and persons in exercising its powers and duties;

23 (7) manage, operate, and maintain state transportation facili-
24 ties, communication facilities, and all docks, floats, breakwaters, and
25 buildings, including state highways, vessels, railroads, pipelines, air-
26 ports, and aviation facilities;

27 (8) study alternative means of transportation in the state,
28 considering the economic, social, and environmental impacts of each
29 alternative;

1 (9) coordinate and develop state and regional transportation
2 systems, considering deletions, additions, and the absence of altera-
3 tions;

4 (10) develop facility program plans for transportation and
5 communication facilities and state buildings, docks, and breakwaters
6 required to implement the duties set out in this section, including but
7 not limited to

8 (A) functional performance criteria; and

9 (B) schedules for completion;

10 (11) supervise and maintain all state automotive and mechani-
11 cal equipment, aircraft, and vessels, except aircraft and vessels used
12 by the Department of Fish and Game or the Department of Public Safety;

13 (12) supervise aeronautics and communications inside the
14 state, under AS 02.10;

15 (13) complete and maintain a current inventory of public
16 facilities, including a projection of the serviceability of the facili-
17 ties and projections of replacements and additions to facilities needed
18 to provide the level of services programmed by the various user agencies,
19 for municipalities with populations of less than 12,000, and for unincor-
20 porated communities, and perform those duties on a cooperative basis
21 with larger municipalities;

22 (14) adopt energy performance standards for public facilities
23 of the state that are constructed after July 1, 1980; the standards
24 shall be based on thermal and lighting energy standards established by
25 the American Society of Heating, Refrigeration and Air Conditioning
26 Engineers as adapted for application in high latitude, cold climate
27 environs;

28 (15) provide planning assistance, including but not limited to
29 energy audits and related technical services, to school districts and

1 regional educational attendance areas to develop and implement

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

4 (B) energy conservation measures for rural educational
5 facilities.

6 (c) The board may

7 (1) engage in experimental projects relating to available or
8 future modes of transportation and any means of improving existing
9 transportation facilities and service and communication;

10 (2) exercise the power of eminent domain, including the
11 declaration of taking as provided in AS 09.55.

12 (d) Under procedures adopted by it the board shall supervise the
13 execution by the commissioner of other statutory powers and responsi-
14 bilities granted to the commissioner by law.

15 * Sec. 2. AS 44.42.030 is amended to read:

16 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt
17 regulations under the Administrative Procedure Act (AS 44.62) to imple-
18 ment, interpret, or make more specific its powers and duties.

19 * Sec. 3. AS 44.42.040 is amended to read:

20 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-
21 SIONER] shall establish regions within the state. The functions of the
22 department within each region shall be performed, to the maximum extent
23 feasible, through a regional office. Each regional office shall be
24 directed by a regional transportation and public facilities director
25 appointed by the commissioner.

26 * Sec. 4. AS 44.42.050(a) is amended to read:

27 (a) The board [COMMISSIONER] shall develop annually a comprehen-
28 sive, intermodal, long-range transportation plan for the state. In
29 developing and revising the state plan, the board [COMMISSIONER] shall

1 consider means and costs of improving existing modes and facilities,
2 state and federal subsidies, and the costs and benefits of new transpor-
3 tation modes and facilities. The board [COMMISSIONER] shall also con-
4 sider the recommendation of the Alaska Transportation Planning Council.
5 The plan shall be submitted to the governor for his review and approval
6 and submitted by the governor to the legislature.

7 * Sec. 5. AS 44.42.050(b) is amended to read:

8 (b) In developing and revising the plan, the board [COMMISSIONER]
9 shall seek public review and evaluation by any reasonable means and may

10 (1) consult and cooperate with officials and representatives
11 of the federal government, other governments, interstate commissions and
12 authorities, local agencies and authorities, interested corporations and
13 other organizations concerning problems affecting transportation in the
14 state; and

15 (2) request from an agency or other unit of the state govern-
16 ment or of a political subdivision of it, or from a public authority,
17 the assistance and data that may be necessary to enable the board [COM-
18 MISSIONER] to carry out its [HIS] responsibilities under this section;
19 every such entity shall provide the assistance and data requested.

20 * Sec. 6. AS 44.42.050(d) is amended to read:

21 (d) The plan shall include a description of projects planned for
22 design and construction for the following two years. The description is
23 in addition to the long-range plan required by (a) of this section and
24 by AS 19.10.140. The description shall include an itemization of the
25 estimated cost for each project and the total cost of all projects. The
26 board [COMMISSIONER] shall propose and forward to the governor for his
27 review and approval and inclusion, as approved, in the capital budget a
28 construction program which includes the projects to be undertaken during
29 the following two years, including recommended project priorities. Funds

1 for transportation construction projects and necessary contingencies
2 shall be itemized as allocations within the bill for the General Appro-
3 priations Act.

4 * Sec. 7. AS 44.42.055(a) is amended to read:

5 (a) The board [COMMISSIONER] shall develop and annually revise a
6 statewide comprehensive facility procurement plan for public facilities
7 of the state and its municipalities.

8 * Sec. 8. AS 44.42.055(b) is amended to read:

9 (b) In developing and annually revising the facility procurement
10 plan, the board [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 municipali-
15 ties, the federal government, interested corporations and other organiza-
16 tions concerning public facility needs in the state;

17 (3) develop specific facility procurement plans for projects
18 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 levels

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

3 (A) current and future facility needs;

4 (B) space standards and design guidelines for the appro-
5 priate facility types;

6 (C) maintenance and operations standards for the appro-
7 priate facility types;

8 (D) construction techniques and contracting methods;

9 (E) facility project budget requirements; and

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

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

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

20 * Sec. 9. AS 44.42.055(c) is amended to read:

21 (c) In the preparation and revision of the facility procurement
22 plan, the board [COMMISSIONER] may

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

27 (2) make recommendations on the total capital improvement
28 program to affected state agencies, local governments, and other inter-
29 ested parties and organizations, and to the divisions of budget and

1 management and policy development and planning.

2 * Sec. 10. AS 44.42.060 is amended to read:

3 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The board [COMMIS-
4 SIONER] may apply for and accept, on behalf of the state, grants from
5 the federal government or an agency of it, or from another state, a
6 foundation, or any person, for any of the functions or purposes of the
7 department.

8 * Sec. 11. AS 44.42.900 is amended by adding a new paragraph to read:

9 (4) "board" means the Board of Transportation and Public
10 Facilities.

11 * Sec. 12. AS 35.15.080(a)(2) is amended to read:

12 (2) may provide by agreement for transfer to and assumption
13 by the municipality of the department's responsibilities relating to the
14 planning, design, and construction of a public works project, unless the
15 board [COMMISSIONER] determines that assumption of responsibilities by
16 the municipality is not practicable or not in the best interests of the
17 state.

18 * Sec. 13. AS 35.15.080(b) is amended to read:

19 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-
20 TIES] determines that assumption of responsibilities by a municipality
21 under (a)(2) of this section is not practicable or not in the best
22 interests of the state, it [HE] shall notify the governing body of the
23 municipality of its [HIS] finding and specify reasons for it. If the
24 governing body requests reconsideration of the decision, the board
25 shall direct the commissioner to [HE SHALL] hold a hearing in the munici-
26 pality within 30 days following mailing of the request. Following the
27 hearing, the board [HE] may affirm, modify or reverse its [HIS] initial
28 decision and shall specify in writing the reasons.

29 * Sec. 14. AS 35.15.080(c) is amended to read:

1 (c) A municipality may request joint assumption of responsibilities
2 with the department relating to the planning, design and construction of
3 a public works project. A regional educational attendance area may
4 request joint assumption of responsibilities with the department relating
5 to the planning, design and construction of an educational facility. Two
6 or more municipalities or regional educational attendance areas may by
7 mutual agreement provide for cooperative assumption of responsibilities
8 relating to the planning and construction of a public works project. If
9 two or more municipalities or regional educational attendance areas
10 request assumption of responsibilities for a project and meet the stan-
11 dard of practicability set out in (a)(2) of this section, the board
12 [COMMISSIONER] shall determine which municipality or regional educational
13 attendance area is best able to direct planning, design, and construction
14 of the project and enter into an agreement with that municipality or
15 regional educational attendance area, or provide for joint or cooperative
16 administration, as the parties may agree or the board [COMMISSIONER] may
17 determine. Decisions of the board [COMMISSIONER] under this subsection
18 are final.

19 * Sec. 15. AS 35.15.080(f) is amended to read:

20 (f) To carry out the purpose of this section, the board [COMMISS-
21 SIONER OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regulations
22 relating to the application for and the making and the conditions of
23 agreements and the local assumption of responsibilities for the planning,
24 design and construction of public works under this section. It [HE]
25 shall include in grant contracts terms and conditions requiring a
26 regional school board and its contractors to adhere to the provisions of
27 AS 36.05.010 with respect to the payment of wage rates on construction
28 projects, and AS 36.10.010 with respect to employment preference, and
29 may require different terms in agreements for different projects to meet

1 local conditions and unique requirements and to assure compliance with
2 the public facilities procurement policies developed by the department
3 under AS 35.10.160 - 35.10.200. If necessary, the board [COMMISSIONER]
4 may require as a condition of an agreement approval of the agreement by
5 the federal government. Regulations adopted, amended or repealed by the
6 department under this section which relate to educational facilities
7 shall be developed in conjunction with the Alaska Association of School
8 Boards and the Alaska Association of School Administrators and reviewed
9 by those associations before final action on the regulations is taken by
10 the department.

11 * Sec. 16. AS 35.20.050 is amended to read:

12 Sec. 35.20.050. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE OF
13 EXCHANGE. When the board [COMMISSIONER] formally declares that it is in
14 the best public interest of the state to do so, the department may
15 acquire by purchase or otherwise privately or publicly owned land or an
16 interest in it for the purpose of exchanging it for privately or publicly
17 owned land which the department is authorized by law to acquire.

18 * Sec. 17. AS 35.25.020 is amended by adding a new paragraph to read:

19 (7) "board" means the Board of Transportation and Public
20 Facilities established in AS 44.42.011.

21 * Sec. 18. AS 44.42.010 and 44.42.020 are repealed.

22 * Sec. 19. Members of the Board of Transportation and Public Facilities
23 shall be appointed for the following initial terms: two for four years, two
24 for three years, two for two years, and one for one year.

25 * Sec. 20. This Act takes effect July 1, 1982.
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