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SENATE FINANCE COMMITTEE REPORT

DATE: 4/5/90

FURTHER:

DATE TURNED INTO OFFICE: 4/20/90

The Finance Committee considered

SB 368

"An Act relating to commercial motor vehicle inspections."

and recommended:

- replace with _____ CS SB 368 (Finance)
- or adopt _____ CS _____
- attached amendment(s)
- _____ letter of intent adopted

- same title
- new title
- technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) DPS Dept/Date: 4/3/90

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

fiscal note(s) _____ Dept/Date: _____

zero fiscal note(s) _____

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

2. Full the go to PASS

1. _____

2. _____

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: An Act Relating to Commercial BRU: Highway Safety
Motor Vehicle Inspections
 Sponsor: Senate Rules Component: Commercial Vehicle Safety
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	230.2	230.2	230.2	230.2	230.2	230.2
TRAVEL	17.3	17.3	17.3	17.3	17.3	17.3
CONTRACTUAL	20.4	20.4	20.4	20.4	20.4	20.4
SUPPLIES	4.1	4.1	4.1	4.1	4.1	4.1
EQUIPMENT	9.3	9.3	9.3	9.3	9.3	9.3
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	281.3	281.3	281.3	281.3	281.3	281.3

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	56.3	56.3	56.3	56.3	56.3	56.3
FEDERAL FUNDS	225.0	225.0	225.0	225.0	225.0	225.0
OTHER/PROG RCPT						
TOTAL	281.3	281.3	281.3	281.3	281.3	281.3

POSITIONS:

FULL-TIME	-5-	-5-	-5-	-5-	-5-	-5-
PART-TIME	-1-	-1-	-1-	-1-	-1-	-1-
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note represents current funding plus a budget increment of 44.2 GF and 175.0 federal funds. See Public Safety FY 91 budget, page 00191.

4/20/90 Per Earl Clark, DPS: This FN for informational purposes only. The max required to gain the 225.0 FF is in their FY 91 budget.
 Changes in CSSB 368 (Fin) have no fiscal impact. This fiscal note is appropriate. 4/30/90 ylw

Prepared by: T. Michael Lewis Phone: 465-4374
 Division: Highway Safety Planning Agency Date: April 3, 1990
 Approved by Commissioner: A.A.H. Arthur English Date: 4-3-90
 Agency: Department of Public Safety Page 1 of 1

Original sponsor(s): Rules/Governor

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 368 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to commercial motor vehicle in-
7 spections and licensing; and providing for an effec-
8 tive date."

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

10 * Section 1. AS 28.32.010 is amended by adding a new subsection to
11 read:

12 (b) A peace officer, or an employee of the department who is
13 authorized by the commissioner to enforce both hazardous materials and
14 commercial vehicle safety regulations, may issue a citation under
15 AS 12.25.180 - 12.25.230 to a person who violates a regulation adopted
16 under AS 28.05.011(2). An employee of the department who is aut-
17 horized by the commissioner to enforce both hazardous materials and
18 commercial vehicle safety regulations may not take a person into
19 custody under AS 12.25.180(b).

20 * Sec. 2. AS 28.32.900 is repealed and reenacted to read:

21 Sec. 28.32.900. DEFINITIONS. In this chapter,

22 (1) "commercial motor vehicle" means a motor vehicle or a
23 combination of a motor vehicle and one or more other vehicles

24 (A) used to transport passengers or property;

25 (B) used upon a highway or vehicular way connected to

26 (i) the land-connected state highway system; or

27 (ii) a land highway or vehicular way with an
28 average daily traffic volume greater than 499; and

29 (C) which

1 (i) has a gross vehicle weight rating or gross
2 combination weight rating greater than 10,000 pounds;

3 (ii) is designed to transport more than 15 passen-
4 gers, including the driver; or

5 (iii) is used in the transportation of materials
6 found by the Secretary of Transportation to be hazardous for
7 purposes of 49 U.S.C. 1801 - 1813 (Hazardous Materials
8 Transportation Act);

9 (D) except that the following vehicles meeting the
10 criteria in (A) - (C) of this paragraph are not commercial vehi-
11 cles:

12 (i) emergency or fire equipment that is necessary
13 to the preservation of life or property;

14 (ii) farm vehicles that are controlled and oper-
15 ated by a farmer; used to transport agricultural products,
16 farm machinery, or farm supplies to or from that farmer's
17 farm; not used in the operations of a common or contract
18 motor carrier; and used within 300 miles of the farmer's
19 farm;

20 (iii) school buses;

21 (iv) vehicles owned and operated by the federal
22 government unless the vehicle is used to transport property
23 of the general public for compensation in competition with
24 other persons who own or operate a commercial motor vehicle
25 subject to this chapter, and except to the extent that
26 regulation of vehicles operated by the federal government is
27 permitted by federal law; and

28 (v) vehicles used exclusively for purposes other
29 than commercial purposes;

*Amend #1
changed
150 miles
to 300*

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(2) "commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but which are incidental to and done in furtherance of the person's primary business;

(3) "division" means the division of Alaska State Troopers;

(4) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination vehicle, except that if a value has not been specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and the load on the towed unit;

(5) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle.

Amend. * Sec. 3. AS 28.32.020 is repealed.

* Sec. 4. This Act takes effect July 1, 1990.

*#2
added immediate etd.*

04-13/90

14:52

907 745 7112

DNR/DIV OF AGRI

SB 368c.

002

MEMORANDUM STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES - DIVISION OF AGRICULTURE

TO: Lennie Gorsuch
Commissioner

DATE: April 13, 1990

FM
FROM: Frank Mielke
Director

SUBJECT: SB 368/Effects on
Farm Vehicles

My staff brought up SB 368 (a Governor's bill) and some of the changes to farm vehicle requirements. No one in DOTPF to my knowledge has talked with the Division of Agriculture or the farmers about these changes.

FM/kjh

04/13/90

14:52

907 745 7112

DNR/DIV OF AGRIC

003

MEMORANDUM STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES - DIVISION OF AGRICULTURE

TO: Frank Mielke
Director

DATE: April 13, 1990

DNR/DIV OF AGRICULTURE

APR 13 1990

DIRECTOR'S OFFICE

FROM: Ed Kern 
Development Specialist

TELEPHONE: 745-7200

SUBJECT: Farm Vehicles
SB 368

The attached Senate Bill CSSB 368 (Judiciary) has recently come to my attention as having an economic impact on the agriculture industry.

Section 28.32.900 of this bill restricts the definition for farm vehicles to be exempted from the commercial vehicle rules.

(ii) farm vehicles that are controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from that farmer's farm; not used in the operations of a common or contract motor carrier; and used within 150 miles of the farmer's farm;

The key change is: used within 150 miles of the farmer's farm. The current statute language reads as follows:

(2) used exclusively to transport ranch and farm products other than bulk milk; or

(3) customarily and historically used for commercial purposes for less than 20 hours per month. ((3 ch 104 SLA 1985)

Local farmers must exceed the 150 mile limit to move livestock to market from either Delta or Homer when they deliver to the slaughterhouse here in Palmer. The same is true for grain, hay, seed or fertilizer from suppliers to farm or to market.

I would hope that there will be sufficient public notice to the agriculture industry to provide input on this issue. This bill has been through both Senate HES and JUD committee with no notice to the agriculture community that we have heard about. The next hearing on this bill is in Senate FIN April 20 at 9:00 a.m.

I have attached a copy of the current AS 28.32, plus the bill resolution and history report.

EK/kjh

Attachment

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 8, 1990

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to commercial vehicle safety inspections.

This bill is intended to bring Alaska into compliance with the Federal Motor Carrier Safety Regulations (49 C.F.R. secs. 390 -- 399). Compliance with these federal regulations is a condition of receiving federal Motor Carrier Safety Assistance Program money.

The primary component of this bill is the definition of "commercial motor vehicle" in sec. 2 of the bill, which adopts federal standards while recognizing the uniqueness of Alaska roadways. The definition continues the tradition of less strict regulation of vehicles on roads not connected either to the main state highway system or to heavily travelled roads. See, e.g., AS 28.10.011 (registration) and AS 28.22.200 (insurance).

The secondary component of this bill is the authorization in sec. 1 of the bill, for employees of the Department of Public Safety, who are not peace officers, to issue citations for violations of commercial vehicle safety regulations. Granting authorized employees the power to conduct inspections and to issue citations provides a cost-effective method of enforcing the commercial vehicle safety standards.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper".

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: An Act relating to commercial BRU: Highway Safety Planning Agency
vehicle inspections
Sponsor: Rules Committee Component: Commercial Vehicle Safety
Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.32 to bring Alaska law into conformity with federal motor carrier safety regulations. These changes are needed to allow Alaska to participate in the federal commercial vehicle safety inspection program. Alaska's participation in the federal program is not mandated by the federal government, at least at this time. A State program is being developed; funding for implementation will be sought through the normal departmental budgetary process. There will be no direct fiscal impact as a result of the passage of this bill.

Prepared by: Earl D. Clark
Division: Highway Safety Planning Agency

Phone: 465-2446
Date: 12/15/89

Approved by Commissioner: D.A.H. English
Agency: Department of Public Safety

Date: 12/15/89
Page 1 of 1

Handwritten: 12/15/89