

HB

160

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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JUNEAU, ALASKA 99811
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HT 3-14-85 7AM

HCR&RA 2-20-85 3pm

HT 3-19-85 7AM

Offered: 4/11/85
Referred: Rinance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 160 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to relocation of utilities; and
7 providing for an effective date."

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

9 * Section 1. AS 19.25.020(c) is amended to read:

10 (c) The cost of change, relocation, or removal necessitated by
11 highway construction is a cost of highway construction to be paid [BY
12 THE STATE] in accordance with AS 19.45.001(4) as follows:

13 (1) by the department as a cost of highway construction, if
14 the utility facility is installed or authorized under a utility permit
15 or a regulation after the effective date of this Act;

16 (2) by the department as a cost of highway construction if
17 the facility is installed before the effective date of this Act;

18 (3) by the utility in all other cases unless the commis-
19 sioner finds it is in the public interest for the cost to be paid by
20 the department [, NOTWITHSTANDING THE TERMS OR PROVISIONS OF ANY
21 EXISTING PERMIT, AGREEMENT, REGULATION OR STATUTE TO THE CONTRARY].

22 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

CSHB 355(Fish)am

Representative Clocksin moved and asked unanimous consent that the House adopt the House Special Committee on Fisheries Amended Letter of Intent (page 255a). There being no objection, it was so ordered.

CSHB 355(Fish)am was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following member be excused from a call of the House as noted:

Representative Hurlley - from 4:30 p.m.,
April 18 through plane time, April 21,
1986

There being no objection, it was so ordered.

CSHB 28(Fin)(2d-title-am)

Representative Pignalberi moved and asked unanimous consent that the House take up the Senate message on COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 28 (Finance) (2d title amended) (making a special appropriation from the undistributed income account in the Alaska permanent fund to the principal of the permanent fund; effective date) (page 2217) at this time.

Representative Clocksin objected.

Representative Pettyjohn placed a call of the House and lifted the call.

The question being: "Shall the House take up the Senate message on CSHB 28(Fin)(2d title am) at this time?" The roll was taken with the following result:

CSHB 28(FIN)(2D TITLE AM) MOTION

Yeas: 12 Collins, Furnace, Hanley, Jenkins,
Maxrou, Martin, Pearce, Pettyjohn,
Phillips, Pignalberi, Rieger,
Uehling

CSHB 28(Fin)(2d-title-am)

Nays: 25 Adams, Boucher, Cato, Clocksin,
Cotten, Davis, Duncan, Frank,
Fuller, Gruenberg, Grussendorf,
Herrmann, Hurlley, Koponen, Larson,
Miller, M.M., Miller, M.W., Navarre,
Fourchot, Ringstad, Shultz,
Szymanski, Taylor, Thompson,
Wallis

Excused: 0

Absent: 3 Binkley, Goll, Sund

And so, the motion failed.

HCR 36

Representative Binkley added his name as co-sponsor to HOUSE CONCURRENT RESOLUTION NO. 36 (relating to intrastate airline travel).

2d SSHB 181

Representative Cato added her name as co-sponsor to 2d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 181 (relating to the maintenance of vessels of the Alaska marine highway system).

HD 689

Representative Szymanski added his name as co-sponsor to HOUSE BILL NO. 689 (relating to required equipment on and the transportation of certain loads by motor vehicles).

ENGROSSMENTCSHCR 36(Fin)

CSHCR 36(Fin) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 15(C&RA)

CSHB 15(C&RA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 160(Fin)

CSHB 160(Fin) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

Original sponsor: Rules/Governor

1
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20 sioner finds it is in the public interest for the cost to be paid by
21 the department [, NOTWITHSTANDING THE TERMS OR PROVISIONS OF ANY
22 EXISTING PERMIT, AGREEMENT, REGULATION OR STATUTE TO THE CONTRARY].

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24 10.070(c).

SB 57 cont'd

The Secretary was requested to notify the House.

HOUSE CS FOR CS FOR SENATE BILL NO. 57 (FIN) was referred to the Secretary for enrollment.

Message of April 7 was read, stating the House passed and transmitted for consideration:

FIRST READING AND REFERENCE OF HOUSE RESOLUTIONS

HCR 36

CS FOR HOUSE CONCURRENT RESOLUTION NO. 36 (FIN) by the Finance Committee,

Relating to intrastate airline travel,
was read the first time and referred to the Transportation Committee and the Labor and Commerce Committee.

FIRST READING AND REFERENCE OF HOUSE BILLS

HB 15

CS FOR HOUSE BILL NO. 15 (C&RA) by the Community and Regional Affairs Committee, entitled:

"An Act relating to advisory elections on certain annexation proposals."

was read the first time and referred to the State Affairs Committee, the Community and Regional Affairs Committee and the Finance Committee.

HB 160

CS FOR HOUSE BILL NO. 160 (FIN) by the Finance Committee, entitled:

"An Act relating to utilities and encroachments in state airports, public facilities, and highways; relocation of utilities; and providing for an effective date."

was read the first time and referred to the Transportation Committee.

HB 706

1987, this section of the bill clarifies that the attorney general and the personnel board do not have jurisdiction over any alleged violation of the code of ethics occurring before January 1, 1987, unless the violation continues after that date.

Section 7: Under this section of the bill, an agency with an existing policy related to conflicts of interests or the ethical performance of official duties is required to submit that policy to the attorney general for necessary review and approval by January 1, 1987.

Section 8: The sections of the ethics law regarding policy, the issuance of advisory opinions, declarations of potential violations, and the definition section, take effect July 1, 1986.

Section 9: The code of ethics itself, the complaint and hearing procedures, and the law's enforcement and remedy provisions (AS 39.52.110 -- 39.52.190 and AS 39.52.310 -- 39.52.460) will take effect January 1, 1987.

I have provided different effective dates so that public officers, immediately upon passage of the bill, may seek guidance from the attorney general concerning their standing under the new code of ethics, in order that any reassignments, transfers, or divestitures that need to occur can be accomplished before the code of ethics, as well as the complaint process, is in force.

CONCLUSION

Several attempts have been made in past years to enact legislation providing ethical standards for the executive branch. Most recently at my request, SB 501 was introduced in 1984, but it did not pass during the Thirteenth Alaska Legislature. I strongly endorse this bill and urge its serious consideration and passage this session.

Sincerely,

/s/

Bill Sheffield
Governor"

CONSIDERATION OF THE DAILY CALENDARSECOND READING OF HOUSE BILLS

file
HB 160
HOUSE BILL NO. 160 (relating to relocation of utilities incident to highway projects; effective date) was read the second time with the Community & Regional Affairs Committee report (page 410), the Transportation Committee report (page 885) and the Finance Committee report (page 2437).

HB 160

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 160 (Finance) (relating to utilities and encroachments in state airports, public facilities, and highways; relocation of utilities; effective date) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 160(Fin)

Representative Clocksin moved and asked unanimous consent that CSHB 160(Fin) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 160(Fin) was read the third time.

The question being: "Shall CSHB 160(Fin) pass the House?"
The roll was taken with the following result:

CSHB 160(FIN)

Yeas:	34	Adams, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Miller, M.W., Navarre, Pearce, Phillips, Pignalberi, Pourchot, Rieger, Kingstad, Szymanski, Taylor, Thompson, Uehling, Wallis
Navs:	1	Marrou
Excused:	4	Furnace, Pettyjohn, Shultz, Sund
Absent:	1	Binkley

And so, CSHB 160(Fin) passed the House.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Clocksin gave notice of reconsideration of his vote on CSHB 160(Fin).

COMMITTEE REPORT

HOUSE

4/10

(7)

FURTHER: FINANCE

2/22/85

Date: 09 April 1985

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 160

"An Act relating to relocation of utilities incident to highway projects; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HA 160 (TRSP) same title
- new title
- and recommends It do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

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CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: October 17, 1984

Page 1 of 3
REQUEST
 Bill/Resolution No.: HB 160 No 1
 Title: Relocation Assistance
Amendment Act - AS Title 34
 Sponsor: DOT&PF
 Requestor: _____
 Date of Request: October 10, 1984

FISCAL DETAIL Department of Transportation and
 Agency Affected: Public Facilities
 Program Category Affected: Right of Way and
Land Acquisition
 BRU, Program or Subprogram(s) Affected:
Relocation Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 CRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						

SEE ATTACHED

CAPITAL	-0-	83.5	83.5	83.5	83.5	83.5
----------------	-----	------	------	------	------	------

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	83.5	83.5	83.5	83.5	83.5
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	83.5	83.5	83.5	83.5	83.5

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
NO NEW POSITIONS REQUIRED						

ANALYSIS: Attach a separate page if necessary

Prepared By: Milton H. Lentz, Chief, Relocation
 Division: Standards & Technical Svs. Assistance
 Headquarters

Phone: 465-2985
 Date: October 17, 1984

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

ANALYSIS HB 160 Page 2 of 3

	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>
100 - Personal Services	12.5	12.5	12.5	12.5	12.5
200 - Travel	5.0	5.0	5.0	5.0	5.0
300 - Contractual	2.0	2.0	2.0	2.0	2.0
400-500 - Commodities and Equipm.	1.0	1.0	1.0	1.0	1.0
600 - Land and Structures (Relocation Assistance)	60.0	60.0	60.0	60.0	60.0
TOTAL	83.5	83.5	83.5	83.5	83.5

- 100 - Based on 450 person-hours x \$28.00/hr.
- 200 - Project-oriented travel for reconnaissance, studies, project development and performance.
- 300 - Contract service for various estimates, such as moving cost, inventories, etc.
- 400-500 - Material and equipment required to perform job, such as booklets, signs, etc.
- 600 - Estimated cost of relocation assistance (15 parcels/yr. @ \$4,000/parcel average).

Note: Based on past experience with state-funded projects, there have been about 10-20 parcels per year that would be affected by this program. There would be no appreciable difference in years except that a change in philosophy may increase or decrease state-funded projects.

CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	COV'S REQ.
100	Personal Services	12.5	
200	Travel	5.0	
300	Contractual Services	2.0	
400	Supplies	0.5	
500	Equipment	0.5	
600	Lands, Buildings, Etc.	60.0	
700	Grants, Claims, Etc.		
800	Miscellaneous		
	TOTAL	83.5	
*A Transfer (NDR-ADD)			
1002	Federal Receipts		
1003	General Fund Match		
1004	General Fund		
1005	I-A Receipts		
1028	Program Receipts		
1061	Other CIP Receipts	83.5	

AGENCY CONTACT/PHONE NUMBER:
Milton H. Lentz 465-2985

TITLE OF INCREMENT/DECREMENT:
Relocation Assistance Amendment
Act - A.S. Title 34

DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES:

Alaska Statute Title 34, Chapter 60, allows and requires this Department to administer a program which gives relocation assistance and makes payments to people and businesses that must move as a result of construction of capital improvements. The payments are in addition to the fair market value of property taken. They are confined to federally assisted activities in the existing law.

This proposed legislation would expand the statute to include state-funded programs. All state activities would then be subject to the same relocation assistance whether they were funded with or without federal-aid, thus providing uniformity and equality throughout the state program. The need for this consistency is readily apparent when a state project and federal-aid project are located in the same area at the same time.

POSITION INFORMATION

PFT

PPT

Non Permanent

_____ of Months

Enhance Existing Service Compared to FY 85

New Service Compared to FY 85

Continuation of FY 85 Service Level

Formula Program

IMPACT FROM CAPITAL PROJECT (NAME)

Chapter _____ SLA _____ Page/Line _____

AGENCY Department of Transportation & Public Facilities

PROGRAM HB 160

BRU

COMPONENT

PROJECT

C5 INCREMENT/DECREMENT REQUEST

Agency Priority _____ of _____

(6/84)-c5

PAGE 3 OF 3

REVISED DATE

FY 86

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST
 Bill/Resolution No.: HB 150, No 2
 Title: Utility Relocation/
 Highway Encroachments
 Sponsor: _____
 Requestor: DOT&PF
 Date of Request: October 22, 1984

FISCAL DETAIL
 Agency Affected: DOT&PF
 Program Category Affected: Utilities
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	(250.0)*	(250.0)*			
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

SEE ATTACHMENTS

* STATE FUNDS ONLY
 Federal funding agencies will not participate in relocation costs when a utility is not under permit or properly installed.

Prepared By: Bruce R. Freitag/Roger Allington
 Division: Standards & Technical Services
 Approved by Commissioner: [Signature]
 Agency: Transportation & Public Facilities

Phone: 465-2957
 Date: 10-22-84
 Date: 11-15-84

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

Relocation of Utilities Incident To Highway Projects

The need for this legislation is to revise statute authority such that Department reimbursement for utility relocation work incident to highway construction would only be allowed if the utility facility was properly permitted by the Department within State highway rights-of-way. The Department's permit also provides assurance that the utility facility is properly located and installed in accordance with established codes (ie electrical, safety, etc). Presently the law allows for utility relocation reimbursement even if the utility facility is not under permit or within code requirements.

DAVE HUTCHENS

House Bill 159:

I have one remaining question, on page 5 of HB 159. The section there entitled ENCROACHMENT PERMITS has been redrafted. I understand from talking with Mr. Frietag late yesterday that the purpose of the way this is written here is to make it possible for the department to handle the mailbox problem by regulation instead of permit. I think that's fine, the problem that we have with it though is that it is more broadly written than that and it would be possible for some later management of the department to begin allowing utility facilities to be installed in the right-of-way on the basis of regulation rather than permit which is in itself not bad, but the problem it causes if you look over here at HB 160 for example, there'd be no way for the utility to be reimbursed for the move if the facility was installed there to regulation instead of permit. Think the problem is very easy to solve, I would suggest that on HB 160, after the end of line 15, insert the words "or regulations". "By the department as a cost of highway construction , if the utility facility is installed or authorized under a utility permit or regulation after the effective date of this Act;

The same language would need to go into HB 159 on Page 2, line 6 and Page 7 line

Cato: Dave slow up a bit, I didn't quite get on 160 exactly where you wanted to put that.

Dave: I was proposing to put it after the end of line 15 after the word "permit". And insert the same two words after "permit" on line 5 on page 2 (of HB 159) and page 7, line 9.

Marco: Dave, what's the problem that we're trying to solve by adding this language?

Dave: What's happened here is the re-draft, in this proposed CS on page 5, this section entitled ENCROACHMENT PERMITS, has been redrafted and it is intended to resolve the problem on mailboxes and paper boxes, but it permits any type of encroachment really to be installed either by a permit or by regulation. And I'm saying that if a utility facility were later authorized to be installed by regulation, say in those cases they would tell you to build it under regulation, instead of permit, then when you go over here to the language in HB 160, the utility would have no way to be reimbursed.

Marco: I'm just trying to figure out how by regulation department tells you to build something.

Dave: I'm not sure either, but if they can permit, if they can allow the mailboxes to be in the right-of-way according to regulation, I would think they could allow certain classes of utility facilities to be in the right-of-way on the same basis.

334 Freitag: Neither I or Jack McGhee have any problems at all.

Cato: In other words you like both bills.

Frietag: Both bills.

340
Marrou: Mr. Hutchen had brought up a problem which was discussed in C&RA and that is this matter of mailbox permits which would be addressed by section 3, which is line 6-12 on page 5 of 159. It was suggested in C&RA that we should put a sentence at the end of that which says that "this section does not apply to mailboxes or attached newspaper boxes" The department has taken a position that they in the future may want to issue mailbox permits in any case they don't want to put it in here, they have objected to that. I don't, perhaps Rep. Furnace can refresh my memory, but I don't see any particular problem with exempting mailboxes or newspaper boxes, and I disagree with the department in saying that well they want to maintain the capability in the future. They've already done a study, by the way, I don't know if I pointed that out, what it would cost to issue mailbox permits, but they would have to take pictures of all the mailboxes in the state, they would have to find the owner of all the mailboxes in the state and write a letter to each owner, of the 10,000 estimated mailboxes in the state and that this program over 3 years would cost over \$222,000 which comes out to \$22.20 per mailbox, which would be the approximate cost of a mailbox permit; this has all been done by the department already, they've already done a study on what it would cost for a mailbox permit program. I would strongly recommend that we put a sentence in here that states that this section does not apply to mailboxes or attached newspaper boxes.

375...Furnace: move amendment of adding of two works (Hutchens amendment)

...Marrou: I here by move that at the end of line 12, page 5, HB 159, we add words that say "this section does not apply to mailboxes nor attached paper boxes" ...the meaning being that the little newspaper boxes, like the Daily news has the little yellow, open ended that some people attache to there pole of mailboxes.

...Pignalberi: I move that the committee pass out CSHB 160 amended and CSHB 159 amended with individual recommendations.

ADJ. 816

TITLE CHANGE

2159

HOUSE BILL 160
PROPOSED AMENDMENTS

Section 1. AS 19.25.020(c) is amended to read:

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(1) by the department as a cost of highway construction if the facility was installed before the effective date of this act;

(2) by the department as a cost of highway construction if the facility was installed or authorized under the authority of a utility permit issued after the effective date of this act;

(4) ~~by~~ by the utility in all other cases.

(3) by the utility in all other cases, except when the Commissioner finds it in the public interest for the cost to be paid by the department.

Moen
3/13/85

Original sponsor: Rules/Governor

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 12 THE STATE] in accordance with AS 19.45.001(4) as follows:

13 (1) by the department as a cost of highway construction if
 14 the facility was installed before July 1, 1960, regardless of whether
 15 the facility is authorized by a permit at the time a change,
 16 relocation, or removal of the facility is required;

17 (2) by the department as a cost of highway construction,
 18 provided that the utility facility is properly installed in accordance
 19 with a permit, or in the absence of a permit, was installed before the
 20 effective date of this paragraph in the proper location in accordance
 21 with department regulations;

22 (3) by the utility in all other cases [, NOTWITHSTANDING THE
 23 TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION OR
 24 STATUTE TO THE CONTRARY].

25 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
 26 10.070(c).
 27
 28
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(3) by the utility in all other cases.

INTRODUCTION OF BILLS (Senate)(cont'd)

SB 394 (cont'd)

inconvenience." Second degree terroristic threatening is a class C felony.

Provides Act takes effect immediately.

Introduced January 31 and referred to Judiciary.

Div. of EEO
(creating)

SENATE BILL NO. 395, by the State Affairs Committee.

Seeks to create a Division of Equal Employment Opportunity in the Dept. of Administration. The Division would be required to study, formulate, recommend, review, and administer equal employment opportunity and affirmative action programs, policies and practices. It would be required to act to assure the recruitment for employment of women, minorities, handicapped persons, Viet Nam veterans, disabled vets, or men applying for a position in which men have not been traditionally employed. In addition to recruitment, the Division would be responsible for ensuring that all employees and applicants are treated fairly and not subject to discrimination. Lists various other responsibilities including formulation of policies and programs, review of affirmative action plans, and providing information and technical advice to departments, agencies and employees.

The EEO Division would also be the primary liaison between the executive branch and other federal or state compliance agencies for all EEO or affirmative action matters. Executive branch agencies or departments involved in an official inquiry, complaint investigation, or hearing would be required to seek advice from the Division of EEO before participating in the inquiry, investigation, etc. An internal discrimination complaint procedure for complaints within the executive branch of state government would be established, and complaints would be accepted from employees or applicants who believe they have been discriminated against. The Division is required to investigate complaints. Findings could be appealed to the Commissioner of Administration. Rights and prohibitions of complainants are outlined. Does not provide for an effective date (becomes law 90 days after Governor signs bill).

Introduced January 31 and referred to State Affairs, Finance.

Utilities
Near Highway
Projects
(relocation)

SENATE BILL NO. 396, by the Rules Committee by Request of the Governor. Relates to relocation of utilities incident to highway projects, and amends that section of the law (AS 19.-25.020(c)) to read: "(c) The cost of change, relocation, or removal necessitated by highway construction is to be paid in accordance with AS 19.45.001(4) [defines 'cost of change, relocation, or removal'] as follows: (1) by the department as a cost of highway construction if the facility was installed before July 1, 1960, regardless of whether the facility is authorized by a permit at the time the change, relocation, or removal of the facility is required; (2) by either the department as a cost of highway construction or by the utility, depending on the terms of the utility permit if the facility was installed or authorized under the authority of a utility permit issued after July 1, 1960;

INTRODUCTION OF BILLS (Senate)(cont'd)

SB 396 (cont'd)

(3) by the utility if the facility was installed after July 1, 1960, and there is no utility permit for the facility; (4) by the utility if the facility is not installed in the location provided for in the utility permit, regardless of whether the utility permit requires payment by the department."

Note: that section of the law currently reads: "(c) The cost of change, relocation, or removal necessitated by highway construction is a cost of highway construction to be paid by the state in accordance with AS 19.45.001(4), notwithstanding the terms or provisions of any existing permit, agreement, regulation or statute to the contrary."

Provides Act takes effect July 1, 1984.

Introduced January 31 and referred to Labor & Commerce, Transportation, Finance.

In his message accompanying the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that clarifies who is responsible for the payment of relocation or removal costs when a utility facility is required to be changed, removed, or relocated as a result of highway construction. The bill addresses an ambiguity in AS 19.25.020(c) which presently leaves open the question of whether the state must pay for these costs even though a utility facility was not installed or authorized under the authority of a utility permit or, if a permit exists, even though the facility is not installed in the location provided for in the permit. The bill also makes clear that the question of who pays for future relocation costs is to be a matter of negotiation between the state and the utility to be reflected in the language of the permit.

Section 1 amends AS 19.25.020(c) by creating four new paragraphs:

Paragraph (1) requires the state to pay for the costs of the change, removal, or relocation of any utility facility installed before July 1, 1960 regardless of whether the facility is authorized by a utility permit at the time the change, relocation, or removal of the facility is required. There is a matter of equity and fairness, since there was no real uniform utility permit system in place before July 1, 1960.

Paragraph (2) requires either the state or the utility to pay for the costs of the change, removal, or relocation of the utility facility depending on the terms of the permit, provided the permit was issued after July 1, 1960. The effect of this paragraph is to make it clear that the question of who is to pay for relocation costs is a matter to be negotiated between the state and the utility. Presently, the state is required to pay for all relocation costs regardless of any agreement with the utility to the contrary.

Paragraph (3) requires the utility to pay for relocation costs if their facility was installed after July 1, 1960 and is not under permit. Under existing law, it is ambiguous whether a utility has to pay relocation costs if it does not have a utility permit.

Paragraph (4) requires the utility to pay for relocation costs if their facility is not installed in the location provided for in a permit. Currently, it is unclear whether a utility must pay relocation costs even if its facility is not installed in the location set out in the utility permit.

INTRODUCTION OF BILLS (Senate)(cont'd)

SB 396 (cont'd)

Section 2 of the bill sets an effective date of July 1, 1984 for this bill.

I urge your favorable action on this measure so that the question of who pays for utility relocation costs under the various circumstances described in the bill is answered in clear statutory language.

The following analysis prepared by the Dept. of Transportation & Public Facilities accompanied the \$200,000 FY 84 fiscal note:

Analysis

SUMMARY/EXPLANATION OF INTENT:

To change existing statute AS 19.25.020(c) such that reimbursement for utility change, relocation, or removal costs necessitated by highway construction may only be paid by the State if the utility facility was properly permitted (strike out "...notwithstanding the terms...contrary." and add in its place "...if the facility was previously permitted in accordance with Department regulations.")

ESTIMATED FISCAL IMPACT:

Capital: Up to \$1 million savings to the Department annually dependent upon amount of Highway construction contracts involving utility relocation work.

Operating: \$0

Of major concern:

- A) Utilities may oppose item 2 because some existing permits (those issued between 1960 and 1977) contain clause that requires utility to pay for relocation. The 1977 law effectively wiped that clause out by the "notwithstanding" phrase which allows for relocation participation regardless what the existing permit states, or even if no permit exists. We propose to take care of that problem by issuing a standard letter from this office to all utility companies that states we will reimburse relocation costs for any facility under permit after 1960 unless special provision was identified in the permit that purposely required relocation to be borne by the utility. (This may have occurred because the utility needed our right-of-way even though we knew a major reconstruction was already scheduled.)
- B) Regional Utility Engineers were worried about not showing the 1977 date. As explained above, Jack McGhee thought it best if only the 1960 date was shown. They were concerned that many permits were issued between 1960 and 1977, and they didn't want to have to change the relocation payment clause to assure the utility they would receive facility relocation reimbursement. Our letter mentioned in "A)" above will allieviate RUE concern.

Positive Aspects:

- 1) All utilities would desire to have their facilities under permit to assure relocation reimbursement.
- 2) All utilities under permit assures they meet all codes and regulations, and that they are placed in accordance with Department direction.
- 3) Provides assurance that Department will obtain as-built of utility construction.
- 4) Assures that all utility facilities within our R/W "mesh" together so one does not conflict with another.

Payment of utility relocation costs by the utility would not result in a direct cost to the consumers, regardless of whether the reason for payment was due to the terms of a permit, location other than that described in the permit, or location in R/W without a permit.

Any construction costs (new and relocation) can only be passed on to the consumers through the rate-making process, according to Mark Figura, Asst. Attorney General with the Alaska Public Utility Commission (APUC). Glacier Highway Electric Assn. (GHEA) (an unregulated utility) would treat utility relocation due to highway construction as any other plant addition, according to Charles Y. Walls, General Manager.

INTRODUCTION OF BILLS (Senate)(cont'd)

SB 396 (cont'd)

With the regulated REA's, all rates must be approved by APUC in a rate hearing. With unregulated REA's, the cooperative's board of directors establish the rates and the rates must be approved by the members (consumers). With GHEA, when 5% or more of the members object, a rate hearing similar to an APUC hearing is held.

Fact Sheet:

"Relocation of Utilities Incident To Highway Projects - AS 19.25.020(c)"

The need for this change is to revise statute authority such that reimbursement for utility relocation incident to highway construction would only be allowed if the utility facility was properly permitted by the Department within highway rights-of-way. With the utility facility being properly permitted, it also provides assurance that the facility is located properly and is installed in accordance with established coding (i.e. electrical, safety, etc.). Presently, utility relocations are generally reimbursed even if the facilities are not under permit or within code requirements.

In summary, then, this revision would:

- (1) Provide that the State participate in all utility relocation costs for those utilities placed in highway rights-of-way without a permit prior to July 1, 1960 and for the utilities that were installed by permit between July 1, 1960 and July 1, 1977 regardless of whether or not the permit provided for State relocation costs.
- (2) Provide that the State or utility participate in the relocation costs under permits issued after July 1, 1977, depending on the prescribed terms written in the permit. This allows the State to write a permit on new utility facilities that either requires the utility to pay or the State to pay on existing facilities not covered by a permit that are located properly and can be covered by a permit.
- (3) Provide that the utility participate in the utility relocation cost if the facility was not located in accordance with the permit regardless of when the permit was issued.

The 1960 date is significant due to Statehood and 1977 is significant as that is the effective date of the present law we are proposing to revise.

The estimated fiscal impact will vary from year to year and from \$0 to a considerable amount dependent upon the number of projects, primarily bush/village, where utility facility conflicts occur due to highway construction. Recently, an approximate \$200,000 conflict occurred on the Palmer-Wasilla project with Matanuska Telephone Association facilities.

Other proposed projects with possible similar conflicts beside bush/village projects are Boniface, DeArmour Road, Raspberry Road, and the Old Seward Highway - all in the Anchorage Area. Further, under the present law, the Department is unable to write a permit to a utility to allow that company to pay for its own relocation should future conflicts occur.

We believe that the utility industry would be in favor of this amendment because it (1) clarifies that their facilities installed without a permit prior to July 1, 1960 are to be relocated at State cost and (2) it allows them to install a facility on future highway projects and pay for the relocation costs instead of being denied a permit.

As explained above, this proposed change would provide Department protection by assuring that:

- 1) All utility facilities within highway rights-of-way are properly permitted;
- 2) All facilities installed within highway rights-of-way meet proper State and national codes; and
- 3) Both the state project and the utility participate fairly in any necessary relocation costs.

Analysis

The need for this law is to provide statutory authority for the accommodation and relocation of utility facilities within State rights-of-way for the other Department modes - airports, harbors, and public buildings - similar to what AS 19.25.010 - 19.25.020 presently allows for State highways.

INTRODUCTION OF BILLS (Senate)(cont'd)

SB 396 (cont'd)

We don't anticipate any Department fiscal impact because we are presently reimbursing utility facility relocation costs for these modes if they meet code and are under permit. However, no statute authority for this reimbursement presently exists. In 1981, department policy evolved to allow for this reimbursement.

We don't anticipate any opposition to this proposal.

We don't anticipate any savings/costs differences from the present situation due to this proposal for either the Department or the Utility.

This law would provide statutory authority for the Department to permit utility facility accommodation/relocation reimbursement similar to that presently allowed within highway rights-of-way. Also, this Act is necessary for consistency with highway projects, and housekeeping for the Department operations.

Alcoholic Bev.
Control Bd.
(extending)

SENATE BILL NO. 397, by the Rules Committee by Request of the Governor. Would extend the Alcoholic Beverage Control Board until June 30, 1988 (currently set to "sunset" June 30, 1984). Provides Act takes effect immediately.

Introduced January 31 and referred to Judiciary.

In his message accompanying the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to extend the life of the Alcoholic Beverage Control Board for four years. The board has gone through several "sunset" reviews in the past few years, and its sunset date was extended from June 30, 1983 to June 30, 1984 during last year's legislative session. I believe that it is time to give the board a four-year extension so that it can continue to fulfill its responsibility for administering our alcoholic beverage control laws.

Utilities &
Encroachments
(airports &
public
facilities)

SENATE BILL NO. 398, by the Rules Committee by Request of the Governor. Relates to utilities and encroachments in state airports, public facilities and highways (see section-by-section analysis accompanying Governor's letter). Provides Act takes effect July 1, 1984.

Introduced January 31 and referred to Labor & Commerce, Transportation, Finance.

In his message accompanying the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that clarifies authority of the Department of Transportation and Public Facilities (DOT/PF) to set up a permit system to authorize utilities and other encroachments in state airports and other public facilities. The bill also provides for dealing with the relocation or removal of utilities and encroachments in state airports and public facilities.

For the most part, the bill tracks existing statutory language that deals with utilities and encroachments in highway rights-of-way, (AS 19.25.010, 19.25.020, and 19.25.200 -- 19.25.250). A section by section analysis of the bill is attached.

I urge your favorable action on this measure so that there is no doubt that DOT/PF has the authority to implement a utility and encroachment permit system for state airports and public facilities.

**CHAPTER 10.
ENGINEERING: ENROACHMENTS,
DRIVEWAYS, AND ROAD APPROACHES**

Section

- 10. Encroachments
- 20. Driveways and road approaches
- 30. Driveway and road approach permits and utilities
- 40. Facility service roads and trails
- 50. Definitions

17 AAC 10.010. ENCROACHMENTS. Encroachments may be installed or permitted within highway lands, or rights-of-way, under certain conditions, when they have been the subject of a previously secured written authorization issued by the department and, in respect to all highways acquired or constructed in whole, or in part, with federal-aid funds, in accordance with the federal regulations governing the future use and occupation of such highways. (Eff. 6/25/69, Reg. 30)

Authority: AS 19.05.020

17 AAC 10.020. DRIVEWAYS AND ROAD APPROACHES. (a) All driveways or road approaches constructed under permit within any highway lands or rights-of-way shall be the property of the state, but all cost and liability in their connection or in connection with their maintenance shall be at the sole expense of those lands served.

(b) Such facilities shall be constructed and maintained in such a manner that the highway, and all its appurtenances or facilities including, but not limited to, all drainage facilities, pipes, culverts, and ditches, and their safety shall not be impaired or endangered in any way by the construction or maintenance; the permits shall contain express conditions which provide for the enforcement of (a) and (b) of this section.

(c) The permit forms, except the utility permits described in 17 AAC 15, shall contain a clause which provides that the permittee shall adjust or relocate such encroachments without cost or liability to the state if, at any time, or from time to time, the use or safety of the highway within which such encroachment exists requires that the encroachment be adjusted or relocated, and that the permittee shall save and keep harmless the

state, its officers, agents, employees, and contractors in any matters pertaining to the encroachment, and that the permittee shall assume all liability or cost in connection with the encroachment.

(d) Permits may be issued for driveways on any highway not converted to, or originally established as, a controlled access facility, if, in the opinion of the department, the driveways are proposed to be located in a manner which is compatible with the public safety and which will not interfere with the use of the highway; provided, however, that if the highway was financed in whole, or in part, with federal-aid funds, a stipulation in the permit shall provide that the driveway is a portion of the public facility; and further provide, that the permittee or his successors and assigns shall assume all cost and liability occasioned by either the construction or maintenance of the driveway.

(e) If a driveway constitutes the replacement of an existing means of access to privately owned lands, the department, at the time of the construction or reconstruction of the highway, shall cause such driveways to be constructed in a manner and location consistent with the engineering standards proper to the highway, in preference to replacing the existing means of access in kind, and any major improvement in the property thus effected shall be considered to be a special benefit to be offset against any severance damages to the land. Upon the completion of the construction of the highway, the owner of said lands shall be issued a standard encroachment permit containing the provisions described in (d) of this section.

(f) If no means of access, as described in (e) of this section, exist to serve any such private parcel of land, and provided that the owner is resident thereon, or has made improvements to the land, the department shall designate and construct such a driveway at a location which best serves the land, or at a location selected and designated by the owner of the land, to the extent that such driveway locations are consistent with good engineering practice and economy, the standards pertaining to such highway, and the full use and safety of such highway. Upon the completion of the construction of the highway, the owner of the

land shall be issued a standard encroachment permit which contains the provisions described in 17 AAC 10.010. The entire amount by which the driveway enhances the value of the land is a special benefit to be offset against any severance damages to the land.

(g) The burden and cost of maintaining a driveway within a highway right-of-way shall be upon the lands served by said driveway, and shall be maintained to conform to standards set forth by the department.

(h) In the event that a critical situation arises in connection with a driveway within a highway right-of-way, the state may correct said situation with state personnel or equipment, or both, in which the event the cost thereof shall become a charge against the lands served by said driveway. (Eff. 6/25/69, Reg. 30)

Authority: AS 19.05.020

Historical Note: 1. Source of (a)-(f) is former 14 AAC 2.361-.366.2. Source of (g) and (h) is former 14 AAC 2.390(g) and (k).

17 AAC 10.030. DRIVEWAY AND ROAD APPROACH PERMITS AND UTILITIES. The finished grade of a proposed driveway or road approach may not be less than the minimum vertical clearance requirements of 17 AAC 15.201 or the minimum depth-of-bury requirements of 17 AAC 15.211. The department will, in its discretion, grant a permit to an applicant who arranges with the owners of the affected utility facilities to adjust the facilities, at no cost to the department, to conform to the requirements of 17 AAC 15. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121
AS 19.05.040 AS 19.40.065
AS 19.30.051

7 AAC 10.040. FACILITY SERVICE ROADS AND TRAILS. Ingress or egress to highway rights-of-way for a service road or trail is subject to the provisions of 17 AAC 10.020 and the 1975 edition of the department's publication entitled "Driveway Regulations." (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121
AS 19.05.040 AS 19.40.065
AS 19.30.051

17 AAC 10.050. DEFINITIONS. In this chapter

(1) "driveway" and "road approach" mean that area of the right-of-way between the edge of the pavement or the edge of the traveled way and that part of the adjacent property line which is not encumbered by the right-of-way and which is used for the movement of traffic between the highway and the adjacent property;

(2) "service road or trail" means a road or trail that parallels a communication facility, electrical facility, pipeline, railroad, or other utility facility and is used to patrol and maintain the facility. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121
AS 19.05.040 AS 19.40.065
AS 19.30.051

**CHAPTER 15.
UTILITY AND RAILROAD PERMITS**

Article

1. Utility Permits (17 AAC 15.010 – 17 AAC 15.111)
2. Utility Standards and Requirements (17 AAC 15.120 – 17 AAC 15.301)
3. Utility Relocation and Installation (17 AAC 15.310 – 17 AAC 15.461)
4. Railroads (17 AAC 15.471–17 AAC 15.551)
5. General Provisions (17 AAC 15. 901)

**ARTICLE 1.
UTILITY PERMITS**

Section

10. (Repealed)
11. Utility permits
20. (Repealed)
21. Application for utility permit
30. (Repealed)
31. Application for utility permit on section-line rights-of-way
40. (Repealed)
41. Permit fees, charges and rentals
50. (Repealed)
51. Bond
60. (Repealed)
61. Indemnification
70. (Repealed)
71. Assignment and transfer of utility permit
80. (Repealed)
81. Joint-use facilities
90. (Repealed)
91. Revocation of utility permit
100. (Repealed)
101. Permits for utility service connections
110. (Repealed)
111. Utility facilities installed without permit

17 AAC 15.010. APPLICATION FOR UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.011. UTILITY PERMITS. (a) Upon written application, the department will, in its discretion, issue a permit authorizing the applicant to construct or install utility facilities within a department right-of-way. Permits for railroad facilities will be issued under 17 AAC 15.471 – 17 AAC 15.551.

(b) A utility permit will authorize the activities reasonably required for the construction, maintenance, or operation of the utility facility described in an approved permit application.

(c) The department will, in its discretion, attach to the utility permit special provisions it considers necessary to protect the public interest.

(d) Utility permits expire if construction or installation of the facility has not started within one year after the date of approval, unless the applicant obtains an extension of time in writing from the department.

(e) This chapter applies only to those utility facilities that require utility permits. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	AS 44.42.030

17 AAC 15.020. UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.021. APPLICATION FOR UTILITY PERMIT. (a) Application for issuance of a utility permit must be made on a form prescribed by the department.

(b) The application must describe in detail the type of facility and its proposed location within the department right-of-way or other location. The application must include plans, specifications, and other pertinent data. A diagram or drawing showing the location of all known overhead, surface, and underground facilities existing in the vicinity of the proposed facility must also be included with the application.

(c) If a utility facility covered by an existing permit is to be reconstructed or modified substantially, the permittee shall apply for a new permit. If the proposed modifications are not substantial, the permittee need only apply for an amended permit. In either case the application must comply with (b) of this section.

(d) The applicant shall notify all known utilities in the immediate vicinity of the proposed installation.

(e) Permit applications for pipeline installations must describe the nature of the substance to be transmitted; the maximum working, test, and design pressures; and the design standards for the pipe. When it is anticipated that there will be a change in the nature of the substance that is transmitted, or an increase in maximum design pressure from that specified in the permit, the permittee shall obtain, in advance, written department approval for the change.

(f) If a utility proposes to locate a facility within a department highway right-of-way within a national forest, national park, military reservation, or other land of the federal government, the utility shall obtain written approval from the appropriate controlling federal agency.

(g) If a utility proposes to locate a facility within a department right-of-way that crosses navigable water, the utility shall obtain written approval from the U.S. Army Corps of Engineers or the U.S. Coast Guard.

(h) If a utility proposes to locate a facility within a department right-of-way which passes through restricted Native allotment land, the utility shall obtain written approval from the Bureau of Indian Affairs.

(i) If a utility proposes to locate a facility within a department right-of-way which passes through Bureau of Land Management land, the utility shall obtain written approval from the Bureau of Land Management.

(j) If a utility proposes to locate a facility within a department right-of-way that crosses a river, lake, or stream specified in the List of Waters Important to Anadromous Fish in 5 AAC 95, the utility shall obtain written approval from the Alaska Department of Fish and Game.

(k) If a utility proposes to locate an overhead facility within a department right-of-way located within two statute miles of any airport, airstrip, or private air facility, the utility shall obtain written approval from the Federal Aviation Administration or, if the airport or airstrip is under military control, from the appropriate military command.

(l) Applications not approved by the department will be returned to the applicant accom-

panied by a letter of explanation. (Eff. 5/23/82, Reg. 82)

Authority: AS 02.15.020	AS 19.25.200
AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.20.090	AS 19.40.065
AS 19.25.010	AS 44.42.030

Editor's Note: Utility permit application forms may be obtained from the regional offices of the Department of Transportation and Public Facilities located in Juneau, Anchorage and Fairbanks, Alaska and from district offices located in Nome and Valdez, Alaska.

Copies of the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fish (List of Waters Important to Anadromous Fish) may be obtained from the Department of Fish and Game, Habitat Division, P.O. Box 3-2000, Juneau, Alaska 99802, or from the regional offices of the Department of Fish and Game located in Juneau, Anchorage, Fairbanks, and Kodiak, Alaska.

17 AAC 15.030 BOND. Repealed 5/23/82.

17 AAC 15.031. APPLICATION FOR UTILITY PERMIT ON SECTION-LINE RIGHT-OF-WAY. (a) Utility permits are required only for section-line rights-of-way presently used or proposed for use by the department. A person seeking to install a utility facility within a section-line right-of-way shall check with the department to determine whether the department presently uses or proposes to use the affected portion of the section-line right-of-way.

(b) Before issuing a permit for the installation of a utility facility within a section-line right-of-way, the department must be satisfied that a section-line right-of-way exists at the location where the facility is proposed to be installed by the permit applicant. The permit applicant shall furnish proof of the existence of the section-line right-of-way.

(c) An applicant that is granted a permit for the installation of a utility facility within a department section-line right-of-way shall coordinate the installation of the facility with any proposed department project using the section-line right-of-way.

(d) The permittee shall provide one copy of each permit for the installation of any utility facility within a department-controlled section-line right-of-way to the Department of Natural Resources.

(e) The department will immediately submit written notice to the Department of Natural Resources if a section-line permit application is denied. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.200

17 AAC 15.040. INSPECTION OF WORK AUTHORIZED BY UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.041. PERMIT FEES, CHARGES AND RENTALS. (a) The department will, in its discretion, establish a nonrefundable filing fee for each permit application.

(b) The department will, in its discretion, require a permittee to reimburse the department for the actual cost of inspection if the special provisions of the utility permit require an inspection.

(c) The department will, in its discretion, establish a schedule of annual rental fees for attachment of utility facilities to department-owned or -controlled structures. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.200 AS 19.40.065

17 AAC 15.050. FACILITY MAINTENANCE. Repealed 5/23/82.

17 AAC 15.051. BOND. The department will, in its discretion, require a bond or assurance to pay for damage to or repair of a highway or other state property which may result from a permittee's construction along, in, over, or under a department right-of-way. The department will determine the amount and duration of the bond or assurance. The bond form must comply with requirements of the department. The department will, in its discretion, require the permittee's contractor to furnish an indemnification bond secured by cash or other security when it is determined to be in the public interest. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065

17 AAC 15.060. SAFETY AND PROTECTION. Repealed 5/23/82.

17 AAC 15.061. INDEMNIFICATION. The permittee shall indemnify and hold harmless the state from all liability for damage to property and injury or death of persons arising wholly or in part from any action taken by a permittee in relation to the permittee's facilities on department rights-of-way or other permitted locations. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065

17 AAC 15.070. HIGHWAY POLICY FOR ACCOMMODATION OF UTILITIES. Repealed 5/23/82.

17 AAC 15.071. ASSIGNMENT AND TRANSFER OF UTILITY PERMIT. (a) A permittee may not assign or transfer any rights granted by the utility permit to another individual or other entity without prior written approval from the department.

(b) When a permittee sells out to another utility, or combines or merges with another utility, or otherwise changes identity, the new utility shall inform the department in writing within 30 days after the date of the transaction, and shall furnish the department with the names and addresses of the new officials responsible for the permittee's facilities. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.200

17 AAC 15.080. BRIDGES. Repealed 5/23/82.

17 AAC 15.081. JOINT-USE FACILITIES. (a) The department will, in its discretion, require two or more utilities desiring to locate facilities on a department right-of-way to jointly use a single facility.

(b) Utilities jointly using utility facilities must enter into a formal agreement concerning the joint use. A copy of this agreement must be

furnished to the department. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.200 AS 42.05.311

17 AAC 15.090. JOINT USE. Repealed
5/23/82.

17 AAC 15.091. REVOCATION OF UTILITY PERMIT. (a) A utility permit may be revoked if

(1) the facilities were not constructed or installed in accordance with the terms of the utility permit;

(2) the facilities do not conform to the applicable federal, state, and local standards and requirements;

(3) the permittee fails to adequately maintain the facility after having been notified to do so in writing by the department;

(4) the permittee fails to provide safe and adequate detours, barricades, signs, flagmen, or other controls to protect the public as provided in 17 AAC 15.241;

(5) the permittee fails, after written notice from the department, to take corrective measures to comply with the department's instructions or requests;

(6) it is in the mutual interest of the department and the utility as provided in 17 AAC 15.451.

(b) The construction operations of a permittee or his contractor will, in the department's discretion, be suspended by the department for any of the conditions listed in (a) of this section until the conditions are corrected. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.220
AS 19.05.040 AS 19.30.051
AS 19.10.240 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.200

17 AAC 15.100. MULTIPLE FACILITIES.
Repealed 5/23/82.

17 AAC 15.101. PERMITS FOR UTILITY SERVICE CONNECTIONS. (a) The department will, in its discretion, require an amendment to an existing utility permit or new permit for all utility service connections.

(b) The department will, in its discretion, allow a permittee to install additional service connections across or within a department right-of-way where a longitudinal underground,

surface, or overhead distribution or feeder line has been installed under a utility permit. The utility permit will be amended by the department to include the additional service connections.

(c) New permits are required for underground utility service connections which cross a department right-of-way and which originate from distribution lines located outside the right-of-way. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.200

17 AAC 15.110. DRIVEWAYS AND ROAD APPROACHES UTILITY CONFLICTS.
Repealed 5/23/82.

17 AAC 15.111. UTILITY FACILITIES INSTALLED WITHOUT PERMIT. (a) Except for facilities installed before July 1, 1960, or installed under 17 AAC 15.031, any utility facility installation located within a department right-of-way without a utility permit is an unauthorized encroachment.

(b) The owner of a utility facility within a department right-of-way and which is an unauthorized encroachment shall submit an application for a utility permit to the department.

(c) The department will issue a utility permit for encroaching utility facilities meeting the requirements of this chapter.

(d) The owner of an encroaching utility facility shall relocate the facility in order to comply with the minimum requirements of this chapter. Any relocation will be at the owner's expense. If the owner does not take appropriate action within a reasonable time, the unauthorized encroachment is subject to removal under AS 19.25.220 - 19.25.250. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.210

**ARTICLE 2.
UTILITY STANDARDS AND
REQUIREMENTS**

Section

- 120. (Repealed)
- 130. (Repealed)
- 131. Utility accommodation on controlled-access highways
- 140. (Repealed)
- 141. Utility accommodation on existing highways to be converted to controlled access
- 150. (Repealed)
- 151. Overhead crossings on controlled-access highways
- 160. (Repealed)
- 161. Underground crossings on controlled-access highways
- 170. (Repealed)
- 171. Utility accommodation on urban highways and streets
- 180. (Repealed)
- 181. Utility accommodation on rural highways and roads
- 190. (Repealed)
- 191. Utility accommodation in scenic areas
- 200. (Repealed)
- 201. Overhead clearances
- 210. (Repealed)
- 211. Underground facilities
- 220. (Repealed)
- 221. Irrigation and drainage facilities
- 230. (Repealed)
- 231. Highway structures
- 240. (Repealed)
- 241. Safety precautions to be taken by permittee
- 250. (Repealed)
- 251. Installation and inspection
- 260. (Repealed)
- 261. Errors in facility placement
- 270. (Repealed)
- 271. Right-of-way clearing and restoration
- 280. (Repealed)
- 281. Routine maintenance
- 290. (Repealed)
- 291. Emergency maintenance
- 300. (Repealed)
- 301. Utility codes and standards

17 AAC 15.120. UNDERGROUND FACILITIES. Repealed 5/23/82.

17 AAC 15.130. UTILITY STANDARDS OF THE DEPARTMENT OF HIGHWAYS. Repealed 5/23/82.

17 AAC 15.131. UTILITY ACCOMMODATION ON CONTROLLED-ACCESS HIGHWAYS. (a) No utility facility may be installed longitudinally within the controlled-access limits of a highway unless the utility demonstrates to the satisfaction of the department that there is no feasible alternative, and that the proposed utility facility will not adversely affect the design, construction, maintenance, safety, or operation of the highway.

(b) Access for maintenance of a utility facility located within controlled-access limits of a highway or from the entrance or exit ramp of a highway is prohibited.

(c) A facility located within the controlled-access limits of a highway as of the effective date of this section must be relocated or other provisions made so that it can be maintained without using access from the highway or from entrance or exit ramps of the highway. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.25.200
AS 19.05.040	AS 19.30.051
AS 19.20.030	AS 19.30.121
AS 19.20.070	AS 19.40.065
AS 19.25.010	

17 AAC 15.140. CODES OF GOVERNMENTAL AND STATE AGENCIES. Repealed 5/23/82.

17 AAC 15.141. UTILITY ACCOMMODATION ON EXISTING HIGHWAYS TO BE CONVERTED TO CONTROLLED ACCESS. (a) A facility located within the right-of-way limits of an existing highway which will be or has been converted to a controlled-access highway will, in the department's discretion, be permitted to remain in its existing location if the facility can be maintained without using access from the highway or its entrance or exit ramps.

(b) The department will relocate any existing facility that can be maintained only from the proposed controlled access of a highway or its entrance or exit ramps or make other provisions to maintain the facility without requiring access from the highway or its entrance or exit ramps.

The department will pay the cost of the relocation or other provisions.

(c) No utility facility installation is permitted within the controlled-access limits, except as provided in 17 AAC 15.131 (a) and (b). (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.200
AS 19.05.040 AS 19.30.051
AS 19.20.030 AS 19.30.121
AS 19.20.070 AS 19.40.065
AS 19.25.010

17 AAC 15.150. CLEARING FOR UTILITIES IN HIGHWAY RIGHT-OF-WAY. Repealed 5/23/82.

17 AAC 15.151. OVERHEAD CROSSINGS ON CONTROLLED-ACCESS HIGHWAYS.

(a) An existing overhead facility may not cross a controlled-access highway if it interferes with the design requirements of the highway, or if it can be maintained or serviced only from within the controlled-access limits.

(b) New or relocated overhead utility facilities or overhead utility facilities located within the right-of-way of an intersecting roadway which crosses a controlled-access highway may not be maintained or serviced from within the controlled-access limits.

(c) New or relocated overhead facility crossings of controlled-access highways must be designed and constructed as double dead-end structures where the transmission voltage is 33,000 volts or more. Where the transmission voltage is less than 33,000 volts, design and construction standards must equal or exceed standards of the 1981 edition of the National Electrical Safety Code. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.200
AS 19.05.040 AS 19.30.051
AS 19.20.030 AS 19.30.121
AS 19.20.070 AS 19.40.065
AS 19.25.010

17 AAC 15.160. AERIAL CLEARANCE, MINIMUM. Repealed 5/23/82.

17 AAC 15.161. UNDERGROUND CROSSINGS ON CONTROLLED-ACCESS HIGHWAYS. (a) Underground facility crossings of a controlled-access highway, existing as of

May 23, 1982 or proposed for construction after that date, may not be maintained from within the controlled-access limits.

(b) New underground crossings must be as nearly perpendicular to the highway centerline as practicable. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.200
AS 19.05.040 AS 19.30.051
AS 19.20.030 AS 19.30.121
AS 19.20.070 AS 19.40.065
AS 19.25.010

17 AAC 15.170. PRIOR RIGHTS. Repealed 5/23/82.

17 AAC 15.171. UTILITY ACCOMMODATION ON URBAN HIGHWAYS AND STREETS.

(a) The department will, in its discretion, allow utility facilities to be located within the rights-of-way of urban highways and streets.

(b) Manholes for underground facilities must be located so that their maintenance may be accomplished with minimum interference to the roadway.

(c) Utility facilities that are proposed to be installed in the department rights-of-way of existing or proposed urban highways or other permitted locations, must be installed so that future expansion of the utility facility will avoid interference with the operation and maintenance of the existing or proposed highway and its related structures.

(d) The minimum distance between the nearest part of an above-ground utility facility and the edge of the traveled way of an urban highway or street without curbs must comply with the following table:

Minimum distance in feet	Posted Roadway Speed in Miles Per Hour			
	above 50	40 to 50	30 to 39	below 30
	30	20	10	5

(e) On urban highways with curbs, the minimum distance between the face of the curb and the nearest part of the facility may not be less than two feet.

(f) Facilities existing as of May 23, 1982 may remain in their existing location, unless the facilities are determined to

be roadside hazards. Facilities that have been determined to be roadside hazards must be relocated to conform with this chapter. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
 AS 19.05.040 AS 19.30.121
 AS 19.25.010 AS 19.40.065
 AS 19.25.200

17 AAC 15.180. FREQUENCY OF REQUESTED RELOCATION AND/OR ADJUSTMENTS. Repealed 5/23/82.

17 AAC 15.181. UTILITY ACCOMMODATION ON RURAL HIGHWAYS AND ROADS.

(a) Longitudinal utility facilities located within the rights-of-way of rural highways and roads must meet the following minimum offset requirements:

Minimum distance in feet	Posted Roadway Speed in Miles Per Hour			
	above 50	40 to 50	30 to 39	below 30
	30	20	10	5

(b) Existing longitudinal overhead facilities located within newly used highway rights-of-way may remain if the facilities meet the offset requirements of (a) of this section and are located at least three feet from the toe of fill or five feet from the top of cut. Facilities located within the rights-of-way of existing rural highways and roads may remain if they are at least three feet from the toe of fill or five feet from the top of cut and are not roadside hazards.

(c) Longitudinal overhead facilities to be constructed in highway rights-of-way must be located on a line not more than five feet from the highway right-of-way line or, when directed by the department, in accordance with the offset requirements of (a) of this section and at least 10 feet from the toe of fill or the top of cut.

(d) Existing overhead facilities crossing an existing or newly used highway right-of-way may remain if they are at least three feet from the toe of fill or five feet from the top of cut and are not roadside hazards.

(e) New overhead facilities crossing a highway right-of-way must be installed so that that part

of the facility nearest to the edge of the traveled way is located in accordance with the offset requirements of (a) of this section and is at least 10 feet from the toe of fill or the top of cut. These facilities must be as nearly perpendicular to the highway centerline as is practicable.

(f) New longitudinal surface-mounted facilities must be located not more than five feet from the right-of-way line or, when directed by the department, in accordance with the offset requirements of (a) of this section and at least 10 feet from the toe of fill or the top of cut.

(g) If the utility can demonstrate that adherence to the requirements of this section is impractical because of difficult topography, mountainous terrain, or other special conditions, the department will, in its discretion, modify the requirements.

(h) A facility determined by the department to be a roadside hazard must be relocated to conform to the requirements of this chapter.

(i) "Offset," as used in (a) of this section, is measured from the edge of the traveled way to the nearest surface of a surface-mounted facility. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.200
 AS 19.05.040 AS 19.30.051
 AS 19.20.010 AS 19.30.121
 AS 19.25.010 AS 19.40.065

17 AAC 15.190. ERRORS IN FACILITY PLACEMENT BY PERMITTEE. Repealed 5/23/82.

17 AAC 15.191. UTILITY ACCOMMODATION IN SCENIC AREAS. (a) The department will, in its discretion, require utility facilities that are inconsistent with the values of scenic areas to be relocated.

(b) The installation, within scenic areas, of new utility facilities, including those required for department purposes, must be made in accordance with the directions of the department.

(c) "Scenic area," as used in (a) of this section, includes scenic strips, view points, rest areas, adjacent highway rights-of-way, and the portions of highway rights-of-way which pass through

public parks, recreation areas, wildlife and waterfowl refuges, and historic sites. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	

17 AAC 15.200. SPECIAL PROVISIONS AND/OR STIPULATIONS. Repealed 5/23/82.

17 AAC 15.201. OVERHEAD CLEARANCES. The minimum vertical clearance between an overhead facility and a department right-of-way must comply with the requirements of the 1981 edition of the National Electrical Safety Code. New or relocated facilities should be installed with a minimum clearance of 20 feet. In no case may the minimum vertical clearance be less than 18 feet. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	

17 AAC 15.210. SPECIAL USE PERMITS FOR HIGHWAYS. Repealed 5/23/82.

17 AAC 15.211. UNDERGROUND FACILITIES. (a) Longitudinal underground facilities on a uniform alignment may not be located closer than five feet from a department right-of-way, unless otherwise directed by the department. Longitudinal underground facilities may not be closer than 10 feet from the toe of fill or the top of cut, unless the utility can demonstrate to the department's satisfaction that the 10-foot requirement is not feasible and that a closer location will not adversely affect the design, construction, maintenance, safety, or operation of the highway or other department structure. Surface facilities must comply with the minimum distances requirements of 17 AAC 15.171 (d).

(b) Underground facility crossings must be installed by boring, coring, or jacking through the roadway prism. Wet-boring is not permitted. The department will, in its discretion, allow trenched or open-cut construction where untrenched construction is not practical. Underground facility crossings must be as nearly perpendicular to the highway centerline as practicable. Underground facility crossings in

other department rights-of-way must conform to the specifications set out in the special provisions of the utility permit.

(c) Encasement of underground facilities is required for crossings under controlled-access highways or other department rights-of-way unless an alternate proposal by the utility is approved by the department. Underground pipelines carrying flammable, corrosive, or other hazardous materials must be encased if required by the department. The department will, in its discretion, permit a utility bridge, tunnel, utilidor, or other mechanical protection in place of encasement.

(d) The depth of burial for underground facilities construction or installed under pavement, roadway, or runway surfaces must be at least four feet measured from the surface of the pavement, roadway, or runway to the top of the cable, conduit, pipeline, or encasement. Underground facilities constructed or installed under other surfaces, including unlined ditches, must be buried at least three feet, measured from the surface to the top of the cable, conduit, pipeline, or encasement.

(e) In areas of seasonally frozen soil or permafrost, the depth of burial must be such that any liquid transmitted will not freeze and so that any underground structure will withstand the increased impact loads transmitted through the frozen soil. The department will, in its discretion, allow the depth of burial to be reduced by the use of adequate insulation and protective materials or methods.

(f) The department will, in its discretion, require underground facilities to be rerouted or protected with casing or other mechanical protection when it is impractical to achieve the minimum depth of burial.

(g) When a utility locate service is not available, reference markers must be installed and maintained at both ends of underground facility highway crossings, at angle points in the alignment of the underground facilities, and at designated points along longitudinal alignments as specified in the special provisions of the utility permit. (Eff 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	

17 AAC 15.220. PERMITTEE'S NOTICE OF INTENTION OF COMMENCEMENT OF WORK. Repealed 5/23/82.

17 AAC 15.221. IRRIGATION AND DRAINAGE FACILITIES. (a) A longitudinal irrigation or drainage canal or ditch is not permitted within a department right-of-way unless the applicant can demonstrate to the department's satisfaction that an alternate location is not feasible and that the construction of the facility will not adversely affect the design, construction, maintenance, safety, and operation of the highway or other department structures.

(b) Flume, pipe, or siphon crossings must be installed in accordance with 17 AAC 15.211. Crossings of canals and ditches may be made with bridges or culverts. (Eff. 5/23/82, Reg. 82)
Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.200 AS 19.40.065

17 AAC 15.230. INDEMNIFICATION CLAUSE. Repealed 5/23/82.

17 AAC 15.231. HIGHWAY STRUCTURES. (a) The department will, in its discretion, permit the attachment of utility facilities to a highway structure. The chief bridge engineer is responsible for exercising this discretion to grant permission.

(b) Attachments to a bridge must be located beneath the bridge structure's floor, between outer beams or within a cell of a box beam, and must be located above the lowest steel or masonry members. If the utility can demonstrate to the department's satisfaction that a location requirement is not feasible and that attachment at an alternate location will not adversely affect the design, construction, maintenance, safety, or operation of the structure, the department will, in its discretion, permit the attachment at an alternate location.

(c) Communication and electric power cables or conductors must be encased in an approved conduit supported by suitable hangers or brackets and must have appropriate expansion devices. Acceptable alternate methods of installation for communication cable will, in the department's discretion, be permitted.

(d) Where required by special provisions in the utility permit, pipelines carrying flammable, corrosive, or other hazardous materials must be encased and have sufficient venting. The facility must be provided with automatic shut-off valves or other safety devices at or near each end of the structure as specified in the special provisions of the permit. The department will, in its discretion, require cathodic protection.

(e) A utility shall restore or repair any portion of a bridge or highway that is damaged by the installation or the operation of a facility attached to a highway bridge structure or its appurtenances.

(f) The department will, in its discretion, require a utility to reimburse the department for any or all costs incurred by the department for engineering, design changes, or modifications of the highway bridge structure that are necessary to accommodate attachment of the utility facility. (Eff. 5/23/82, Reg. 82)
Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.200

17 AAC 15.240. WAIVER. Repealed 5/23/82.

17 AAC 15.241. SAFETY PRECAUTIONS TO BE TAKEN BY PERMITTEE. Each permittee shall protect the public and provide for the continued safe use of a highway or other state property during construction, modification, or maintenance of utility facilities. Closing off a highway or highway segment or creating a detour must be specifically authorized in the permit and must be done in a manner approved by the department. All traffic-control devices must comply with the 1978 edition of the Alaska Traffic Manual. (Eff. 5/23/82, Reg. 82)
Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.200 AS 19.40.065

Editor's Note: Copies of the Alaska Traffic Manual are available for inspection at regional offices of Department of Transportation and Public Facilities located at Juneau, Anchorage and Fairbanks, Alaska and at district offices located at Nome and Valdez, Alaska.

17 AAC 15.250. DEPARTMENT'S INTEREST IN PUBLIC HIGHWAY RIGHTS-OF-WAY. Repealed 5/23/82.

17 AAC 15.251. INSTALLATION AND INSPECTION. (a) Each permittee shall give the department written notice not less than 10 days before the start of construction on any utility facility.

(b) A copy of the permit must be at the work site during construction and installation operations and must be shown, upon request, to any department representative, Alaska State Trooper, or other enforcement officer of the state.

(c) The department will, in its discretion, require inspection of the facility during construction and installation operations. The inspection must be sufficient to ensure full compliance with the provisions of the permit. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.200	AS 19.40.065

17 AAC 15.260. REVOCATION OF UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.261. ERRORS IN FACILITY PLACEMENT. Errors by a permittee in construction or location of a facility must be corrected by the permittee at his expense as soon as he has knowledge of the error. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065

17 AAC 15.270. DISTRICT ADMINISTRATION OF UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.271. RIGHT-OF-WAY CLEARING AND RESTORATION. (a) Clearing for utility facility installations within department rights-of-way must be kept to the minimum that is necessary to accommodate the installation, construction, operation, and maintenance of the facility. Indiscriminate cutting of trees or the disfiguration of any feature of scenic value will not be permitted.

(b) A utility may use chemical sprays only in compliance with applicable federal and state statutes and regulations.

(c) Each utility shall dispose of trees, brush,

debris, refuse or waste as specified in the utility permit.

(d) The department will, in its discretion, require the permittee to restore or replace, at his expense, trees or shrubbery damaged or disturbed during the construction. Any damage to private property must be remedied as directed by the department.

(e) All excavated material in excess of the quantity required for backfill in a department right-of-way must be hauled by the permittee, at his cost and expense, and stockpiled as specified by the department. All unusable material must be disposed of at the permittee's expense and may not be placed within the limits of a department right-of-way unless approved by the department.

(f) Each utility shall maintain temporary pavement patches to provide a smooth all-weather surface at all times. Permanent replacement of the temporary patches must be made as soon as practicable after all other work under the permit is completed.

(g) The department will, in its discretion, require seeding or sodding of the construction area to prevent soil erosion or to replace the natural vegetative cover. Seeding and sodding operations must comply with the 1981 edition of the Alaska Standard Specifications for Highway Construction and the special provisions of the utility permit. Any area of right-of-way that is adjacent to private property and which has a protective vegetative cover must be fully restored.

(h) The department will notify the permittee of cleanup and restoration work that has not been satisfactorily performed in accordance with the provisions of the utility permit and will specify a date for completion of the corrective work. The department will, in its discretion, perform the cleanup and restoration work that has not been completed to the satisfaction of the department by the specified date. The permittee shall reimburse the department for all

work done by the department. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
 AS 19.05.040 AS 19.30.121
 AS 19.25.010 AS 19.40.065
 AS 19.25.200

Editor's Note: Copies of Alaska Standard Specification for Highway Construction - 1981 may be obtained from Department of Transportation and Public Facilities, Standards and Technical Services Division, P.O. Box 3-1000, Juneau, Alaska 99802.

17 AAC 15.280. AUTHORITY OF COMMISSIONER, DEPARTMENT OF HIGHWAYS. Repealed 5/23/82.

17 AAC 15.281. ROUTINE MAINTENANCE. (a) Each permittee shall perform routine maintenance on the utility facility on a continuing basis. Maintenance work may not endanger any highway, airstrip, or other department property or create a hazard to the public.

(b) Each permittee shall secure authorization from the department before performing any maintenance which requires excavation, plowing, jacking, or boring within, or in areas immediately adjacent to, a department right-of-way. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
 AS 19.05.040 AS 19.30.121
 AS 19.25.010 AS 19.40.065
 AS 19.25.200

17 AAC 15.290. CLEAR ROADSIDE POLICY. Repealed 5/23/82.

17 AAC 15.291. EMERGENCY MAINTENANCE. If an accident, disaster, or other occurrence which damages a utility facility located within a department right-of-way, damages a highway structure or other state property, or places a utility facility in danger of damage, the permittee shall immediately act to safeguard the public and its facilities and shall immediately notify the department and the Alaska State Troopers of its action. Temporary repairs must be made permanent as soon as practicable. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121
 AS 19.05.040 AS 19.40.065
 AS 19.30.051

17 AAC 15.300. UTILITY SERVICE CONNECTIONS. Repealed 5/23/82.

17 AAC 15.301. UTILITY CODES AND STANDARDS. (a) Electric power and communication facilities installed within department rights-of-way must comply with the following codes and standards:

(1) the National Electrical Code (1981);

(2) the National Electrical Safety Code (American National Standards Institute, C2, 1981);

(3) the provisions of 3 AAC 52.110 - 3 AAC 52.340 (Electrical and Telephone Utilities); and

(4) the provisions of 8 AAC 61.010, Alaska Occupational Safety and Health Standards, subchapter 03, Electrical Code.

(b) Water line and sanitary sewer facilities installed within department rights-of-way must comply with the following codes and standards:

(1) the American Water Works Standards, as revised through 1981;

(2) the provisions of 18 AAC 72 (Wastewater Disposal); and

(3) the provisions of 18 AAC 80 (Drinking Water).

(c) Pressure pipelines for natural gas, petroleum steam, or other hazardous materials installed within department rights-of-way must comply with the following codes and standards:

(1) the American National Standards Institute

(A) Power Piping (American National Standards Institute, B31.1, 1980);

(B) Fuel Gas Piping (American National Standards Institute, B31.2, 1968);

(C) Chemical Plant and Petroleum Refinery Piping (American National Standards Institute, B31.3, 1980);

(D) Liquid Petroleum Transportation Piping Systems (American National Standards Institute, B31.4, 1979);

(E) Refrigeration Piping (American National Standards Institute, B31.5, 1974);

(F) Gas Transmission and Distribution Piping Systems (American National Standards Institute, B31.8, 1975);

(2) the Code of Federal Regulations, Title 49, Transportation

(A) Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Standards;

(B) Part 195, Transportation of Liquids by Pipeline;

(3) the provisions of 3 AAC 52.010 – 3 AAC 52.080 (Gas utilities).

(d) Unless otherwise noted in the special provisions of the utility permit, all utility construction within department rights-of-way must comply with the following construction standards:

(1) Alaska Department of Transportation and Public Facilities Construction Manual, 1972 as revised through December 4, 1981;

(2) Alaska Standards Specifications for Highway Construction, 1981;

(3) Federal-Aid Highway Program Manual, Volume 6, Chapter 6, Section 3, Subsection 2, Accommodation of Utilities (PPM 30-4.1), as revised through 1981;

(4) American Association of State Highway And Transportation Officials

(A) Construction Manual for Highway Construction, 1980;

(B) Construction Manual for Highway Bridges and Incidental Structures, 1973.

(e) Unless otherwise noted in the special provisions of the utility permit, all utility designs for facilities to be installed within

department rights-of-way must comply with the following design standards:

(1) Alaska Department of Transportation and Public Facilities, Standard Drawings, as revised through 1981;

(2) Federal-Aid Highway Program Manual, Volume 6, Chapter 6, Section 3, Subsection 2, Accommodation of Utilities (PPM 30-4.1);

(3) American Association of State Highway and Transportation Officials

(A) A Policy for Accommodation of Utilities on Freeway Rights-of-way, 1969;

(B) A Guide for Accommodating Utilities on Highway Rights-of-way, 1970;

(4) Utilities Manual of Alaska Department of Transportation and Public Facilities, 1981.

(f) Construction safety procedures must comply with the provisions of 8 AAC 61.010, Alaska Occupational Safety and Health Standards

(1) subchapter 01, General Safety Code;

(2) subchapter 05, Construction Code.

(g) Unless otherwise noted in the special provisions of the utility permit, traffic-control devices and procedures must comply with the provisions of the following codes and standards:

(1) Alaska Traffic Manual, 1978;

(2) Alaska Sign Design Specifications, 1981. (Eff. 5/23/82, Reg. 82)

Authority: AS 10.25.440	AS 19.25.200
AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.10.040	AS 19.40.065
AS 19.25.010	

Editor's Note: Copies of the National Electrical Code (NFPA-70-1981) may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

Copies of National Electrical Safety Code (C2-1981), Power Piping (B31.1-1980), Fuel Gas Piping (B31.2-1968), Chemical Plant and Petroleum Refinery Piping (B31.3-1980), Liquid

Petroleum Transportation Piping Systems (B31.4-1979), Refrigeration Piping (B31.5-1974), and Gas Transmission and Distribution Piping Systems (B31.8-1975) may be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

Copies of the Code of Federal Regulations, Title 49 Transportation, Part 100 to Part 199 may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Copies of the Code of Federal Regulations are available for inspection the Alaska State Library located in Juneau, Alaska

Copies of the American Water Works Standards (AWWA-1981) may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

Copies of the Alaska Standard Specifications for Highway Construction - 1981 may be obtained from the Department of Transportation and Public Facilities, Standards and Technical Services Division, P.O. Box 3-1000, Juneau, Alaska 99802.

Copies of the Alaska Construction Manual, Alaska Utilities Manual, Alaska Traffic Manual, Alaska Sign Design Specifications, and the Federal Highway Program Manual are available for inspection at the regional offices of the Department of Transportation and Public Facilities located in Juneau, Anchorage, and Fairbanks, Alaska, and at the district offices located in Nome and Valdez, Alaska.

Copies of the Construction Manual for Highway Construction - 1980, Construction Manual for Highway Bridges and Incidental Structures - 1973, A Policy for Accommodation of Utilities on Freeway Rights-of-way - 1969, and A Guide for Accommodating Utilities on Highway Rights-of-way - 1970 may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, Suite 225, Washington, DC 20001.

Copies of the General Safety Code, Construction Code, and Electrical Code may be obtained from the Department of Labor, P.O. Box 1149, Juneau, Alaska 99811. Copies of these safety codes are available for inspection at the regional offices of the Department of Labor located in Juneau, Anchorage, and Fairbanks, Alaska.

**ARTICLE 3.
UTILITY RELOCATION
AND INSTALLATION**

Section

- 310. (Repealed)
- 320. (Repealed)
- 321. Eligibility
- 330. (Repealed)
- 331. Utility notification and cooperation
- 341. Relocation agreements
- 351. Estimates and costs
- 361. Plans
- 371. Scope-of-work statement
- 381. Utility change orders

- 391. Engineering consultants
- 401. Contract advertising and award
- 411. Utility relocation by state contract
- 421. Construction and inspection
- 431. Billing and audit
- 441. Utility installation agreements
- 451. Termination agreements
- 461. Emergency relocation

17 AAC 15.310. ASSIGNMENT AND TRANSFER OF UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.320. HORIZONTAL CLEARANCE BETWEEN HIGHWAY AND UTILITY FACILITIES. Repealed 5/23/82.

17 AAC 15.321. ELIGIBILITY. If utility facilities are ordered by the department, under AS 19.25.020, to be relocated in order to accommodate proposed highway or other construction, utilities that have facilities occupying department rights-of-way that were installed before July 1, 1960 or that were installed under the terms of a permit issued under this chapter are eligible for reimbursement for the cost of the relocation. (Eff. 5/23/82, Reg.82)

Authority: AS 19.05.020	AS 19.25.210
AS 19.05.040	AS 19.30.051
AS 19.25.010	AS 19.30.121
AS 19.25.020	AS 19.40.065
AS 19.25.200	

17 AAC 15.330. UTILITY DEFINITION. Repealed 5/23/82.

17 AAC 15.331. UTILITY NOTIFICATION AND COOPERATION. (a) The department will notify each utility whose facilities are known by the department to be affected by a proposed department project as soon as possible after the location and scope of the project are known.

(b) The department will furnish preliminary project plans and related right-of-way maps to each utility within the proposed project limits. After receipt of these plans and maps, each utility with facilities located within the project limits shall notify the department in writing of the location of all these facilities.

(c) If there is a conflict between a proposed project and existing utility facilities, the department will, in its discretion, require the utility to relocate its facilities. The department will

authorize the utility in writing to proceed with preliminary engineering for the required relocation of the facilities and will advise the utility of its eligibility to be reimbursed for the cost of relocation. The utility shall furnish the department with its proposal for accomplishing the relocation work. This proposal must include the estimated cost of the relocation work and the working schedule the utility intends to follow regarding the relocation work. The work described in the proposal must be the most economical method of accomplishing the relocation.

(d) The department will furnish the utility with all necessary construction plans and relocation schedule forms so that the utility can coordinate its relocation plans, estimates, and agreements in accordance with 17 AAC 15.421.

(e) The department will furnish the utility with field information necessary for the utility to establish the location and grade for the relocation of its facilities. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.25.210
AS 19.05.040	AS 19.30.051
AS 19.05.080	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.020	

17 AAC 15.341. RELOCATION AGREEMENTS. (a) When it is necessary to relocate utility facilities because of a proposed project by the department, the utility shall enter into an agreement with the department setting out the terms of the relocation work along with the terms of the reimbursement for the costs of the relocation work. The department will establish the general format of this agreement.

(b) If a utility facility located within a department right-of-way is required to be relocated due to highway or other construction, the department will modify the existing utility permit or will issue a new utility permit.

(c) The department will, in its discretion, elect to use a lump-sum reimbursement agreement.

(d) The department will, in its discretion, require that any utility relocation agreement between the department and a municipality

include a certificate of authority or a resolution authorizing execution of the agreement by the appropriate governing body of the municipality.

(e) The department will return an executed copy of the relocation agreement to the utility along with a written authorization to proceed with the relocation work. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.020	

17 AAC 15.351. ESTIMATES AND COSTS.

(a) The cost estimate referred to in 17 AAC 15.331(c) must reflect all the work shown on the plans and the scope-of-work statement referred to in 17 AAC 15.361 and 17 AAC 15.371, respectively. The estimate must set out the items of work to be performed in sufficient detail to provide a reasonable basis for analysis by the department. All factors included in the utility's general overhead account must be listed in the cost estimate.

(b) Preliminary engineering costs incurred after the date of the department's letter authorizing the utility to proceed with preliminary engineering will be reimbursable or chargeable to the utility's relocation-project work order or account. Preliminary engineering costs will continue to be chargeable to the utility's relocation-project work order or account until the date that the utility relocation agreement has been approved and signed by the department. Construction engineering costs, including engineering and inspection costs associated with the relocation of the utility facility, that are incurred after the date that the utility agreement is signed and approved by the department are reimbursable.

(c) Charges for engineering, inspection, equipment, transportation, materials handling, and labor included in the utility's general overhead account, need not be listed separately in the cost estimate.

(d) Charges incurred by the utility before the department's letter of authorization to proceed with preliminary engineering is sent will, in the discretion of the department, be ineligible for reimbursement.

(e) When the department determines that an existing facility must be removed by a utility, the actual cost of removal will, in the discretion of the department, be eligible for reimbursement. Where appropriate, the salvage value of the facility to be removed will be credited against the cost of removal.

(f) The department will have a credit against reimbursable costs set out in the relocation agreement equal to the value of any materials removed by the utility, unless the utility relocation work is being performed under a state contract or under a utility-let contract and the utility relocation agreement specifies that all removed materials become the property of the contractor. The value of the department's credit is to be measured by whatever rate the utility uses in its normal operations and is to be equal to the salvage value of all materials removed less the cost of removal. All materials must be removed by the most economical method possible. Recovered materials which are not usable in the normal operations of the utility but which have a sale value as scrap must be included in the calculation of the credit granted to the department. The value of the recovered scrap materials is to be determined by their estimated scrap value. Temporary-use materials which are reusable must be credited to the utility relocation project at stock prices, less the utility's prescribed stock-handling charge.

(g) Where betterments are not required by the department's construction project, but are installed solely for the benefit of the utility company, all costs attributable to these betterments are not eligible for reimbursement.

(h) The utility shall show on its work order account all relocation costs specified by the relocation agreement, including reimbursable and non-reimbursable items. Separate work order accounts will, in the discretion of the department, be used where the reimbursable and non-reimbursable portions of work can be distinguished by location or type of facility. All work order accounts to be used by the utility must be shown in the relocation agreement.

(i) An eligibility ratio for reimbursement must be determined and set out in the relocation agreement when the relocation work includes

both reimbursable and non-reimbursable items.

(j) The department has an expired service life credit against reimbursement costs when the length of the replacement facilities consists of a longitudinal segment of one mile or more in length or includes betterments not required by the department's construction project. If the utility can show that the service life of the replaced facility has not been extended, the department does not have an expired service life credit. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.020

17 AAC 15.361. PLANS. (a) The plans, sketches, or drawings showing both existing and proposed facilities must be attached to each relocation agreement. If there is a combination of reimbursable and non-reimbursable work, the plans must clearly indicate which portion of the relocation work is reimbursable and which portion is non-reimbursable.

(b) The plans, sketches, or drawings must be sufficiently detailed to show all necessary work. In addition, the plans, sketches, or drawings must indicate that the planned relocation meets all construction design requirements of the department. Construction prepared by the utility must be approved by the department. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
AS 19.05.040 AS 19.30.121
AS 19.25.010 AS 19.40.065
AS 19.25.020

17 AAC 15.371. SCOPE-OF-WORK STATEMENT. (a) A scope-of-work statement describing the items of work set out in the plans in sufficient detail so that they may be correlated with the proper items of cost in the cost estimate must be attached to the relocation agreement. The scope-of-work statement must describe any special methods of construction that are required.

(b) The department will, in its discretion, require the utility to include staking sheets in

the scope-of-work statement. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
 AS 19.05.040 AS 19.30.121
 AS 19.25.010 AS 19.40.065
 AS 19.25.020

17 AAC 15.381. UTILITY CHANGE ORDERS.

(a) Changes in the plans, specifications, or quantities of work for relocating facilities must be authorized by a utility change order issued by the department.

(b) Modified cost estimates, plans, and a scope-of-work statement must be included in each utility change order. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
 AS 19.05.040 AS 19.30.121
 AS 19.25.010 AS 19.40.065
 AS 19.25.020

17 AAC 15.391. ENGINEERING CONSULTANTS.

(a) If a utility is not adequately staffed to perform the engineering for the relocation of its utility facilities, the department will, in its discretion, authorize the utility to retain an engineering consultant to perform the required engineering. The engineering proposal made by a consultant is subject to review and approval by the department.

(b) If a utility has a continuing contract with a consultant for engineering services, and if the consultant regularly performs the utility's engineering work at a reasonable cost, the utility may request approval for the use of the consultant by submitting a copy of the continuing contract to the department for review and approval. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
 AS 19.05.040 AS 19.30.121
 AS 19.25.020 AS 19.40.065

17 AAC 15.401. CONTRACT ADVERTISING AND AWARD.

(a) A utility may let a contract for the relocation of its facilities when it can show that the contract is necessary because it is not adequately staffed or equipped to perform the work itself. Bids must be requested through advertisement or solicited from qualified bidders, and the contract must be awarded to the lowest responsible bidder. The contract documents must be approved by the department before a contract is awarded.

(b) If a utility proposes to perform the work of relocation under an existing contract, the utility must furnish the department with a copy of the contract for review and approval. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051
 AS 19.05.040 AS 19.30.121
 AS 19.25.020 AS 19.40.065

Editor's Note: Copies of the Alaska Traffic Manual are available for inspection at regional offices of Department of Transportation and Public Facilities located at Juneau, Anchorage and Fairbanks, Alaska and at district offices located at Nome and Valdez, Alaska.

17 AAC 15.411. UTILITY RELOCATION BY STATE CONTRACT.

(a) Utility relocation work may be performed under a construction contract or a utility relocation contract let by the department if the utility can demonstrate to the department that it is in the public interest to do so.

(b) When the utility relocation work that is to be included in a construction contract let by the department or in a utility relocation contract let

INTRODUCTION OF BILLS (House)(cont'd)

HB 159 (cont'd)

ment," "public facility" or "public work," "utility," and "utility facility" are added. Five of the existing definitions are retained.

Section 8 of the bill establishes an effective date of July 1, 1985.

Utilities
Incident to
Highway Proj.
(relocation)

HOUSE BILL NO. 160, by the Rules Committee by Request of the Governor. Relates to relocation of utilities incident to highway projects (see Governor's letter). Provides Act takes effect July 1, 1985.

Introduced February 1 and referred to Community & Regional Affairs, Transportation, then Finance.

In his message transmitting the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that clarifies who is responsible for the payment of relocation or removal costs when a utility facility is required to be changed, removed, or relocated as a result of highway construction. The bill addresses an ambiguity in AS 19.25.020(c) which presently leaves open the question of whether the state must pay for these costs even though a utility facility was not installed or authorized under the authority of a utility permit or, if a permit exists, even though the facility is not installed in the location provided for in the permit.

Some utility companies have expressed a concern over that part of paragraph (2) of sec. 1 of the bill which says that, for utility permits issued after July 1, 1960, the question of who is to pay for relocation costs is to be determined by the terms of the permit. These utility companies point out that utility permits issued between July 1, 1960 and July 1, 1977 require the utility to pick up these costs. (All permits issued after July 1, 1977 require the state to pay for relocation costs.) The utilities' concern is a legitimate one and, if this bill passes, DCT/PF is prepared to amend all those permits issued between July 1, 1960 and July 1, 1977 so that it is clear that the state will bear the costs of relocation. There is no need to amend these permits now because AS 19.25.020(c) presently requires the state to pay for these costs notwithstanding the terms of any existing permit. A draft copy of this proposed amendment is attached.

The bill also makes clear that the question of who pays for future relocation costs is to be a matter of negotiation between the state and the utility to be reflected in the language of the permit.

Section 1 amends AS 19.25.020(c) by creating four new paragraphs:

Paragraph (1) requires the state to pay for the costs of the change, removal, or relocation of any utility facility installed before July 1, 1960 regardless of whether the facility is authorized by a utility permit at the time the change, relocation, or removal of the facility is required. This is a matter of equity and fairness since there was no real uniform utility permit system in place before July 1, 1960.

Paragraph (2) requires either the state or the utility to pay for the costs of the change, removal, or relocation of the utility facility depending on the terms of the permit, provided the permit was issued after July 1, 1960. The effect of this paragraph is to make it clear that the question of who is to pay for relocation costs is a matter to be negotiated between the state and the utility. Presently, the state is required to pay for all relocation costs regardless of any agreement with the utility to the contrary.

INTRODUCTION OF BILLS (House)(cont'd)

HB 160 (cont'd)

Paragraph (3) requires the utility to pay for relocation costs if their facility was installed after July 1, 1960 and is not under permit. Under existing law, it is ambiguous whether a utility has to pay relocation costs if it does not have a utility permit.

Paragraph (4) requires the utility to pay for relocation costs if their facility is not installed in the location provided for in a permit. Currently, it is unclear whether a utility must pay relocation costs even if its facility is not installed in the location set out in the utility permit.

Section 2 of the bill sets an effective date of July 1, 1985 for this bill.

I urge your favorable action on this measure so that the question of who pays for utility relocation costs under the various circumstances described in the bill is answered in clear statutory language.

Student Loans
(changes to
program)

HOUSE BILL NO. 161, by Rep. Binkley. Makes the following changes to the student loan program:

--would raise the interest rate on loans to eight percent a year (currently five percent);

--in order to be eligible for a loan the applicant must have graduated within one year preceding the date of application or be scheduled to graduate within six months, or applicant must establish financial need (current law states applicant must be enrolled in college or be a high school grad or scheduled for graduation within six months);

--loan recipient may continue to apply and receive loans during each year he remains enrolled, but if study is interrupted for more than two years, a new loan could be obtained only if financial need is shown;

--sets interest rate on teacher scholarship loans at 5 percent a year unless the loan is in default, at which time interest is 10 percent.

--adds language to section of teacher scholarship loan program providing the borrower must be employed in a elementary or secondary school in the state before a portion of the loan will be repaid by the state;

Repeals subsections (j), (o) and (p) of AS 14.43.120 (Scholarship Loan Program. Condition of Loans). Subsection (j) states that a portion of a loan will be repaid by the state if the borrower remains a resident of the state for at least two years. Percentages are on a sliding scale, depending on how many years the student remains in the state after graduation. Subsection (o) states repayment provisions do not apply to a loan in default. Subsection (p) outlines residential requirements loan applicant must meet.

Adds language stating that a student who received a loan before the new provisions go in effect may receive a new loan only if the

COMMITTEE REPORTS (House)

HB 159. (cont'd)

a permit, or in the absence of a permit, was installed before the effective date of this bill in the proper location in accordance with department regulations, and by the utility in all other cases.

C&RA does not include sections of original bill that relate to summary removal ("The department may at any time and without notice remove from a state airport an encroachment or utility facility which obstructs or prevents the use of the airport by the public, or interferes with the safe operation of the airport.")

Does not include definition of "excess lands", as did original, and changes effective date to immediately (was 7/1/85). Other technical changes do not make substantive changes.

Utilities
Incident to
Highway Proj.
(relocation)

HOUSE BILL NO. 160, (see page 206). Reported back to the House February 22 by Community & Regional Affairs recommending it be replaced with a substitute and recommending as follows: Goll (Chair), Gruenberg, Wallis, and Koponen recommend do pass. Phillips, Furnace and Marrou have no recommendation. To Transportation.

The C&RA substitute is completely different. It provides that the cost of change, relocation or removal of utilities incident to highway projects necessitated by highway construction is a cost of highway construction to be paid by the department, provided the facility is properly installed in accordance with the permit, or in the absence of a permit, was installed before the effective date of this law, in the proper location in accordance with department regulations. In all other cases the utility must pay. Provides Act takes effect immediately.

Avalanche &
Fire Weather
Forecasting

HOUSE BILL NO. 169, (see page 210). Reported back to the House February 18 by State Affairs recommending it do pass. Concurring: Hurley (Chair), Wavarre, M. M. Miller, Collins, and Boucher. Not concurring: Jenkins had no recommendation. To Resources.

Air Service
(essential)

HOUSE JOINT RESOLUTION NO. 16, (see page 244). Reported back to the House February 20 by Transportation recommending it be replaced with a substitute and that it do pass. Concurring: Cato (Chair), Shultz, Herrmann, Davis and Pignalberi. Not concurring: Marrou recommends do not pass. Furnace has no recommendation. To Rules.

The Transportation substitute states that the elimination of the Essential Air Service is due to the President's proposed fy '86 budget (former version blamed elimination on the Department of Transportation), and adds a clause stating that under the Airline Deregulation Act of 1978 Congress provided that the program would continue until 1988. Requests that Congress "fully fund" the program. Copies of the resolution would also be sent to President Reagan, the Vice President, and Speaker of the House.

Introduced: 2/1/85
Referred: Community & Regional
Affairs, Transportation and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 160

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to relocation of utilities incident
7 to highway projects; and providing for an effective
8 date."

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

10 * Section 1. AS 19.25.020(c) is amended to read:

11 (c) The cost of change, relocation, or removal necessitated by
12 highway construction is [A COST OF HIGHWAY CONSTRUCTION] to be paid
13 [BY THE STATE] in accordance with AS 19.45.001(4) as follows:

14 (1) by the department as a cost of highway construction if
15 the facility was installed before July 1, 1960, regardless of whether
16 the facility is authorized by a permit at the time the change, relo-
17 cation, or removal of the facility is required;

18 (2) by either the department as a cost of highway con-
19 struction or by the utility, depending on the terms of the utility
20 permit if the facility was installed or authorized under the authority
21 of a utility permit issued after July 1, 1960;

22 (3) by the utility if the facility was installed after July
23 1, 1960, and there is no utility permit for the facility;

24 (4) by the utility if the facility is not installed in the
25 location provided for in the utility permit, regardless of whether the
26 utility permit requires payment by the department [, NOTWITHSTANDING
27 THE TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION
28 OR STATUTE TO THE CONTRARY].

29 * Sec. 2. This Act takes effect July 1, 1985.

Introduced: 2/1/85
Referred: Community & Regional
Affairs, Transportation and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

Bill clarifies who
is responsible for
payment of
relocation or
removal costs when
a utility facility
is required to be
changed, removed,
or relocated as a
result of highway
construction

(1) State pays
for costs of
change, removal,
relocation of
any utility
installed by city
regardless of
whether facility
authorized by
utility permit

utility
pays if
installed after
7/1/60

(2) State or
utility pays
depending
on terms
of permit
after July
1, 1960

utility pay
if not
installed in
location
provided by
permit

1 IN THE HOUSE
2
3 HOUSE BILL NO. 160
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to relocation of utilities incident
8 to highway projects; and providing for an effective
9 date."
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13 highway construction is [A COST OF HIGHWAY CONSTRUCTION] to be paid
14 [BY THE STATE] in accordance with AS 19.45.001(4) as follows:
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16 the facility was installed before July 1, 1960, regardless of whether
17 the facility is authorized by a permit at the time the change, relo-
18 cation, or removal of the facility is required;
19 (2) by either the department as a cost of highway con-
20 struction or by the utility, depending on the terms of the utility
21 permit if the facility was installed or authorized under the authority
22 of a utility permit issued after July 1, 1960;
23 (3) by the utility if the facility was installed after July
24 1, 1960, and there is no utility permit for the facility;
25 (4) by the utility if the facility is not installed in the
26 location provided for in the utility permit, regardless of whether the
27 utility permit requires payment by the department [, NOTWITHSTANDING
28 THE TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION
29 OR STATUTE TO THE CONTRARY].
* Sec. 2. This Act takes effect July 1, 1985.

Addresses
an ambiguity
in AS 19.25.020(c) which leaves open
the question of whether the state must pay
for these costs over the authority of
a utility permit. Facility was not

Transition to
department
agreements



HE 160

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 1, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that clarifies who is responsible for the payment of relocation or removal costs when a utility facility is required to be changed, removed, or relocated as a result of highway construction. The bill addresses an ambiguity in AS 19.25.020(c) which presently leaves open the question of whether the state must pay for these costs even though a utility facility was not installed or authorized under the authority of a utility permit or, if a permit exists, even though the facility is not installed in the location provided for in the permit.

Some utility companies have expressed a concern over that part of paragraph (2) of sec. 1 of the bill which says that, for utility permits issued after July 1, 1960, the question of who is to pay for relocation costs is to be determined by the terms of the permit. These utility companies point out that utility permits issued between July 1, 1960 and July 1, 1977 require the utility to pick up these costs. (All permits issued after July 1, 1977 require the state to pay for relocation costs.) The utilities' concern is a legitimate one and, if this bill passes, DOT/PF is prepared to amend all those permits issued between July 1, 1960 and July 1, 1977 so that it is clear that the state will bear the costs of relocation. There is no need to amend these permits now because AS 19.25.020(c) presently requires the state to pay for these costs notwithstanding the terms of any existing permit. A draft copy of this proposed amendment is attached.

The bill also makes clear that the question of who pays for future relocation costs is to be a matter of negotiation between the state and the utility to be reflected in the language of the permit.

Section 1 amends AS 19.25.020(c) by creating four new paragraphs:

Paragraph (1) requires the state to pay for the costs of the change, removal, or relocation of any utility facility installed before July 1, 1960 regardless of whether the facility is authorized by a utility permit at the time the change, relocation, or removal of the facility is required. This is a matter of equity and fairness since there was no real uniform utility permit system in place before July 1, 1960.

Paragraph (2) requires either the state or the utility to pay for the costs of the change, removal, or relocation of the utility facility depending on the terms of the permit, provided the permit was issued after July 1, 1960. The effect of this paragraph is to make it clear that the question of who is to pay for relocation costs is a matter to be negotiated between the state and the utility. Presently, the state is required to pay for all relocation costs regardless of any agreement with the utility to the contrary.

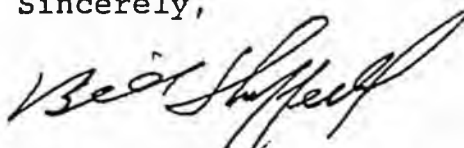
Paragraph (3) requires the utility to pay for relocation costs if their facility was installed after July 1, 1960 and is not under permit. Under existing law, it is ambiguous whether a utility has to pay relocation costs if it does not have a utility permit.

Paragraph (4) requires the utility to pay for relocation costs if their facility is not installed in the location provided for in a permit. Currently, it is unclear whether a utility must pay relocation costs even if its facility is not installed in the location set out in the utility permit.

Section 2 of the bill sets an effective date of July 1, 1985 for this bill.

I urge your favorable action on this measure so that the question of who pays for utility relocation costs under the various circumstances described in the bill is answered in clear statutory language.

Sincerely,



Bill Sheffield
Governor

January 31, 1983

REPORT NO. 2

INTRODUCTION OF BILLS (Senate)

Workers'
Compensation
(municipal
self
insurance)

SENATE BILL NC 66, by the Rules Committee by request of the Governor. Would allow two or more municipalities to enter into an agreement to organize a self-insurance group in order to cover their liability for Workers' Compensation insurance under AS 23.30.

Sec. 1 amends AS 23.30.075, "Employer's Liability to Pay," by adding new (b) which authorizes municipalities to organize into self-insurance groups. Also amends confusing language in subsequent paragraph of 23.30.075 (see Governor's letter, below). Sec. 2 amends the definition of "self-insurer" contained in AS 23.30.265(19) to include members of municipal self-insurance groups.

Introduced January 24 and referred to Labor & Commerce and Finance.

In his message transmitting the bill to the Senate for consideration, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to workers' compensation. This bill authorizes municipalities to establish self-insurance groups, under Workers' Compensation Board regulations, in order to cover their liability for workers' compensation insurance under AS 23.30.

The essence of this bill is in the new AS 23.30.075(b) in sec. 1. It would give municipalities an alternative form of insuring their workers' compensation liabilities. Instead of purchasing insurance policies to cover their workers' compensation liabilities, two or more municipalities will be able to pool their resources and become self-insurers.

Other states which have enacted similar legislation have found that group self-insurance funds are able to provide at least equal benefits and service to its injured workers and usually more efficiently and at less cost to the employer.

The amendment to newly designated AS 23.30.075(c) is intended to clear up some awkward and confusing language. In doing so, one of the changes removes the reference to "the person actively in charge of the business of said corporation." If that person has authority to insure the corporation, he is already covered by the preceding clause of that sentence. If he does not, he should not be subjected to this kind of personal liability. Section 2's amendment of AS 23.30.265(19) merely recognizes the new AS 23.30.075(b).

Utility
Facilities
(relocation of
by munic.)

SENATE BILL NO. 67, by the Labor & Commerce Committee. Would grant municipalities the authority to order a utility to relocate its facility if necessary for construction of a highway project. Would allow a municipality to order reloca-

INTRODUCTION OF BILLS (Senate)(cont'd)

SB 67 (cont'd)

tion of utility facilities that are located "across, along, over, under, or within a right-of-way under its jurisdiction." The order must provide a reasonable time for compliance. Costs of relocation would be considered a cost of highway construction to be paid by the municipality.

The state is granted the power to relocate utility facilities under AS 19.25.020 (Relocation of utilities incident to highway projects). That section is amended by the bill to include municipalities.

Also amends AS 19.25.240 (Summary Removal) to allow municipalities to remove at any time from a highway or road under its jurisdiction an encroachment that obstructs or prevents the use of the highway or road by the public. Currently the section only grants that power to the state.

Sec. 5 of the bill states that a municipality is not obligated for utility facility relocation costs associated with a highway project for which general obligation bonds have been approved or for which state general fund appropriations have been received before the effective date of the bill.

Effective July 1, 1983.

Introduced January 25 and referred to Labor & Commerce and Community & Regional Affairs.

Susitna Hydro
(advisory vote
on financing)

SENATE BILL NO. 68, by Senator Kerttula. Would authorize an advisory vote on a method of financing the Susitna River Hydroelectric Project. The question, to be placed on the ballot for a special statewide election in October 1983, would be in substantially the following form: "Shall the Legislature . . . adopt a resolution placing an amendment to the constitution of the state before the qualified voters of the state providing for annual dedications of state revenue for 10 years beginning in the state fiscal year that commences on July 1, 1984, in an amount that totals \$2,300,000,000 to a fund established for the construction of the Susitna River Hydroelectric Project and providing for increases in the total amount for inflation and providing for interim investment of the dedicated amounts?" Provides for an immediate effective date. Identical to HB 121.

Introduced January 25 and referred to State Affairs, Resources and Finance.

Susitna Hydro
(authorizing &
approving)

SENATE BILL NO. 69, by Senator Kerttula. Would approve and authorize construction of the Susitna River Hydroelectric Project. Approves the feasibility study and finance plan submitted by law, and approves construction costs of \$5.4 billion, adjusted for inflation from January, 1983. Also approves, for the purposes of AS 44.83.325, the preliminary report for the project that was required to be prepared and submitted under AS 44.83.320(b).

COMMITTEE REPORTS (Senate)(cont'd)

Collective
Bargaining
(submission to
Legislature)

SENATE BILL NO. 55. (see pages 20;147). Reported back to the Senate on March 3 by Judiciary with a majority of the committee recommending it be replaced with a Judiciary Committee Substitute and that it do pass with a letter of intent. Concurring: Ray (Chmn.), Josephson, Pettyjohn and Eliason. Senator Ziegler signed "no recommendation." To Finance.

The Judiciary CS would require submission of collective bargaining agreements before the agreement is entered into: "Before entering into an agreement between an organization and the state a proposed agreement approved by the organization and the state shall be submitted to the legislature for consideration of the monetary terms of the agreement." Original bill required submission to the Legislature "when an agreement is entered into . . ." by a labor organization and the state.

Proposed agreement must be submitted within 10 days after the agreement has been reached, or 10 days after the convening of the next regular session. Original bill required submission 10 days after signing or 10 days after convening of session.

Provides agreement "may take effect if the monetary terms . . . are not rejected by the legislature by concurrent resolution within 30 days after the agreement is submitted . . ." Original bill read: "The monetary terms of an agreement take effect if they are not rejected by the legislature by concurrent resolution . . ."

The letter of intent reads:

Before an organization and the state may enter into an agreement, the agreement proposed to be entered into shall be submitted to the legislature for consideration of the monetary terms of the agreement. Submittal of the proposed agreement to the legislature shall occur within ten (10) days after the proposed agreement of the parties has been reached, or ten (10) days after the convening of the next regular session. The monetary terms of the proposed agreement take effect if they are not rejected by the legislature by concurrent resolution within thirty (30) days after the agreement is submitted to the legislature.

Utility
Facilities
(relocation of
by munic.)

SENATE BILL NO. 67, (page 73). Reported back to the Senate on March 4 by La. Commerce with a majority of the committee recommending it be replaced with Labor & Commerce Committee Substitute and that it do pass. Concurring: Eliason (Chmn.), Mulcahy, Sackett and Rodey. To Community & Regional Affairs.

Labor & Commerce CS further amends AS 19.25.020(c) by adding the following language: "except that a municipality is not obligated to pay the cost of relocation of utility facilities that are not located in a municipal right-of-way under the conditions of a valid easement or permit." Remainder identical to original bill.

COMMITTEE REPORTS (Senate)(cont'd)

S 66 (cont'd)

Amends AS 21.75.060(a) (organization of reciprocal insurers) to allow two or more persons domiciled in Alaska to organize a domestic reciprocal insurer. Currently the law requires a minimum of twenty-five people.

Adds definition of "municipality" to AS 21.75 to mean "a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality."

Removes assessable reciprocal insurers formed by municipalities or public utilities from the Alaska Insurance Guaranty Association Act (AS 21.80). Assessable reciprocal insurers are those who have agreed to assess themselves for mutual protection against losses. Amends AS 21.80.180(5) & (6).

Amends AS 21.39.155(a) (Rates and Rating Organizations) to read: "The director [of Insurance] may require carriers, except a reciprocal insurer formed under AS 21.75, as a condition of writing a line of insurance dealing with workers' compensation, to participate in an assigned risk pool if the director finds that mandatory carrier participation is in the public interest." Underlined material added to law.

Utility
Facilities
(reloc. by
munic.)

SENATE BILL NO. 67, (see pages 73;243). Reported back to the Senate on March 30 by Community & Regional Affairs with the committee recommending as follows: Ferguson (Chmn.) and Sackett signed "no recommendation"; Halford signed "do pass." To Rules.

Commercial
Fishing Loans
(residency
requirement)

SENATE BILL NO. 73, (see page 76). Reported back to the Senate on March 28 by Resources with the committee recommending it be replaced with a Resources Committee Substitute and that it do pass. Concurring: Fahrenkamp (Chmn.), Eliason, Mulcahy and Ziegler. To Labor & Commerce.

The Resources CS would require that a fisherman have been a resident of Alaska "for a continuous period of two years immediately preceding the date of application" in order to qualify for a state commercial fishing loan. The original bill sought to change the current five year residency requirement to one year. Also requires that the applicant have had a crewmember or commercial fishing license or a limited entry permit "for the year immediately preceding the date of application and any other two of the past five years."

Alaska Marine
Parks

SENATE BILL NO. 128, (see page 169). Reported back to the Senate on March 30 by Resources with a majority of the committee recommending it be replaced with a Resources CS and that it do pass.

BILLS PASSED IN THE SENATE (cont'd)

Shuyak Island State Park
(establishing) SENATE BILL NO. 51, (see pages 18;207;407;460;538). Passed the Senate April 11, 17-1-2. Nays: Kelly. Absent: Josephson, Rodey. The effective date was adopted.

Utility Facilities
(reloc. by munic.) CS FOR SENATE BILL NO. 67 (L&C)(AMENDED), (see pages 73;243;408;538). On April 11 the Labor & Commerce CS was adopted. Am. No. 1 by Gilman was adopted, 17-1-2. Nays: Ray. The amendment adds new Sec. 5 to the bill:

* Sec. 5. A.S. 19.45.001(4) is amended to read:
(4) "cost of change, relocation, or removal" means the entire cost incurred by the utility properly attributed to the change, relocation, or removal of a facility, less any costs for improvements or upgrading over and above the cost of a functionally equal facility; if a facility is to be relocated and replaced with new equipment, there shall also be subtracted from the entire cost any salvage value derived from the old facility; if a facility's service life is extended by the work done to change or relocate it, a percentage equal to the percentage of extension of the facility's service life shall be subtracted from the cost:

Renumber the following sections accordingly.

The bill then passed, 17-1-2. Nays: Gilman. Absent: Josephson, Rodey. The effective date was adopted.

Alaska Marine Parks CS FOR SENATE BILL NO. 128 (RESOURCES)(AMENDED), (see pages 169;408;458;538). Before the Senate April 11 on reconsideration. At the request of Senator Vic Fischer, the bill was returned to second reading for specific amendment (Am. No. 2).

Am. No. 2 makes the following changes to the Resources CS:

Changes language in section on "DESIGNATION OF MANAGEMENT RESPONSIBILITY" to read: "In the granting of such access [to private land, mineral claims and leases] the commissioner of natural resources may adopt reasonable regulations to protect the natural and other values of the marine park unit and water." Resources CS language allowed commissioner to grant such access "if [he] . . . determines that the access is reasonably necessary to the development of the private land."

Changes the term "areas" in reference to the new marine parks to read "state-owned land and water."

Tightens up statutory authority granted to the Commissioner of Natural Resources to close marine parks by regulation. Original bill allowed Commissioner to close a marine park by regulation "for public safety and other management purposes." Amendment deletes "other management purposes" so that the Commissioner could only close marine parks for public safety purposes. (In section which permits discharge of a firearm within a marine park unless Commissioner has by regulation closed the park.)

Stationary Fishing Gear
(operation of) CS FOR SENATE BILL NO. 136 (RESOURCES)(E.D. ADDED), (see pp. 194;410;538). Before the Senate on April 13. The Resources CS was adopted. Advanced to third reading, then returned to second for adoption of Am. No. 1 by Gilman, adding an immediate effective date to the bill. The amendment was adopted by unanimous

INTRODUCTION OF RESOLUTIONS (House)

Student Hire HOUSE RESOLUTION NO. 8, by Reps. Hurlbert, Flood, M. W. Miller, M. M. Miller, Fuller, Uehling, Barnes, Shultz, Liska, Cato, Lacher, Bettisworth, Adams, Grussendorf, Cowdery, McBride, Ward, Goll, Pestinger, Hayes, Phillips, Fritz, Herrmann, Koponen, Lindauer, Furnace, Martin, Vaska, Zharoff, Abood, Ringstad, Bussell, Wendte, Davis, Szymanski, Duncan, Clocksin and Malone.

Encourages employers to identify job opportunities for Alaska students and directs the Employment Security Division in the Dept. of Labor, through its job service offices, to identify jobs and assist Alaskan employers and students in student hire.

Introduced April 14 and referred to Labor & Commerce.

SENATE BILLS RECEIVED IN THE HOUSE

Shuyak Is. State Park (establishing) SENATE BILL NO. 51, (see pages 18;207;407;460;519). Received in the House on April 12 and referred to Resources and Finance.

Business Inventory Exemption (municipal) SENATE BILL NO. 53, (see pages 19;207;364;458). Received in the House on April 11 and referred to Community & Regional Affairs and Finance.

Utility Facilities (reloc. by munic.) CS FOR SENATE BILL NO. 67 (L&C)(AMENDED), (see pages 73;243;408;519). Received in the House on April 12 and referred to Community & Regional Affairs and Labor & Commerce.

Alaska Marine Parks CS FOR SENATE BILL NO. 128 (RESOURCES)(AMENDED), (see pages 169;408;458;519). Received in the House on April 12 and referred to Resources and Finance.

Stationary Fishing Gear (operation of) CS FOR SENATE BILL NO. 136 (RES)(E.D. ADDED), (see pages 194;410;519). Received in the House April 14 and referred to Resources.

Appropriations (special) (water, sewer & solid waste) CS FOR SENATE BILL NO. 150 (FINANCE), (see pages 200;370;459). Received in the House on April 11 and referred to Community & Regional Affairs and Finance.

Appropriation (U of A/salmon quality control educ.) CS FOR SENATE BILL NO. 161 (FINANCE), (see pages 240;371;459;539). Received in the House on April 11 and referred to the House Special Committee on Fisheries and Finance. See Committee Reports, page 539, for action this week.

Elevator Safety Standards SENATE BILL NO. 182, (see pages 306;454;520). Received in the House on April 13 and referred to Labor & Commerce.

AK Police Stand. Counc. (invest. by) SENATE BILL NO. 187, (see pages 309;372;520). Received in the House April 15 and referred to Judiciary.

COMMITTEE REPORTS (House)(cont'd)

Assault
(police, fire
fighters &
emergency
responders)

CS FOR SENATE BILL NO. 24 (JUDICIARY)(AMENDED), (see pages 8;88;242;318;385). Reported back to the House on May 11 by Judiciary recommending it do pass. Concurring: Bussell, Chairman, Liska, Hayes, Wendte and Barnes. To Rules.

Business
Inventory
Exemption
(municipal)

SENATE BILL NO. 53, (see pages 19;207;407;460;519;538). Reported back to the House on May 14 by Community & Regional Affairs with the committee recommending as follows: Lacher (Chmn.), Tischer, Szymanski and McBride recommended do pass; Clocksin had no recommendation. To Finance. The Committee attached the following letter of intent:

While the bill broadens discretion and requires no change in municipal taxation, it is not the intention of the House to replace revenues which may be lost by the exemption by increased municipal assistance or state aid. Local officials exercising the authority to exempt business inventories from taxation under this bill would be well advised not to anticipate compensating revenues from the state to replace such lost local tax receipts.

Utility
Facilities
(reloc. by
munic.)

CS FOR SENATE BILL NO. 67 (L&C)(AMENDED), (see pages 73;243;408;519;538). Reported back to the House on May 11 by Community & Regional Affairs recommending it be replaced with House Committee Substitute (C&RA) and reported back as follows: Lacher, Chairman, recommended "do not pass, see letter"; Fritz and McBride recommended do not pass; Clocksin recommended do pass; Phillips and Tischer had no recommendation. To Labor & Commerce. The Chairman's report is as follows:

A majority of the House Committee on Community and Regional Affairs oppose HCSCSSB 67 (C&RA). The provisions of HCSCSSB 67 (C&RA) changes the historical relationship between utility companies and municipalities in matters pertaining to the use of public rights-of-way and streets by various utility companies. Present Alaska Statutes require municipalities to allow utility companies to use the public right-of-way and thereby avoid the expense of securing easements from private property owners. The proposed legislation is designed to further benefit the utilities by requiring municipalities to pay the costs of relocating the utilities when the relocation is incident to a municipal street project. The requirement for municipalities to bear the burden of the relocation costs is contrary to practices established in common law and contrary to procedures used throughout the United States. Imposition of such costs would amount to a public subsidy of private profit-making ventures as well as for private non-profit utility companies.

Enactment of any legislation that would require municipalities to pay utility relocation costs will not, in the long run, reduce operating costs for utilities but in all probability will increase costs to the utilities. Municipalities will undoubtedly be highly restrictive in the conditions of future permits for the installation of utilities and will begin to charge maximum fees for the use of the public right-of-way as opposed to the general practice of providing use at no charge.

The Committee has found that municipalities are fair and reasonable in their relationships with utilities, and that the particular needs of each type of utility is considered when negotiations for the use of a public right-of-way are conducted. The continuation of reasonable fees, permit conditions, and equitable allocation of utility relocation

COMMITTEE REPORTS (House)(cont'd)

CSSB 67 (L&C)am (cont'd)

costs is insured by the availability of arbitration and redress provided by the Alaska Public Utilities Commission. The considerable diversity of types and purposes of profitable private and of non-profit utility companies further reinforces the Committee's belief that the allocation of utility relocation costs can best be negotiated on the local governmental level, on a case by case basis.

In summary, the Committee believes that the proposed legislation is an unnecessary and unwarranted usurption of local governmental authority which may have an adverse monetary effect on the utility consumer and the municipal tax payer. Therefore any attempt to legislatively interfere with the existing relationships between municipalities and utility companies should not be favorably considered.

The House C&RA CS makes the following changes:

--Instead of amending portions of AS 19.25 to provide for assumption by municipalities of costs of moving utility facilities, the House C&RA version adds new sections to the Municipal Code (AS 29) which accomplish the same result.

--Changes effective date from July 1, 1983 to January 1, 1984.

--Changes wording of section on payment of the cost of moving utility facilities: "The cost of change, relocation, or removal . . . is a cost of road or highway construction to be paid by the (1) municipality or the utility according to the terms of a franchise, permit, or agreement in effect on January 1, 1984, if the facility is located under the conditions stated in the franchise permit or agreement; (2) municipality or the utility according to the terms of a permit issued by the municipality after January 1, 1984, for a new or existing facility if the facility is located under the conditions stated in the permit; or (3) utility if the facility is located without a permit or under a permit that does not provide for allocation of relocation costs, or if the location is not in accordance with the conditions stated in an applicable permit."

--Adds to definition of "cost of change, relocation, or removal": "the service life of a facility may be determined by the municipality and may be based on the utility depreciation schedule for taxation or rate-setting purposes." (If service life of facility is extended by relocation, a percentage equal to the percentage of extension of the facility's service life is subtracted from the cost payable by the municipality to move the facility.)

--Adds definition of "encroachment" (if utility not changed, relocated or removed in accordance with a municipal order, the facility becomes an unauthorized encroachment and may be disposed of by the municipality). States that encroachment means and includes "a tower, pole, pole line, pipe, pipeline, driveway, private road, fence, billboard, stand or building, or a structure or object of any kind that is or has been placed in, on, under or over a portion of a road or highway."

COMMITTEE REPORTS (House)(cont'd)

CSSB 67 (L&C)am (cont'd)

--Adds definition of "utility" to include: "railroads and all publicly, privately, or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, telecommunications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned fire and police signal systems and street lighting systems."

Violent Crimes
Compensation

CS FOR SENATE BILL NO. 86 (FINANCE), (see pages 82;178;207; 279;318;335). Reported back to the House on May 13 by Judiciary with the committee recommending it be replaced with a Judiciary HCS and as follows: Bussell (Chairman), Liska, Hayes and Barnes recommended do pass; Clocksin recommended "do pass if amended." To Finance.

The Judiciary HCS proposes slightly different amendments to laws governing the payment of violent crimes compensation (AS 18.67), but accomplishes basically the same changes. Would prohibit payment of compensation unless "in the discretion of the board, the applicant has cooperated with law enforcement and prosecution officials to further prosecution of the offender if appropriate and to avoid further injury by the offender to the applicant and injury to persons in the care of the applicant who are exposed to possible injury by the offender." The Senate version would have prohibited payment of compensation if the victim "refuses to give reasonable cooperation to state or local law-enforcement agencies in their efforts to apprehend and convict the offender for the crime resulting in the personal injury, unless good cause for the refusal is shown the board."

Also adds new section which eliminates requirement that all payments be made in a lump sum (amends AS 18.67.130(c)).

Alaska Marine
Parks

CS FOR SENATE BILL NO. 128 (RESOURCES)(AMENDED), (see pages 169;408;458;519;538). Reported back to the House on May 12 by Resources recommending it be replaced with House Committee Substitute (Resources) with a letter of intent and that it do pass. Concurring: Ringstad, Co-Chairman, Goll, Larson, Vaska, Liska, Cowdery and Uehling. Representative Shultz had no recommendation. To Finance.

The letter of intent reads:

Although access to mineral deposits is not expected to require construction of facilities within marine parks, we acknowledge that such construction may be required in park units adjacent to mineral development which could not otherwise take place. In such cases, it is the intent of the Legislature that the access language within the Act be interpreted to allow development of docking facilities under terms prescribed by the Commissioner of Natural Resources.

Two units of the original marine park proposal - Decision Point and Entry Cove - have been removed from designation at this time, in order to allow a more vigorous analysis of other possible higher and better uses for these areas. Such possible alternative uses could include exchange with

COMMITTEE REPORTS (House)

CSSB 52 (RES)(AM), (cont'd)

continuous period of five years immediately preceding the date of application for a loan and have had a crewmember fishing license or a permit for "the year immediately preceding the date of application and any other two" of the past five years (currently who have had a crewmember fishing license or a permit for any one of the past five years).

--would allow loans for limited entry permits to individual commercial fishermen who have been state residents for a continuous period of two years immediately preceding the date of application (currently for five years immediately preceding date of application), and who has had a crewmember license or a permit for the year immediately preceding the date of application and any other two of the past five years (instead of "for any one of the past five years").

--would allow the Limited Entry Commission to charge the legal rate of interest on any unpaid fees due on entry permits or interim-use permits from the date of permit renewal.

--upon a first or second conviction of a person for a violation of licensing provisions or a federal or state law or regulation for the protection of the commercial fish of the state, the court may, in addition to the penalty imposed by law, order a forfeiture of a crewmember license, interim-use permit or entry permit "for a period of not more than one year" (not currently specified), and upon a third conviction, the court may, in addition to the penalty imposed by law, order a forfeiture of the crewmember fishing license, interim-use permit or entry permit "for a period of not more than one year".

--changes effective date to January 1, 1985.

History: introduced 1/18/83 by Senator Mulcahy and referred to Resources and Finance, making changes to commercial fishing licensing laws and cleaning up ambiguous language in current law relating to licensing requirements. Reported out of Resources 4/15/83 with several technical corrections and a do pass recommendation. Reported out of Finance 5/19/83 recommending the Resources CS and that it do pass. The Resources CS was adopted 5/26 and then held until 5/31 when amendment 1 by Eliason was adopted, eliminating provision that would have allowed the Commercial Fisheries Entry Commission to charge up to the legal rate of interest on a fee not paid during the calendar year in which it was due. Passed the Senate 5/31, 18-0. Exc: P. Fisher. Absent: Ferguson. The effective date clause was adopted. Received in the House 6/1 and referred to the House Special Committees on Fisheries, Loans and Resources.

1984
Utility
Facilities
(relocation by
municipality)

CS FOR SENATE BILL NO. 67 (L&C)(AM), (see pages 73;243;408; 519;538;754, 1983 report). Reported back to the House February 22 by Labor & Commerce recommending it be replaced with a House L&C substitute and that it do pass. Concurring: Cowdery

COMMITTEE REPORTS (House)

CSSB 67 (L&C)(AM), (cont'd)

(Chair), Ringstad, Furnace and Pestinger. Not concurring: Uehling had no recommendation. To Rules.

Labor & Commerce completely rewrites the bill, and their version would:

--amends state statutes relating to the protection and use of state highways and roads, relocation of utilities incident to highway projects (AS 19.25.020) to allow a municipality to order a utility facility that is located across, along, over, under, or within a right-of-way under its jurisdiction to be changed, relocated or removed (currently only the state is allowed to relocate utility facilities under this section). The municipality would have the authority to dispose of the utility facility if it is not changed, relocated or removed in accordance with the order, and the owner of the facility would be responsible for indemnifying the municipality for any amount the municipality may be liable to a contractor by reason of the encroachment. The cost of the change, etc., necessitated by highway construction, is a cost to be paid by the municipality, except that it would not be obligated to pay the cost of relocation of utility facilities that are located in a municipal right-of-way unless ". . . (1) the facilities have been placed in the municipal right-of-way under a valid easement or permit; or (2) the facilities were placed in the municipal right-of-way before the municipality had a system for granting easements or permits for utility facilities."

--Amends section of AS 19.25 relating to summary removal (sec. 240) to include municipalities: "The department or a municipality may at any time remove from a [state] highway or road under its jurisdiction an encroachment that [which] obstructs or prevents the use of the highway or road by the public."

--amends definition section of AS 19.45 (Highways and Ferries. Miscellaneous Provisions), definition of "cost of change, relocation, or removal" by adding language that states: ". . . if a facility's service life is extended by the work done to change or relocate it, a percentage equal to the percentage of extension of the facility's service life shall be subtracted from the cost."

--section 6 of the bill states "A municipality is not obligated for utility facility relocation costs associated with a highway project for which general obligation bonds have been approved or for which state general fund appropriations have been received before the effective date of this Act."

--provides Act takes effect July 1, 1984.

History: the bill was originally introduced January 25 by the Senate Labor & Commerce Committee, and was referred to Labor & Commerce and Community & Regional Affairs. Reported out of Senate L&C on 3/4/83 with a CS and a do pass recommendation. Reported out of Senate C&RA 3/30/83 with Senators Ferguson and Sackett having no recommendation, and Senator Halford signing "do pass". On 4/19/83

COMMITTEE REPORTS (House)

CSSB 67 (L&C)(AM), (cont'd)

the L&C substitute was adopted and amendment 1 by Gilman adopted (added language relating to service life of utility), and the bill passed the Senate, 17-1. Nay: Gilman. Absent: Josephson, Rodey. The effective date clause was adopted. Except for changes in section 3 of the House L&C version of the bill (relating to facilities being placed in a municipal right-of-way before the municipality had a system for granting easements or permits for utility facilities), the Senate-passed version is identical to the House L&C version.

Received in the House 4/12/84 and referred to C&RA and Labor & Commerce. Reported out of House C&RA with a substitute, changing sections of the Municipal Code to achieve the same result, and making other changes that outlined more clearly who would pay for the relocation of utility facilities, according to terms of the permit. A letter accompanied the House C&RA substitute, and it stated:

A majority of the House Committee on Community and Regional Affairs oppose HCS CSSB 67 (C&RA). The provisions of HCS-CSSB 67 (C&RA) changes the historical relationship between utility companies and municipalities in matters pertaining to the use of public rights-of-way and streets by various utility companies. Present Alaska Statutes require municipalities to allow utility companies to use the public right-of-way and thereby avoid the expense of securing easements from private property owners. The proposed legislation is designed to further benefit the utilities by requiring municipalities to pay the costs of relocating the utilities when the relocation is incident to a municipal street project. The requirement for municipalities to bear the burden of the relocation costs is contrary to practices established in common law and contrary to procedures used throughout the United States. Imposition of such costs would amount to a public subsidy of private profit-making ventures as well as for private non-profit utility companies.

Enactment of any legislation that would require municipalities to pay utility relocation costs will not, in the long run, reduce operating costs for utilities but in all probability will increase costs to the utilities. Municipalities will undoubtedly be highly restrictive in the conditions of future permits for the installation of utilities and will begin to charge maximum fees for the use of the public right-of-way as opposed to the general practice of providing use at no charge.

The Committee has found that municipalities are fair and reasonable in their relationships with utilities, and that the particular needs of each type of utility is considered when negotiations for the use of a public right-of-way are conducted. The continuation of reasonable fees, permit conditions, and equitable allocation of utility relocation costs is insured by the availability of arbitration and redress provided by the Alaska Public Utilities Commission. The considerable diversity of types and purposes of profitable private and of non-profit utility companies further reinforces the Committee's belief that the allocation of utility relocation costs can best be negotiated on the local governmental level, on a case by case basis.

In summary, the Committee believes that the proposed legislation is an unnecessary and unwarranted usurpation of local governmental authority which may have an adverse monetary effect on the utility consumer and the municipal tax payer. Therefore, any attempt to legislatively interfere with the existing relationships between municipalities and utility companies should not be favorably considered.

SENATE BILLS RECEIVED IN THE HOUSE (cont'd)

- Road Improvem't Districts CS FOR SENATE BILL NO. 315 (FIN)(AM), (see pages 73;549;658) Received in the House March 28 and referred to Transportation and Finance.
- Appropriations (special) (Fbks/Mat-Su activity centers) CS FOR SENATE BILL NO. 319 (RULES), (see pages 1;415;504; 658). Received in the House March 30 and referred to Community & Regional Affairs, then to Finance.
- Appropriation (special) (Kenai River bridge) CS FOR SENATE BILL NO. 389 (FIN), (see pages 154;412;659). Received in the House March 30 and referred to Transportation, then to Finance.
- Governor's Mansion (historical preservation) CS FOR SENATE BILL NO. 419 (SA), (see pages 210;555;659). Received in the House March 29 and referred to State Affairs.
- Personal Safety Curriculum (public schools) CS FOR SENATE BILL NO. 446 (RULES)AM, (see pages 227;464; 659). Received in the House March 28 and referred to Health, Education & Social Services, then to Finance.
- Litter Reduct. & Recycling (extending laws) CS FOR SENATE BILL NO. 500 (SA)(AM), (see pp. 328;557;660). Received in the House March 28 and referred to Resources.
- Uniform Rules (amending) CS FOR SENATE CONCURRENT RESOLUTION NO. 22 (RLS)(AM), (see page 660, this report). Received in the House March 30 and referred to Rules.

COMMITTEE REPORTS (House)

Utility Facilities (relocation by municipality) CS FOR SENATE BILL NO. 67 (L&C), (see page 421). Reported back to the House March 28 by Rules recommending it be replaced with a House Rules substitute and that it do pass. Concurring: Fuller (Chair), Barnes, Hayes, Tischer and Liska. Not concurring: M. M. Miller and Phillips recommend do not pass. To Rules.

984

The House Rules substitute changes subsection (c) which is added to AS 29.48 (Powers Applicable to All Municipalities) to read: "(c) The cost of change, relocation, or removal necessitated by municipal road or highway construction is a cost of road or highway construction to be paid by the municipality, notwithstanding the terms or provisions of any existing permit, agreement, regulation, or statute to the contrary if (1) the facilities have been placed in the municipal right-of-way under a valid easement or permit; or (2) the facilities were placed in the municipal right-of-way before the municipality had a system for granting easements or permits for utility facilities."

COMMITTEE REPORTS (House)(cont'd)

CSSB 67 (L&C) (cont'd)

Note: subsection (c) in the former version by House C&RA stated:
"(c) The cost of change, relocation, or removal, necessitated by municipal road or highway construction is a cost of road or highway construction to be paid by the (1) municipality or the utility according to the terms of a franchise, permit, or agreement in effect on January 1, 1984, if the facility is located under the conditions stated in the franchise permit or agreement; (2) municipality or the utility according to the terms of a permit issued by the municipality after January 1, 1984, for a new or existing facility if the facility is located under the conditions stated in the permit; or (3) utility if the facility is located without a permit or under a permit that does not provide for allocation of relocation costs, or if the location is not in accordance with the conditions stated in an applicable permit."

The definition of "cost of change, relocation, or removal" is also changed in the Rules substitute deleting language that states: "... the service life of a facility may be determined by the municipality and may be based on the utility depreciation schedule for taxation or rate-setting purposes;"

Changes effective date to July 1, 1984 (was January 1, 1984).

The bill was calendared March 29 but was held until March 30. On March 30 it was again held until April 3.

Permits,
Licenses &
Registrations
(periods of
validity/fees)

CS FOR SENATE BILL NO. 296 (L&C), (see pages 407;513;519).
Reported back to the House March 26 by Labor & Commerce recommending it be replaced with a substitute and that it do pass.
Concurring: Cowdery (Chair), Furnace, Pestinger, Uehling and Koponen. To Finance.

The Labor & Commerce substitute adds a new section that amends AS 18.62.020 (Health & Safety. Certificates of Fitness. Application for and Issuance of Certificate) to allow for issuance of certificates of fitness for plumbers and electricians valid for one or three years. The applicant would pay a fee of \$40 for a one year certificate, and \$75 for a three year certificate (currently the initial fee is \$15 with the application, and are renewable annually upon payment of an annual fee of \$5).

Labor & Commerce adds a new repealer--repeals AS 18.62.050(b) (allows an applicant who engaged in a trade subject to certificate requirements who has been engaged in that trade in the state for one year or more before 1/1/73, upon making a satisfactory showing of qualifications, to be issued a certificate without examination).

Under the substitute the sections relating to certificates of fitness would take effect July 1, 1985. All other sections of the bill would take effect January 1, 1985.

BILLS PASSED IN THE HOUSE

CSHB 650 (LOANS), (cont'd)

* Sec. 16. The sum of \$600,000 is appropriated from the general fund to the Department of Transportation and Public Facilities for payment as a grant to the Municipality of Anchorage for Point Campbell hazardous waste removal."

The bill passed, 40-0. The effective date was adopted, and an amended Finance Committee letter of intent (see below) was adopted, 27-12-0-1. Nays: Clocksin, Davis, Flood, Koponen, Lacher, Larson, Malone, McBride, M. M. Miller, Szymanski, Vaska, Wendte. Absent: Ward. The amended letter reads:

It is the intent of the Legislature that the Department give priority consideration under the Alternative Technology and Energy Loan Program to loan requests that evidence the greatest potential for energy savings to the applicant and the State. In general, loan requests shall be approved based on the following priority list:

1. Solar electric generation equipment, including photoelectric cells systems;
2. Wind systems;
3. Hydroelectric systems;
4. Woodstoves with catalytic converters and catalytic converters for woodstoves;
5. Multifuel systems;
6. Passive solar systems, including solar heating units and sun spaces; and
7. Active solar systems, including solar collectors."

Bd. of Public
Accountancy
(extending)

HOUSE BILL NO. 711, (see page 668). Reported back to the House on April 4 by Labor & Commerce with the committee recommending it do pass. Concurring: Cowdery (Chairman), Pestinger, Uehling, Furnace and Ringstad. To Rules.

Passed the House on April 5, 36-0-4-0. Excused: Cowdery, Shultz, Uehling, Pestinger. The effective date was adopted.

OTHER ACTION IN THE HOUSE

Utility
Facilities
(relocation by
municipali-
ties)

1984
HOUSE CS FOR CS FOR SENATE BILL NO. 67 (RULES)(AM. HOUSE)
(FLD. HOUSE), (see pages 421;670). Before the House on April 3. The Rules CS was adopted, 24-16, after objection was heard from Rep. M. M. Miller. Held in second reading until April 4.

Before the House on April 4. Am. No. 1 by Cowdery was adopted by unanimous consent. It deletes "railroads" from the definition of "utility" for purposes of the bill.

Am. 2 by Clocksin failed, 14-23. It would have deleted the bracketed language from new AS 29.48.052(c): "The cost of change,

OTHER ACTION IN THE HOUSE

HCS CS SB 67 (RLS)(AM), (cont'd)

relocation, or removal necessitated by municipal road or highway construction is a cost of road or highway construction to be paid by the municipality [, NOTWITHSTANDING THE TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION, OR STATUTE TO THE CONTRARY] if (1) the facilities have been placed in the municipal right-of-way under a valid easement or permit; or (2) the facilities were placed in the municipal right-of-way before the municipality had a system for granting easements or permits for utility facilities."

The bill then failed to passed the House, 11-17-1-1. Yeas: Barnes, Bettisworth, Clocksin, Furnace, Hayes, Hurlbert, Martin, M. W. Miller, Ringstad, Tischer, Zharoff. Excused: Shultz. Absent: Cowdery. Larson and Flood changed from "yea" to "nay." Furnace gave notice of reconsideration.

On April 5 Rep. Barnes brought up the reconsideration, and the bill was returned to Rules by a vote of 21-15. Nays: Clocksin, Davis, Duncan, Goll, Koponen, Lacher, Larson, Malone, McBride, M. M. Miller, Phillips, Szymanski, Vaska, Wendte. Zharoff.

Appropriation
(special)
(Fairbanks
schools)

HOUSE BILL NO. 622, (see page 358). Rep. Davis moved that the bill be advanced from Transportation to Finance. Barnes objected, and Davis withdrew his motion. The bill remains in Transportation.

Oil & Natural
Gas
(recovery &
production)

CS FOR HOUSE BILL NO. 680 (LABOR & COMMERCE), (see pages 383;526;578;634;689;707). On April 2, at the request of Rep. M. M. Miller, the reconsideration was held one day, but it was not taken up on the 3rd, so the bill was sent to the Senate.

Legislative
Reapportionm't

CS FOR HOUSE JOINT RESOLUTION NO. 53 (FIN), (see pages 55; 281;432;579). On April 2 the Finance substitute was adopted (see page 579) and the resolution failed to pass the House, 16-20-3-1. Yeas: Abood, Adams, Barnes, Bettisworth, Bussell, Furnace, Lacher, Lindauer, Martin, Pestinger, Phillips, Ringstad, Shultz, Tischer, Uehling, Ward. Excused: Cowdery, Hayes, McBride. Absent: Hurlbert. Rep. Shultz changed his vote from nay to yea. Rep. Martin gave notice of reconsideration.

On April 3 the reconsideration was held one day. Failed on reconsideration April 4, 19-20-1-0. Yeas: Abood, Adams, Barnes, Bettisworth, Bussell, Cowdery, Furnace, Hayes, Hurlbert, Lacher, Lindauer, Liska, Martin, Pestinger, Phillips, Ringstad, Tischer, Uehling, Ward. Excused: Shultz.

Introduced: 1/31/84
Referred: Labor and Commerce,
Transportation and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 396

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to relocation of utilities incident
7 to highway projects; and providing for an effective
8 date."

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

10 * Section 1. AS 19.25.020(c) is amended to read:

11 (c) The cost of change, relocation, or removal necessitated by
12 highway construction is [A COST OF HIGHWAY CONSTRUCTION] to be paid
13 [BY THE STATE] in accordance with AS 19.45.001(4) as follows:

14 (1) by the department as a cost of highway construction if
15 the facility was installed before July 1, 1960, regardless of whether
16 the facility is authorized by a permit at the time the change, relo-
17 cation, or removal of the facility is required;

18 (2) by either the department as a cost of highway con-
19 struction or by the utility, depending on the terms of the utility
20 permit if the facility was installed or authorized under the authority
21 of a utility permit issued after July 1, 1960;

22 (3) by the utility if the facility was installed after July
23 1, 1960, and there is no utility permit for the facility;

24 (4) by the utility if the facility is not installed in the
25 location provided for in the utility permit, regardless of whether the
26 utility permit requires payment by the department [, NOTWITHSTANDING
27 THE TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION
28 OR STATUTE TO THE CONTRARY].

29 * Sec. 2. This Act takes effect July 1, 1984.

Page, line p. 1 line 12	HB 160 Delete [A COST OF HIGHWAY CONSTRUCTION]	Analysis of Comment	OS HB 160 (CARRA) p. 1 line 12 Retain "a cost of highway construction" or it should in statute	Analysis of Comment
p. 1 lines 14-26	Delete: (1) by the department as a cost of highway construction if the facility was installed before July 1, 1960, regardless of whether the permit is notarized by a permit at the time the change, relocation, or removal of the facility is required.	According to the Gov's transmittal letter of Feb, "this is a matter of equity and fairness since there was no real uniform utility permit system in place before July, 1960	According to CARRA 7/6/65 minutes, there are no meetings w/ representatives of utility companies, DOT & committee stop. The utility companies want to be protected against having to pay the cost of utility relocation in cases where they have a hardship of permit for utility relocation, regardless of the utility to move. DOT wishes if the utility facility is properly permitted & is moved at the discretion of the state then the state should bear the cost of relocation.	According to the dept. as a cost of "highway construction" provided that the utility facility is properly notarized in accordance w/ a permit, or in the absence of a permit, was installed separate effective date of this paragraph in the proper location in accordance w/ dept regulations. (2) Retain
p. 18-21	Delete: (2) by either the dept. as a cost of highway construction or by the utility depending on the terms of the utility permit if the facility was installed or authorized under the authority of a utility permit issued after July 1, 1960;	According to the H. trans- mittal letter, "The effort of this paragraph is to make it clear that the question of who is to pay for relocation costs is a matter to be negotiated between the state and the utility. Presumably the state will require to pay for all relocation costs regardless of any agreement w/ the utility to the contrary."	According to the dept. as a cost of "highway construction" provided that the utility facility is properly notarized in accordance w/ a permit, or in the absence of a permit, was installed separate effective date of this paragraph in the proper location in accordance w/ dept regulations. (2) Retain	According to the dept. as a cost of "highway construction" provided that the utility facility is properly notarized in accordance w/ a permit, or in the absence of a permit, was installed separate effective date of this paragraph in the proper location in accordance w/ dept regulations. (2) Retain
p. 22-23	Delete: (3) by the utility if the facility was installed after July 1, 1960, and there is no utility permit for the facility;	"Under existing law it is ambiguous whether a utility has to pay relocation costs if it does not have a utility permit."	According to the dept. as a cost of "highway construction" provided that the utility facility is properly notarized in accordance w/ a permit, or in the absence of a permit, was installed separate effective date of this paragraph in the proper location in accordance w/ dept regulations. (2) Retain	According to the dept. as a cost of "highway construction" provided that the utility facility is properly notarized in accordance w/ a permit, or in the absence of a permit, was installed separate effective date of this paragraph in the proper location in accordance w/ dept regulations. (2) Retain

<p>page - line P. 1 line 24-26</p>	<p>HB 160 Delete: (4) by the utility of the vehicle, as not mentioned in the location provided for in the utility permit regardless of whether the utility permit requires payment by the department</p>	<p>Analysis/Comment "currently, it is unclear whether the utility must pay relocation costs even if the utility is not located in the location set out in the utility permit." This paragraph states the matter</p>	<p>CSHB 160 (CORA)</p>	<p>Analysis/Comment 2/2/85 CORA Minutes - The Committee by Rep. Fineman, substituted</p>
<p>P. 1 line 29</p>	<p>Delete: July 1, 1985</p>	<p>P. 1 line 22-23 Delete: immediately in accordance w/As to 101.10.070(c)</p>	<p>CSHB 160 (CORA)</p>	<p>Analysis/Comment 2/2/85 CORA Minutes - The Committee by Rep. Fineman, substituted</p>

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COMM = HCRA
DATE = 022185
TIME = 1500
YEAR = 85

DOC ID hcra 0221851500
HEADING

HOUSE COMMUNITY & REGIONAL AFFAIRS
STANDING COMMITTEE
February 21, 1985

3 p.m.

Members Present: Representative Peter Goll, Chair
Representative Randy Phillips
Representative Andre Marrou
Representative Walt Furnace

Members Absent: Representative Kay Wallis
Representative Max Gruenberg
Representative Niilo Koponen

CALENDAR HB 160

An Act relating to relocation of utilities incident to highway projects; and providing for an effective date.

HB 159

An Act relating to utilities and encroachments

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in state airports, public facilities, and highways; and providing for an effective date.

WITNESS REGISTER

No witnesses.

PREVIOUS ACTION

HB 160: Read first time 02/01/85 and referred to C&RA, Transportation, Fin, and Rules. Two fiscal notes in Supplement #12; See HC&RA committee minutes dated 02/20/85; HB 159: Read first time 02/01/85 and referred to C&RA, Transportation, Fin and Rules; zero fiscal note with analysis in Supplement #12; See HC&RA committee minutes dated 02/18/85 and 02/20/85.

ACTION NARRATIVE

TAPE #15, SIDE ONE
Recording
Number 001

Chairman Goll called the special committee meeting to order at 3:10 p.m. He stated that CSHB 160 had passed out of committee the prior day (Wednesday, February 20, 1985) and was

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YEAR = 85

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HEADING

HOUSE COMMUNITY & REGIONAL AFFAIRS
STANDING COMMITTEE
February 20, 1985

3 p.m.

Members Present: Representative Peter Goll, Chair
Representative Kay Wallis, Vice Chair
Representative Andre Marrou
Representative Walt Furnace
Representative Randy Phillips
Representative Max Gruenberg
Representative Niilo Koponen

Members Absent: An Act relating to relocation of utilities
incident to highway projects; and providing for
an effective date.
An Act relating to utilities and encroachments

CALENDAR

HB 160

HB 159

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in state airports, public facilities, and
highways; and providing for an effective date.

WITNESS REGISTER

WITNESS:
Bruce Freitag
Department of Transportation and
Public Facilities
Pouch Z
Juneau, Alaska 99811
Telephone: 465-2957
Position Statement: Supports HB 160 and HB 159

WITNESS:
Susan Fleischhauer
Commissioner's Office
Department of Transportation and
Public Facilities
Pouch Z
Juneau, Alaska 99811
Telephone: 465-3900
Position Statement: Supports HB 160 and HB 159

WITNESS:
Sharon Macklin
Matanuska Telephone Association
315 Fifth Street
Juneau, Alaska 99801
Telephone: 586-9518
Position Statement: Observer

WITNESS:
Dave Hutchins
Alaska Rural Electric Cooperative Association
Anchorage, Alaska 99501
Telephone: 276-3235
Position Statement: Opposed to HB 160 and HB 159 as written;
proposed substitute language.

PREVIOUS ACTION

HB 160: Read first time 02/01/85 and referred to C&RA, Transportation, Fin, and Rules. Two fiscal notes in Supplement #12. No previous action in House C&RA. HB 159: Read first time 02/01/85 and referred to C&RA, Transportation,

Fin and Rules; zero fiscal note with analysis in Supplement #12; See C&RA committee minutes 02/18/85.

ACTION NARRATIVE

TAPE #14, SIDE ONE
Recording
Number 004

The meeting was called to order at 3:10 p.m. Chairman Goll stated that the committee would continue to hear HB 159 and HB 160 would be heard for the first time.

Number 040

Susan Fleischhauer, Legislative Liaison, Department of Transportation and Public Facilities briefly discussed the concepts and similarities of both bills. Both bills, she continued, deal with utility relocation: HB 159 pertains to airports and public facility right of ways and HB 160 pertains only to highways. Representative Phillips asked if there had been hearings of a similar bill last session.

Number 095

Number 110

Representative Goll responded that there had

Number 130

been similar bills heard last year, but the bills before committee were not to be confused with last year's Senate Bill which addressed the specific question of municipal utilities. Chairman Goll discussed two letters of intent drafted for HB 159 and HB 160. He stated that the intent language was derived through discussions with utility representatives, the Department of Transportation and the Attorney General's Office.

Number 160

Amendments resulting from meetings with representatives of utility companies, Department of Transportation and committee staff were discussed by the chairman. He stated that the utility companies wanted to be protected against having to pay the cost of utility relocation in cases where they have a bonafide permit for utility placement if the department, for reasons of highway relocation, required the utility to move. The department concedes if the utility

Number 225

facility is properly permitted and is moved at the discretion of the state, then the state should bear the cost of relocation.

The committee heard that there are other cases, however, where there are questions of who bears the cost for relocation. If a utility facility is not permitted; and is not in accordance with regulation and must be moved, then the cost must be borne by the utility. Language resulting from the meetings with staff resulted in yielding in two cases: (1)

when a facility is placed by permit or in compliance with regulation, then the department would bear the cost;

(2) the utility will bear the cost in all other cases.

Number 267

Representative Furnace asked that the regulation inquisition be identified.

Number 270

Chairman Goll replied that 17 A.A.C. 10 and 15 cited the regulations and the questions of

Number 306

permitting and encroachment were addressed there.

The chairman suggested language for a new second case which would require payment: (1) by the department in the first case already discussed and there is no change; (2) by the department on the utility where the installation was made with a permit, but under departmental authorization under regulation; and (3) by the department in all other cases.

The second case would allocate responsibility where there is temporary placement when both the department and the utility understand the temporary nature of the placement.

Number 315

Dave Hutchins, Executive Director, Alaska Rural Electric Cooperative Association, testified to the new language developed by himself and department representatives.

Number 340

Chairman Goll asked about the case of temporary placement when a utility facility would be

Number 350

located in a right of way and both parties know it would have to move soon. The chairman asked what kind of permitting would apply and where in the statute does it occur.

Mr. Hutchins replied that temporary placement was not addressed in either bill. He remarked that the utilities have a good working relationship with the department, but that the utility companies would like to see this matter ratified in statute. Responding to a question from the chairman, Mr. Hutchins replied that the language before the committee as proposed amendments from both the utilities and the department had satisfactorily addressed his concerns. He suggested the committee consider the following additional language: (1) the department bears the cost when a facility is installed with a valid permit or, under regulation by the department, removed the protection the utilities sought.

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Number 420

2 OF 3 PAGE = 9 OF 13
The panel deliberated with Mr. Hutchins regarding exact language that would correct problems in both bills.

Number 442

Following the discussion, Representative Gruenberg made three suggestions: (1) continue meeting time to prepare language; (2) pass the bill out to the next committee of referral and make adjustments there, or (3) delay consideration and determine suitable language during a work session.

Number 498

The chairman said he hoped with the committee's agreement the interested parties could find acceptable language before adjournment of the hearing. Representatives of the Department of Transportation, Mr. Hutchins and committee staff were excused to work on satisfactory language. Representative Gruenberg brought up a new matter and discussed the concept of allowing the state to give a credit to air carriers who offer the lowest per-mile rates. He suggested to the

Number 521

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2 OF 3 PAGE = 10 OF 13
members that the Community and Regional Affairs Committee introduce such a bill.

CHANGE TAPE #14 TO SIDE TWO
Number 003

Representative Furnace discussed proposed amendments for HB 159 regarding notice as it applies to summary removal. In case of airports, when utilities are required to move, there should be a time certain for notice.

Number 150

The members debated the proposed amendment language and an appropriate effective date at length.

Number 217

Representative Goll proposed new language to the panel on HB 160 for Section 1. AS 19.25.020(c): DELETE all language lines 14-28, INSERT: (1) by the department as a cost of highway construction, provided that the utility facility is properly installed in accordance with a permit, or in the absence of a permit, was installed in a proper location before the effective date of this Act in the proper

Number 300

location in accordance with departmental regulations:

Representative Gruenberg made a motion to adopt the proposed amendment. The amendment was adopted.

Number 316

Representative Gruenberg made a motion to adopt a CS for the bill and move the bill out of committee with individual recommendations. There were no objections, CSHB 160 as amended passed out of the Community and Regional Affairs Committee.

Number 349

Chairman Goll brought HB 159 before the committee and asked for a motion to adopt the following language. Page 2, DELETE lines 3-9, INSERT (1) by the department as a cost of airport construction, provided that the utility facility is properly installed in accordance with a permit, or in the absence of permit, was installed before the effective date of this Act in the proper location in accordance with

Number 382

departmental regulations; (2) by the utility in all other cases.

Representative Gruenberg moved that the committee adopt amendment number one.

Number 408

Amendment number one was adopted by unanimous consent.

Number 412

Representative Marrou made a motion to adopt a similar amendment on page 7, DELETE lines 8-15 and INSERT same language of amendment 1.

Number 428

Representative Marrou's amendment was adopted by unanimous consent. Number 455

Representative Gruenberg moved to delete the following language, Section 02.15.116. SUMMARY REMOVAL. page 3, lines 23-26 and Section 35.10.280. SUMMARY REMOVAL. page 9, lines 1-5.

Number 458

The amendment was adopted by unanimous consent. Representative Gruenberg made a motion to adopt CS for HB 159 and to move CSHB 159 out of committee with individual recommendations.

Number 462

Representative Marrou objected. He argued that

Number 466

HB 159 was being moved from committee without consideration of all suggested changes.

Representative Gruenberg asked for a special meeting of the committee to consider other suggested changes and to review drafting of committee substitutes.

Number 480

Chairman Goll announced a 3:00 p.m. special meeting of the Community and Regional Affairs Committee to hear other suggested amendments and to adopt appropriate language for a new effective date for CSHB 159 and CSHB 160 the following day, Thursday, February 21, 1985.

Number 490

The meeting was adjourned at 4:32 p.m.

END OF DOCUMENT

INTRODUCTION OF BILLS (House)(cont'd)

HB 159 (cont'd)

ment," "public facility" or "public work," "utility," and "utility facility" are added. Five of the existing definitions are retained.

Section 8 of the bill establishes an effective date of July 1, 1985.

Utilities
Incident to
Highway Proj.
(relocation)

HOUSE BILL NO. 160, by the Rules Committee by Request of the Governor. Relates to relocation of utilities incident to highway projects (see Governor's letter). Provides Act takes effect July 1, 1985.

Introduced February 1 and referred to Community & Regional Affairs, Transportation, then Finance.

In his message transmitting the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that clarifies who is responsible for the payment of relocation or removal costs when a utility facility is required to be changed, removed, or relocated as a result of highway construction. The bill addresses an ambiguity in AS 19.25.020(c) which presently leaves open the question of whether the state must pay for these costs even though a utility facility was not installed or authorized under the authority of a utility permit or, if a permit exists, even though the facility is not installed in the location provided for in the permit.

Some utility companies have expressed a concern over that part of paragraph (2) of sec. 1 of the bill which says that, for utility permits issued after July 1, 1960, the question of who is to pay for relocation costs is to be determined by the terms of the permit. These utility companies point out that utility permits issued between July 1, 1960 and July 1, 1977 require the utility to pick up these costs. (All permits issued after July 1, 1977 require the state to pay for relocation costs.) The utilities' concern is a legitimate one and, if this bill passes, DOT/PF is prepared to amend all those permits issued between July 1, 1960 and July 1, 1977 so that it is clear that the state will bear the costs of relocation. There is no need to amend these permits now because AS 19.25.020(c) presently requires the state to pay for these costs notwithstanding the terms of any existing permit. A draft copy of this proposed amendment is attached.

The bill also makes clear that the question of who pays for future relocation costs is to be a matter of negotiation between the state and the utility to be reflected in the language of the permit.

Section 1 amends AS 19.25.020(c) by creating four new paragraphs:

Paragraph (1) requires the state to pay for the costs of the change, removal, or relocation of any utility facility installed before July 1, 1960 regardless of whether the facility is authorized by a utility permit at the time the change, relocation, or removal of the facility is required. This is a matter of equity and fairness since there was no real uniform utility permit system in place before July 1, 1960.

Paragraph (2) requires either the state or the utility to pay for the costs of the change, removal, or relocation of the utility facility depending on the terms of the permit, provided the permit was issued after July 1, 1960. The effect of this paragraph is to make it clear that the question of who is to pay for relocation costs is a matter to be negotiated between the state and the utility. Presently, the state is required to pay for all relocation costs regardless of any agreement with the utility to the contrary.

INTRODUCTION OF BILLS (House)(cont'd)

HB 160 (cont'd)

Paragraph (3) requires the utility to pay for relocation costs if their facility was installed after July 1, 1960 and is not under permit. Under existing law, it is ambiguous whether a utility has to pay relocation costs if it does not have a utility permit.

Paragraph (4) requires the utility to pay for relocation costs if their facility is not installed in the location provided for in a permit. Currently, it is unclear whether a utility must pay relocation costs even if its facility is not installed in the location set out in the utility permit.

Section 2 of the bill sets an effective date of July 1, 1985 for this bill.

I urge your favorable action on this measure so that the question of who pays for utility relocation costs under the various circumstances described in the bill is answered in clear statutory language.

Student Loans
(changes to
program)

HOUSE BILL NO. 161, by R.p. Binkley. Makes the following changes to the student loan program:

--would raise the interest rate on loans to eight percent a year (currently five percent);

--in order to be eligible for a loan the applicant must have graduated within one year preceding the date of application or be scheduled to graduate within six months, or applicant must establish financial need (current law states applicant must be enrolled in college or be a high school grad or scheduled for graduation within six months);

--loan recipient may continue to apply and receive loans during each year he remains enrolled, but if study is interrupted for more than two years, a new loan could be obtained only if financial need is shown;

--sets interest rate on teacher scholarship loans at 5 percent a year unless the loan is in default, at which time interest is 10 percent.

--adds language to section of teacher scholarship loan program providing the borrower must be employed in a rural elementary or secondary school in the state before a portion of the loan will be repaid by the state;

Repeals subsections (j), (o) and (p) of AS 14.43.120 (Scholarship Loan Program. Condition of Loans). Subsection (j) states that a portion of a loan will be repaid by the state if the borrower remains a resident of the state for at least two years. Percentages are on a sliding scale, depending on how many years the student remains in the state after graduation. Subsection (o) states repayment provisions do not apply to a loan in default. Subsection (p) outlines residential requirements loan applicant must meet.

Adds language stating that a student who received a loan before the new provisions go in effect may receive a new loan only if the

COMMITTEE REPORTS (House)

NB 159. (cont'd)

a permit, or in the absence of a permit, was installed before the effective date of this bill in the proper location in accordance with department regulations, and by the utility in all other cases.

C&RA does not include sections of original bill that relate to summary removal ("The department may at any time and without notice remove from a state airport an encroachment or utility facility which obstructs or prevents the use of the airport by the public, or interferes with the safe operation of the airport.")

Does not include definition of "excess lands", as did original, and changes effective date to immediately (was 7/1/85). Other technical changes do not make substantive changes.

Utilities
Incident to
Highway Proj.
(relocation)

HOUSE BILL NO. 160, (see page 206). Reported back to the House February 22 by Community & Regional Affairs recommending it be replaced with a substitute and recommending as follows: Goll (Chair), Gruenberg, Wallis, and Koponen recommend do pass. Phillips, Furnace and Marrou have no recommendation. To Transportation.

The C&RA substitute is completely different. It provides that the cost of change, relocation or removal of utilities incident to highway projects necessitated by highway construction is a cost of highway construction to be paid by the department, provided the facility is properly installed in accordance with the permit, or in the absence of a permit, was installed before the effective date of this law, in the proper location in accordance with department regulations. In all other cases the utility must pay. Provides Act takes effect immediately.

Avalanche &
Fire Weather
Forecasting

HOUSE BILL NO. 169, (see page 210). Reported back to the House February 18 by State Affairs recommending it do pass. Concurring: Hurley (Chair), Navarre, M. M. Miller, Collins, and Boucher. Not concurring: Jenkins had no recommendation. To Resources.

Air Service
(essential)

HOUSE JOINT RESOLUTION NO. 16, (see page 244). Reported back to the House February 20 by Transportation recommending it be replaced with a substitute and that it do pass. Concurring: Cato (Chair), Shultz, Herrmann, Davis and Pignalberi. Not concurring: Marrou recommends do not pass. Furnace has no recommendation. To Rules.

The Transportation substitute states that the elimination of the Essential Air Service is due to the President's proposed fy '86 budget (former version blamed elimination on the Department of Transportation), and adds a clause stating that under the Airline Deregulation Act of 1978 Congress provided that the program would continue until 1988. Requests that Congress "fully fund" the program. Copies of the resolution would also be sent to President Reagan, the Vice President, and Speaker of the House.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 160 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to relocation of utilities incident
7 to highway projects; and providing for an effective
8 date."

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

10 * Section 1. AS 19.25.020(c) is amended to read:

11 (c) The cost of change, relocation, or removal necessitated by
12 highway construction is a cost of highway construction to be paid [BY
13 THE STATE] in accordance with AS 19.45.001(4) as follows:

14 (1) by the department as a cost of highway construction,
15 provided that the utility facility is properly installed in accordance
16 with a permit, or in the absence of a permit, was installed before the
17 effective date of this paragraph in the proper location in accordance
18 with department regulations;

19 (2) by the utility in all other cases [, NOTWITHSTANDING THE
20 TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION OR
21 STATUTE TO THE CONTRARY].

22 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

Offered: 2/22/85
Referred: Transportation
and Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 160 (C&RA)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to relocation of utilities incident
8 to highway projects; and providing for an effective
9 date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 19.25.020(c) is amended to read:
12 (c) The cost of change, relocation, or removal necessitated by
13 highway construction is a cost of highway construction to be paid [BY
14 THE STATE] ⁽¹⁾ in accordance with AS 19.45.001(4) as follows:
15 ^{(2) (non original bill)}
16 by the department as a cost of highway construction,
17 provided that the utility facility is properly installed in accordance
18 with a permit, or in the absence of a permit, was installed before the
19 effective date of this paragraph in the proper location in accordance
20 with department regulations;
21 ⁽³⁾ by the utility in all other cases [, NOTWITHSTANDING THE
22 TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION OR
23 STATUTE TO THE CONTRARY].
* Sec. 2. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

Introduced: 2/1/85
Referred: Community & Regional
Affairs, Transportation and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 160

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to relocation of utilities incident
7 to highway projects; and providing for an effective
8 date."

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

10 * Section 1. AS 19.25.020(c) is amended to read:

11 (c) The cost of change, relocation, or removal necessitated by
12 highway construction is [A COST OF HIGHWAY CONSTRUCTION] to be paid
13 [BY THE STATE] in accordance with AS 19.45.001(4) as follows:

14 (1) by the department as a cost of highway construction if
15 the facility was installed before July 1, 1960, regardless of whether
16 the facility is authorized by a permit at the time the change, relo-
17 cation, or removal of the facility is required;

18 ~~(2) by either the department as a cost of highway con-~~
19 ~~struction or by the utility, depending on the terms of the utility~~
20 ~~permit if the facility was installed or authorized under the authority~~
21 ~~of a utility permit issued after July 1, 1960;~~

22 ~~(3) by the utility if the facility was installed after July~~
23 ~~1, 1960, and there is no utility permit for the facility;~~

24 ~~(4) by the utility if the facility is not installed in the~~
25 ~~location provided for in the utility permit, regardless of whether the~~
26 ~~utility permit requires payment by the department [, NOTWITHSTANDING~~
27 ~~THE TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION~~
28 ~~OR STATUTE TO THE CONTRARY].~~

29 * Sec. 2. This Act takes effect July 1, 1985.

HB 159

airports, public facilities, and highways; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 159 (Transportation) (same title) and reports it back as follows: Cato (Chairman), Pignalberi, Furnace, Davis and Shultz recommend do pass; Marrou has no recommendation.

HB 159 was referred to the Finance Committee.

HB 160

The Transportation Committee has considered HOUSE BILL NO. 160 (relating to relocation of utilities incident to highway projects; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 160 (Transportation):

"An Act relating to relocation of utilities; and providing for an effective date."

and reports it back as follows: Cato (Chairman), Pignalberi, Furnace, Davis and Shultz recommend do pass; Marrou has no recommendation.

HB 160 was referred to the Finance Committee.

HB 190

The Community & Regional Affairs Committee has considered HOUSE BILL NO. 190 (relating to senior citizen housing; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 190 (Community & Regional Affairs) (same title), and reports it back as follows: Goll (Chairman) and Koponen recommend do pass; Gruenberg, Wallis, Phillips and Furnace have no recommendation. A fiscal note was attached.

HB 190 was referred to the Finance Committee.

The fiscal note appears in House Journal Supplement No. 46.

HB 237

The Judiciary Committee has considered HOUSE BILL NO. 237 (relating to pension reform; effective date) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg and Clocksin recommend do pass; Taylor, Pettyjohn and Phillips have no recommendation.

HB 237 was referred to the Finance Committee.

HB 243

The State Affairs Committee has considered HOUSE BILL NO. 243 (compensation of state officers and employees not covered by collective bargaining; effective date), attaches the following amendments:

Amendment No. 1 by Hurley and Boucher:

Page 1, after line 9, insert new bill sections to read:

"* Section 1. AS 24.15 is amended by adding a new section to read:

Sec. 24.15.011. LEGISLATIVE PER DIEM. (a) A member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate

(1) during a legislative session if the legislator is not living in the legislator's place of permanent residence during the session; and

(2) while on committee business for an interim committee of the legislature in a place that is not the legislator's place of permanent residence.

(c) A legislator is entitled to receive per diem at the long-term rate

(1) during a legislative session if the legislator is living in the legislator's place of permanent residence during the session; and

(2) while engaged in committee business for an interim committee of the legislature at the legislator's place of permanent residence.

(d) In this section

(1) "long-term rate" means the long-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160.

* Sec. 2. AS 24.15.020 is amended to read:

Sec. 24.15.020. SALARY OF LEGISLATORS. The monthly salary for each member of the legislature



Alaska State Legislature

House of Representatives

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4833

MEMORANDUM

TO: Richard Knapp
Commissioner
Department of Transportation

FROM: Peter Goll
Chairman

A handwritten signature in cursive script, appearing to read "Peter Goll".

SUBJECT: HB160 AMENDMENTS

ON PAGE 1, DELETE From Beginning of Line 14 through "Department"
on Line 26.

ON PAGE 1, INSERT

(1) by the Department as a cost of highway construction, provided that the utility facility is properly installed in accordance with a permit, or in the absence of a permit, was installed prior to the effective date of this act in the proper location in accordance with department regulations;

(2) by the utility in all other cases.

Alaska State Legislature

House of Representatives

Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

*file
staff*

M E M O R A N D U M

Date: 13 March 1985

To: Randall Moen, Legislative Counsel
Legal Services

From: Rhonda Cargill, Professional Assistant *RC*
House Transportation Committee

Re: CSHB 160 (C&RA)

Please provide us with a work draft for a CSHB 160 (TRSP) with the following changes:

- " Change the title to read "An Act relating to relocation of utilities."
- ° Insert on page 1, line 14, section 1(c)(1) from the original bill and renumber accordingly. In other words, on line 14 insert:

(1) by the department as a cost of highway construction if the facility was installed before July 1, 1960, regardless of whether the facility is authorized by a permit at the time the change, relocation, or removal of the facility is required;

As you know, we meet at 7:00 a.m., so we would appreciate a work draft before the end of the day.

Thanks so much.

Attachment

Offered: 2/22/85
Referred: Transportation
and Finance

Original sponsor: Rules/Governor

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 160 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to relocation of utilities." ^{incident}
7 ~~to highway projects, and providing for an effective~~
8 ~~date."~~

9

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

10

* Section 1. AS 19.25.020(c) is amended to read:

11

(c) The cost of change, relocation, or removal necessitated by

12

highway construction is a cost of highway construction to be paid [BY

13

THE STATE] in accordance with AS 19.45.001(4) as follows:

14

Insert Section 1 of HB 160 introduced 2-1-85 and renumber
2(1) by the department as a cost of highway construction,

15

provided that the utility facility is properly installed in accordance

16

with a permit, or in the absence of a permit, was installed before the

17

effective date of this paragraph in the proper location in accordance

18

with department regulations;

19

3(2) by the utility in all other cases [, NOTWITHSTANDING THE

20

TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION OR

21

STATUTE TO THE CONTRARY].

22

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

23

10.070(c).

Insert on page 1, line 14:

*(1) by the department as a cost of highway construction
if the facility was installed before July, 1963, regardless of
whether the facility is authorized by a permit at the
time the change, relocation, or removal of the facility
is required;*