

BILLS 1981 - 1982

HB 648 cont.

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1 (a) The commissioners of the Department of Administration [PUBLIC
2 WORKS] and the Department of Transportation [HIGHWAYS] may transfer
3 directly to a political subdivision of the state, including a village
4 organized under Federal Act of June 18, 1934 (48 Stat. 984), as amended
5 by the Act of May 1, 1936 (49 Stat. 1250), the title to automotive and
6 construction equipment which can be used in the maintenance or construc-
7 tion of roads and airports.

8 * Sec. 121. AS 44.88.180(a) is amended to read:

9 (a) A [NO] member of the authority may not vote on a resolution of
10 the authority relating to a lease or contract to be entered into by the
11 authority under this chapter if he is a party to the lease or contract
12 or has a direct ownership or equity interest in a firm, partnership,
13 corporation or association which may be a party to the contract or
14 lease. If a person may not vote because of this prohibition, for all
15 purposes regarding action of the authority relating to adoption of the
16 resolution, the position of the persons as a member shall be transferred
17 to the first one of the following state officers who is not then acting
18 as a member and would not be prohibited from voting on the resolution
19 because of the same prohibition: commissioner of administration, attorney
20 general, commissioner of revenue, commissioner of health and welfare,
21 commissioner of labor, commissioner of transportation [PUBLIC WORKS],
22 commissioner of public safety.

23 * Sec. 122. AS 46.11.010 is amended to read:

24 Sec. 46.11.010. THERMAL AND LIGHTING ENERGY STANDARDS FOR PUBLIC
25 BUILDINGS. (a) All public facilities of the state, the construction of
26 which begins after July 1, 1980, shall be designed to comply with the
27 thermal and lighting energy standards adopted by the Department of
28 Administration [TRANSPORTATION AND PUBLIC FACILITIES] under AS 44.21.350
29 [AS 44.42.020(a)(14)].

1 (b) By June 30, 1988, all public facilities of the state existing
2 on July 1, 1980 shall be modified, to the extent economically feasible,
3 to comply with the thermal and lighting energy standards adopted by the
4 Department of Administration [TRANSPORTATION AND PUBLIC FACILITIES]
5 under AS 44.21.350 [AS 44.42.020(a)(14)].

6 * Sec. 123. AS 46.11.900(9)(A) is amended to read:

7 (A) by the commissioner of administration [TRANSPORTA-
8 TION AND PUBLIC FACILITIES] under AS 44.21.350 [AS 44.42.020(a)]
9 for public facilities; or

10 * Sec. 124. AS 47.37.040(14) is amended to read:

11 (14) cooperate with the Department of Public Safety and the
12 Department of Transportation [HIGHWAYS] in establishing and conducting
13 programs designed to deal with the problem of persons operating motor
14 vehicles while intoxicated;

15 * Sec. 125. AS 47.37.050(a) is amended to read:

16 (a) An interdepartmental coordinating committee is created, com-
17 posed of the coordinator, the commissioners of health and social ser-
18 vices, education, transportation [AND PUBLIC FACILITIES], labor and
19 public safety, and the director of the Alcoholic Beverage Control Board.
20 The committee shall meet at least twice annually at the call of the
21 commissioner of health and social services who is its chairman. The
22 committee shall provide for the coordination and exchange of information
23 on all programs relating to alcoholism and act as a permanent liaison
24 among state departments engaged in activities affecting alcoholics and
25 intoxicated persons. The committee shall assist the commissioner of
26 health and social services and the coordinator in formulating a compre-
27 hensive plan for prevention of alcoholism and for treatment of alcoholics
28 and intoxicated persons.

29 * Sec. 126. AS 44.42.020(a)(13) - (15), 44.42.055, 44.42.065 and 44.42.-

1 030(a) are repealed.

2 * Sec. 127. This Act takes effect July 1, 1982.

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Original sponsor: Transportation Committee

Offered: 3/8/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 648 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act transferring certain functions of the Department
7 of Transportation and Public Facilities to the Depart-
8 ment of Administration; establishing the Department of
9 Transportation; and providing for an effective date."

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

11 * Section 1. AS 02.10.080 is amended to read:

12 Sec. 02.10.080. DEPARTMENT DEFINED. As used in this chapter,
13 "department" means the [STATE] Department of Transportation [AND PUBLIC
14 FACILITIES].

15 * Sec. 2. AS 02.15.260(8) is amended to read:

16 (8) "commissioner" means the commissioner of the Department
17 of Transportation [AND PUBLIC FACILITIES OF THE STATE];

18 * Sec. 3. AS 02.15.260(9) is amended to read:

19 (9) "department" means the Department of Transportation [AND
20 PUBLIC FACILITIES];

21 * Sec. 4. AS 02.20.070 is amended to read:

22 Sec. 02.20.070. DEPARTMENT DEFINED. In this chapter "department"
23 means the Department of Transportation [AND PUBLIC FACILITIES].

24 * Sec. 5. AS 02.25.110(4) is amended to read:

25 (4) "department" means the Department of Transportation [AND
26 PUBLIC FACILITIES OF THIS STATE];

27 * Sec. 6. AS 02.35.150 is amended to read:

28 Sec. 02.35.150. "DEPARTMENT" AND "COMMISSIONER" DEFINED. In this
29 chapter, "department" means the [STATE] Department of Transportation

1 [AND PUBLIC FACILITIES]; "commissioner" means the commissioner of trans-
2 portation [AND PUBLIC FACILITIES].

3 * Sec. 7. AS 03.53.010(a) is amended to read:

4 (a) No animals may be transported into the state aboard a ferry
5 operated by the division of marine transportation of the Department of
6 Transportation [AND PUBLIC FACILITIES] unless the animal's owner, custo-
7 dian or attendant possesses a valid health certificate for the animal.
8 This certificate shall accompany the animal or be in the possession of
9 the animal's owner, custodian or attendant aboard the ferry and shall be
10 presented when requested by an employee of the state ferry system at the
11 time the owner, custodian or attendant makes arrangements to transport
12 the animal, boards the ferry with the animal, or at any other time.

13 * Sec. 8. AS 05.35.020 is amended to read:

14 Sec. 05.35.020. PERMITS FOR RACING EVENTS. The athletic commis-
15 sion may issue, and for cause cancel, a permit to conduct a snow vehicle,
16 automobile or motorcycle racing event as provided in this chapter under
17 terms and conditions and at times and places the commission may deter-
18 mine. If the commission refuses to grant a permit to an applicant, or
19 cancels a permit, the applicant or holder of the cancelled permit may,
20 upon application, have a hearing under the provisions of the Administra-
21 tive Procedure Act (AS 44.62). No permit may be issued by the commissioner
22 for the use of a state highway without the concurrence of the commis-
23 sioner of transportation [HIGHWAYS] and the commissioner of public
24 safety.

25 * Sec. 9. AS 09.55.250(1) is amended to read:

26 (1) a fee simple, when taken for public buildings or grounds,
27 or for permanent buildings, for reservoirs and dams and permanent flood-
28 ing occasioned by them, or for an outlet for a flow, or a place for the
29 deposit of debris or tailings of a mine, or when, in the judgment of the

1 Department of Natural resources, the Department of Administration
2 [PUBLIC WORKS], or the Department of Transportation [HIGHWAYS], a fee
3 simple is necessary for any of the purposes for which the department, on
4 behalf of the state, is authorized by law to acquire real property by
5 condemnation;

6 * Sec. 10. AS 14.08.101(7) is amended to read:

7 (7) recommend to the commissioner a school construction and
8 rehabilitation program based on an evaluation of the condition of exist-
9 ing school facilities and a determination of the requirements for new
10 school construction, rehabilitation or other upgrading of school facili-
11 ties, and provide for the construction and rehabilitation or other
12 upgrading of school facilities when grants are made to it by the Depart-
13 ment of Administration [PUBLIC WORKS] under AS 14.08.161; and

14 * Sec. 11. AS 14.08.161(b)(7) is amended to read:

15 (7) public facilities procurement policies developed by the
16 Department of Administration [TRANSPORTATION AND PUBLIC FACILITIES]
17 under AS 35.10.160 - 35.10.200.

18 * Sec. 12. AS 14.08.161(c) is amended to read:

19 (c) School construction, repair, and improvement projects shall be
20 carried out by the Department of Administration [TRANSPORTATION AND
21 PUBLIC FACILITIES] unless funds for a project are granted to a regional
22 school board under (d) of this section.

23 * Sec. 13. AS 14.08.161(d) is amended to read:

24 (d) Regional school boards may apply to the Department of Adminis-
25 tration [TRANSPORTATION AND PUBLIC FACILITIES] for a grant of all or
26 part of the funds allocated for their school construction, repair, and
27 improvement projects. When a regional school board applies for a grant
28 of funds, the department shall grant funds to a regional school board
29 for a school construction, repair, or improvement project, and, if the

1 request is for all funds allocated, shall provide for the assumption by
2 the regional school board of all of the department's responsibilities
3 relating to the planning, design and construction of an educational
4 facility. Thereafter, the board shall

5 (1) select the appropriate professional personnel to develop
6 the designs;

7 (2) approve or disapprove the appropriate designs or revised
8 designs; and

9 (3) undertake construction, repair or improvement of the
10 educational facility.

11 * Sec. 14. AS 14.08.161(e) is amended to read:

12 (e) To carry out the purpose of this section, the Department of
13 Administration [TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regula-
14 tions relating to the application for and the making and the manner of
15 administration of grants wherein the responsibility for school construc-
16 tion, repair and improvement is assumed by regional school boards under
17 (d) of this section. The department shall include in grant contracts
18 terms and conditions requiring a regional school board and its contrac-
19 tors to adhere to the provisions of AS 36.05.010 with respect to the
20 payment of wage rates on construction projects, and AS 36.10.010 with
21 respect to employment preference and may require different terms in
22 grant contracts for different projects to meet local conditions and
23 unique requirements and to assure compliance with the public facilities
24 procurement policies developed by the department under AS 35.10.160 -
25 35.10.200.

26 * Sec. 15. AS 18.40.010 is amended to read:

27 Sec. 18.40.010. SHELTER CABINS AND COMFORT STATIONS ON AIRPORTS.
28 The Department of Transportation [PUBLIC WORKS] may erect and maintain
29 shelter cabins and comfort stations for the accommodation of travelers

1 on the airports throughout the state where the facilities are required
2 and necessary out of funds appropriated for the construction and mainten-
3 ance of roads and aviation fields. Each shelter cabin or comfort station
4 shall contain a suitable stove and other facilities considered necessary
5 by the Department of Transportation [PUBLIC WORKS].

6 * Sec. 16. AS 18.40.020 is amended to read:

7 Sec. 18.40.020. SHELTER CABINS ON ROADS AND TRAILS. The Depart-
8 ment of Transportation [PUBLIC WORKS] may erect and maintain cabins for
9 the accommodation of travelers and shelter for dog teams and horses at
10 the places along traveled roads and trails considered necessary by the
11 Department of Transportation [PUBLIC WORKS] for the safety of the travel-
12 ing public. Each cabin shall contain a suitable stove. The Department
13 of Transportation [PUBLIC WORKS] shall place in conspicuous places on
14 roads and trails leading to or from the cabins sign boards advising
15 travelers of the direction and distance to the cabin.

16 * Sec. 17. AS 18.40.030 is amended to read:

17 Sec. 18.40.030. INSPECTION OF CABINS. The Department of Trans-
18 portation [PUBLIC WORKS] shall inspect or cause to be inspected all the
19 cabins erected under this chapter at least once a year.

20 * Sec. 18. AS 18.40.060 is amended to read:

21 Sec. 18.40.060. EXCEPTION. Nothing in this chapter prevents the
22 Department of Transportation [PUBLIC WORKS] from authorizing responsible
23 persons in writing to occupy permanently in the capacity of caretakers
24 or roadhouse keepers shelters with adequate accommodations in order to
25 improve the accommodations for the traveling public.

26 * Sec. 19. AS 18.45.030(4) is amended to read:

27 (4) the Department of Transportation [PUBLIC WORKS] particu-
28 larly as to the transportation of special nuclear, by-product, and
29 radioactive materials on highways of the state;

1 * Sec. 20. AS 18.45.030(5) is amended to read:

2 (5) the Department of Transportation [PUBLIC WORKS] particu-
3 larly as to the transportation of special nuclear, by-product, and
4 radioactive materials by common carriers not in interstate commerce and
5 as to the participation by public utilities subject to its jurisdiction
6 in projects for the development of production or utilization facilities
7 for industrial or commercial use;

8 * Sec. 21. AS 18.60.030(5) is amended to read:

9 (5) advise with the public agencies responsible for safeguard-
10 ing the people against accidents, and especially with the Department of
11 Administration [PUBLIC WORKS], the Department of Public Safety, the
12 Department of Education, Department of Natural Resources, Department of
13 Health and Social Services, and the heads or representatives of federal
14 departments and agencies operating in the state particularly concerned
15 with safety programs and accident prevention;

16 * Sec. 22. AS 19.05.130(1) is amended to read:

17 (1) "commissioner" means the commissioner of transportation
18 [AND PUBLIC FACILITIES];

19 * Sec. 23. AS 19.05.130(5) is amended to read:

20 (5) "department" means the Department of Transportation [AND
21 PUBLIC FACILITIES];

22 * Sec. 24. AS 19.10.052(a) is amended to read:

23 (a) A municipality, by resolution of its governing body, may
24 request the transfer to it of the responsibility of the Department of
25 Transportation [AND PUBLIC FACILITIES] for the operation and maintenance
26 of a traffic control system which regulates the flow of traffic at
27 intersections of highways and roads maintained by the state and the
28 municipality.

29 * Sec. 25. AS 19.10.280(a) is amended to read:

1 (a) A municipality, by resolution of its governing body, may
2 request of the department the assumption of the department's responsi-
3 bilities relating to planning of transportation corridors which are to
4 be located within the boundaries or operating area of the municipality.
5 After receipt of the request, the department shall provide by agreement
6 for assumption by the municipality of the department's responsibilities
7 relating to planning of transportation corridors, unless the commissioner
8 of transportation [AND PUBLIC FACILITIES] determines that assumption of
9 responsibilities by the municipality is not practicable or not in the
10 best interests of the state. The parties may by mutual agreement provide
11 for joint or cooperative assumption of responsibilities by the department
12 and the municipality.

13 * Sec. 26. AS 19.10.280(b) is amended to read:

14 (b) If the commissioner of transportation [AND PUBLIC FACILITIES]
15 determines that assumption of responsibilities by a municipality under
16 this section is not practicable or not in the best interests of the
17 state, he shall notify the municipality of his finding and specify
18 reasons for it. If the municipality requests reconsideration of the
19 decision, he shall hold a hearing in the municipality within 30 days
20 following mailing of the request. Following the hearing he may affirm,
21 modify or reverse his initial decision and shall specify in writing the
22 reasons.

23 * Sec. 27. AS 19.10.280(d) is amended to read:

24 (d) The commissioner of transportation [AND PUBLIC FACILITIES] may
25 require terms or conditions in an agreement under this section necessary
26 to insure compliance with the requirements of this section and otherwise
27 considered to be in the public interest. If necessary, the commissioner
28 may require as a condition of an agreement under this section approval
29 of the agreement by the federal government.

1 * Sec. 28. AS 19.20.090 is amended to read:

2 Sec. 19.20.090. HIGHWAY CONSTRUCTION NEAR AIRPORTS. (a) A [NO]
3 person may not construct, reconstruct, relocate, or extend a federal-aid
4 highway within two miles of an airport, airstrip, or private air facility
5 without first obtaining the written approval of the commissioner of
6 transportation [AND PUBLIC FACILITIES], as provided by regulation.

7 (b) The commissioner of transportation may [AND PUBLIC FACILITIES
8 SHALL] not approve the construction, reconstruction, relocation, or
9 extension of a highway under this section if the construction would
10 constitute a hazard to the traveling public or if the construction would
11 otherwise not be in the public interest.

12 (c) The commissioner of transportation [AND PUBLIC FACILITIES]
13 shall adopt [PROMULGATE RULES AND] regulations, to effectuate the purpose
14 of this section, which are consistent with standards established by
15 participating federal agencies.

16 * Sec. 29. AS 19.22.030(2) is amended to read:

17 (2) "department" means the Department of Transportation [AND
18 PUBLIC FACILITIES].

19 * Sec. 30. AS 19.25.160(2) is amended to read:

20 (2) "interstate system" means that portion of the National
21 System of Interstate and Defense Highways located in this state, as
22 officially designated, or as may [HEREAFTER] be so designated, by the
23 commissioner of transportation [AND PUBLIC FACILITIES], and approved by
24 the secretary of transportation (or by the secretary of commerce before
25 the effective date of the transfer of functions under Public Law 89-670
26 [80 Stat. 931]), under the provisions of Title 23, United States Code,
27 "Highways";

28 * Sec. 31. AS 19.25.160(3) is amended to read:

29 (3) "primary system" or "secondary system" means that portion of

1 connected main highways, as officially designated, or as may [HEREAFTER]
2 be so designated, by the commissioner of transportation [AND PUBLIC
3 FACILITIES], and approved by the secretary of transportation (or by the
4 secretary of commerce before the effective date of the transfer of
5 functions under Public Law 89-670 [80 Stat. 931]), under the provisions
6 of Title 23, United States Code, "Highways";

7 * Sec. 32. AS 19.25.160(4) is amended to read:

8 (4) "department" means the Department of Transportation [AND
9 PUBLIC FACILITIES].

10 * Sec. 33. AS 19.27.110(4) is amended to read:

11 (4) "interstate system" means that portion of the National
12 System of Interstate and Defense Highways located in this state, as
13 officially designated, or as may [HEREAFTER] be so designated, by the
14 commissioner of transportation [AND PUBLIC FACILITIES], and approved by
15 the secretary of transportation (or by the secretary of commerce before
16 the effective date of the transfer of functions under Public Law 89-670
17 [80 Stat. 931]), under the provisions of Title 23, United States Code,
18 "Highways";

19 * Sec. 34. AS 19.27.110(5) is amended to read:

20 (5) "primary system" or "secondary system" means that portion
21 of connected main highways, as officially designated, or as may [HERE-
22 AFTER] be so designated, by the commissioner of transportation [AND
23 PUBLIC FACILITIES], and approved by the secretary of transportation (or
24 by the secretary of commerce before the effective date of the transfer
25 of functions under Public Law 89-670 [80 Stat. 931]), under the provi-
26 sions of Title 23, United States Code, "Highways";

27 * Sec. 35. AS 19.27.110(6) is amended to read:

28 (6) "department" means the Department of Transportation [AND
29 PUBLIC FACILITIES].

1 * Sec. 36. AS 19.30.040(a) is amended to read:

2 (a) Upon approval of an application and agreement as to state
3 participation, the applicant resource developer shall submit to the
4 commissioner of natural resources road plans and specifications for the
5 standard of construction he believes to be necessary to develop the
6 mineral resource and protect the fish and game resources that may be
7 affected by the road construction. Plans and specifications submitted
8 by each applicant shall be forwarded by the commissioner of natural
9 resources to the commissioner of transportation [AND PUBLIC FACILITIES]
10 and the commissioner of fish and game and upon approval by them, the
11 applicant may proceed with construction.

12 * Sec. 37. AS 19.30.040(b) is amended to read:

13 (b) The applicant will be allowed credit for the use of his own
14 men and equipment or those of his contractor as his share of cost parti-
15 cipation. The applicant must submit documentation satisfactory to the
16 commissioner of transportation [AND PUBLIC FACILITIES] to support his
17 participation for this credit.

18 * Sec. 38. AS 19.30.051 is amended to read:

19 Sec. 19.30.051. REGULATIONS. The commissioner of natural
20 resources and the commissioner of transportation [AND PUBLIC FACILITIES]
21 shall a opt [PROMULGATE RULES AND] regulations to effectuate the pur-
22 poses of AS 19.30.020 - 19.30.051.

23 * Sec. 39. AS 19.30.080 is amended to read:

24 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. Access
25 roads constructed under AS 19.30.060 - 19.30.100 shall be of low stan-
26 dard, not necessarily suitable for all weather use. The state is not
27 under obligation to maintain these roads. Right-of-way width shall be
28 determined by the division of lands and the Department of Transportation
29 [AND PUBLIC FACILITIES] if constructed outside local government units

1 which have zoning ordinances. If these roads are constructed within the
2 boundaries of local government units which have zoning ordinances, the
3 width shall conform to subdivision control ordinances of the local
4 government units. Contracts for the work shall be awarded to the lowest
5 responsible bidder qualified to contract with the state.

6 * Sec. 40. AS 19.30.151(a) is amended to read:

7 (a) Upon application by a local government, local service roads
8 and trails constructed under the provisions of AS 19.30.111 - 19.30.241
9 and located within the jurisdictional boundaries of a local government,
10 as defined in AS 19.30.241(3), may be transferred to that local govern-
11 ment upon approval by the Department of Transportation [AND PUBLIC
12 FACILITIES] and after a vote of the people in the area.

13 * Sec. 41. AS 19.30.241(7) is amended to read:

14 (7) "commissioner" means the commissioner of transportation
15 [AND PUBLIC FACILITIES];

16 * Sec. 42. AS 19.30.241(8) is amended to read:

17 (8) "department" means the Department of Transportation [AND
18 PUBLIC FACILITIES].

19 * Sec. 43. AS 19.40.020(c) is amended to read:

20 (c) The contract with the participants shall include such addi-
21 tional terms and conditions as appear to be in the best interests of the
22 state. Any advance payments made under such a contract shall be deposited
23 in a special account which will be used for disbursements to the contrac-
24 tor charged with construction of the highway. Disbursements to the
25 contractor shall be made on order of the commissioner of transportation
26 [AND PUBLIC FACILITIES] on presentation of a proper voucher or the
27 presentation of a voucher by an employee of the department authorized in
28 writing to certify as to that [SUCH] payment.

29 * Sec. 44. AS 19.40.060(2) is amended to read:

1 (2) certification by the commissioner of the Department of
2 Transportation [AND PUBLIC FACILITIES] that the road design and con-
3 struction methods will cause minimal landscape defacement or environ-
4 mental degradation by erosion or waste disposal;

5 * Sec. 45. AS 19.40.080(1) is amended to read:

6 (1) "department" means the Department of Transportation [AND
7 PUBLIC FACILITIES];

8 * Sec. 46. AS 19.60.070(1) is amended to read:

9 (1) "department" means the Department of Transportation [AND
10 PUBLIC FACILITIES];

11 * Sec. 47. AS 19.65.010 is amended to read:

12 Sec. 19.65.010. DUTY STATION OR PORT CHANGE FOR EMPLOYEES OF THE
13 ALASKA MARINE HIGHWAY SYSTEM. No employee of the Alaska marine highway
14 system may be relieved at a duty station or port which is outside the
15 state. Appropriate state duty stations or ports for relief changes
16 shall be designated by the Department of Transportation [PUBLIC WORKS].

17 * Sec. 48. AS 19.65.020(a) is amended to read:

18 (a) A vessel or facility of the Alaska marine highway system con-
19 structed or acquired by the Department of Transportation [AND PUBLIC
20 FACILITIES UNDER AS 19.60.010 - 19.65.020] may be given a name only by
21 law.

22 * Sec. 49. AS 23.40.040 is amended to read:

23 Sec. 23.40.040. COLLECTIVE BARGAINING AGREEMENT. The commissioner
24 of transportation [PUBLIC WORKS] or his authorized representative, in
25 accordance with AS 23.40.010 - 23.40.030, may negotiate and enter into
26 collective bargaining agreements concerning wages, hours, working condi-
27 tions, and other employment benefits with the employees of the division
28 of marine transportation engaged in operating the state ferry system as
29 masters or members of the crews of vessels or their bargaining agent.

1 No collective bargaining agreement is final without the concurrence of
2 the commissioner of transportation [PUBLIC WORKS]. The commissioner of
3 transportation [PUBLIC WORKS] may make provision in the collective
4 bargaining agreement for the settlement of labor disputes by arbitration.

5 * Sec. 50. AS 28.01.010(d) is amended to read:

6 (d) A municipality shall erect necessary official traffic control
7 devices on streets and highways within its jurisdiction which as far as
8 practicable conform to the current edition of the Alaska Traffic Manual
9 prepared by the Department of Transportation [AND PUBLIC FACILITIES].

10 * Sec. 51. AS 28.05.011(8) is amended to read:

11 (8) the operation of motor vehicle weighing stations and the
12 enforcement of size, weight and load limitations, including the issuing
13 of special permits and prescribing fees for special permits, based upon
14 directives of the Department of Transportation [AND PUBLIC FACILITIES]
15 for prescribing or restricting conditions for the driving of vehicles
16 when necessary to protect against undue damage to the road foundations,
17 surfaces or structures;

18 * Sec. 52. AS 29.89.020 is amended to read:

19 Sec. 29.89.020. STATE AID TO MUNICIPALITIES FOR ROADS. (a) The
20 department shall pay to a municipality which has power to provide for
21 road maintenance and exercises that power, \$2,500 a mile for each mile
22 of road, street or highway maintained by the local government, excluding
23 (1) the official state highway system, (2) roads, streets or highways
24 not dedicated to public use, (3) roads, streets or highways maintained
25 under the local service road program (AS 19.30.111 - 19.30.251), and (4)
26 alleyways, in accordance with regulations adopted by the Department of
27 Transportation [AND PUBLIC FACILITIES]. A payment may not be made under
28 this subsection for maintenance of a road which is not used by automotive
29 equipment.

1 (b) A frozen waterway and a connection from an inhabited area to a
2 waterway which may be safely used for public transportation by automotive
3 equipment and is so used during a portion of a year is eligible for a
4 payment of \$1,500 per mile if the waterway and connection are maintained
5 during the period of use by a municipality or combination of municipali-
6 ties. The department, after consultation with the Department of Trans-
7 portation [AND PUBLIC FACILITIES], shall determine which waterways and
8 connections qualify and, where the waterways or connections lie outside
9 the corporate limits of a municipality, which municipalities shall
10 receive the payments under this subsection, unless the municipalities
11 involved have agreed in writing to a particular distribution.

12 * Sec. 53. AS 30.05.010 is amended to read:

13 Sec. 30.05.010. SUBSIDIES TO FREIGHT CARRIERS. The Department of
14 Transportation [AND PUBLIC FACILITIES] may pay a sum of money not to
15 exceed \$30,000 a year to the owner or charterer of a vessel of American
16 registry who operates the vessel as a common carrier of freight and mail
17 to and from points the Department of Transportation [AND PUBLIC FACILI-
18 TIES] designates.

19 * Sec. 54. AS 30.05.020 is amended to read:

20 Sec. 30.05.020. PAYMENT OF SUBSIDIES. The subsidy shall be paid
21 in the installments the Department of Transportation [AND PUBLIC FACILI-
22 TIES] thinks proper, after proof is submitted that the conditions of the
23 contract or subsidy are fulfilled up to the time of payment. The
24 inability to touch at a point along the route designated by the Depart-
25 ment of Transportation [AND PUBLIC FACILITIES] due to a lack of proper
26 docking or harbor facilities or to stress of weather does not prevent
27 the owner or charterer from receiving the money otherwise earned, and is
28 not a cause for reducing the amount of the subsidy. If the subsidized
29 vessel is lost, wrecked, or damaged, the Department of Transportation

1 [AND PUBLIC FACILITIES] may permit the contractor to carry out the
2 service temporarily with another vessel or ship of American registry
3 that meets with its approval.

4 * Sec. 55. AS 30.05.030 is amended to read:

5 Sec. 30.05.030. TARIFF OF RATES. The owner or charterer of the
6 vessel awarded the subsidy must adopt and publish a tariff of freight
7 rates to be approved by the Department of Transportation [AND PUBLIC
8 FACILITIES]. The tariff must be reasonable, and it is unlawful for the
9 operator of the vessel to charge more than provided for the tariff. The
10 tariff must be published before services are performed under the subsidy.

11 * Sec. 56. AS 30.05.040 is amended to read:

12 Sec. 30.05.040. REPORT BY OWNER OR CHARTERER. It is a condition
13 in awarding of the subsidy that the contractor agrees to make a report
14 under oath, in form and manner designated by the Department of Trans-
15 portation [AND PUBLIC FACILITIES] at the end of each year, giving the
16 following information:

- 17 (1) tariff sheet of freight rates for the route covered;
18 (2) total tonnage carried;
19 (3) gross earning from freight and mail service rendered,
20 segregating the two amounts;
21 (4) a statement in detail of all expenses incurred and on
22 what account, the names and addresses of all persons employed, and the
23 gross earnings and gross expense of the route covered.

24 * Sec. 57. AS 30.07.020 is amended to read:

25 Sec. 30.07.020. REGULATIONS. The Department of Transportation
26 [AND PUBLIC FACILITIES] may adopt regulations, not in conflict with
27 federal law or regulations, which establish standards for marine communi-
28 cations in the state.

29 * Sec. 58. AS 30.15.010 is amended to read:

1 Sec. 30.15.010. STATE GRANTS FOR PORT FACILITIES CONSTRUCTION.

2 To the extent funds are appropriated by the legislature, or from the
3 proceeds from the sale of bonds, the state may make grants to municipali-
4 ties to finance a portion of the cost of construction of local, regional
5 or state port facilities. The state shall participate only in those
6 projects approved by the governor on recommendation of the commissioner
7 of transportation [AND PUBLIC FACILITIES].

8 * Sec. 59. AS 30.15.020(a) is amended to read:

9 (a) Before a grant may be awarded under this chapter, the commis-
10 sioner of transportation [PUBLIC WORKS] shall determine that

11 (1) the grant is for a feasible project;

12 (2) the project is endorsed by resolution of the governing
13 body of the sponsoring municipality on its own behalf, or on behalf of a
14 service area in an organized borough if a service area is established to
15 finance and construct port facilities and operate and maintain them once
16 constructed; and

17 (3) the municipality can clearly demonstrate its ability to
18 finance the local share of project costs.

19 * Sec. 60. AS 30.15.060 is amended to read:

20 Sec. 30.15.060. REGULATIONS. The commissioner of transportation
21 [PUBLIC WORKS] shall adopt [PROMULGATE] regulations under the Administra-
22 tive Procedure Act (AS 44.62) that he considers necessary to carry out
23 the provisions of this chapter.

24 * Sec. 61. AS 30.15.070(1) is amended to read:

25 (1) "commissioner" means the commissioner of transportation
26 [PUBLIC WORKS];

27 * Sec. 62. AS 30.15.070(2) is amended to read:

28 (2) "department" means the Department of Transportation
29 [PUBLIC WORKS];

1 * Sec. 63. AS 30.30.170(1) is amended to read:

2 (1) "department" means the Department of Transportation
3 [PUBLIC WORKS], division of waters and harbors;

4 * Sec. 64. AS 35.10.015(d) is amended to read:

5 (d) After June 25, 1976, no ferry may be constructed, lengthened,
6 completely renovated, or purchased for use or entered into service by
7 the division of marine transportation of the Department of Transporta-
8 tion [PUBLIC WORKS] as a part of the Alaska marine highway system that
9 does not include adequate facilities and devices to ensure that the
10 vessel is accessible to and usable by physically handicapped, aged or
11 infirm passengers. Some staterooms and all restrooms, indoor passageways,
12 outdoor weather decks, and other public areas aboard the vessel shall be
13 so designed and constructed as to permit access and use by physically
14 handicapped, aged or infirm passengers, including but not limited to
15 those persons occupying a wheelchair.

16 * Sec. 65. AS 35.10.160 is amended to read:

17 Sec. 35.10.160. FINDINGS AND PURPOSE. The legislature finds that
18 since the needs of the state for physical facilities of all kinds are
19 diverse the planning, design and construction of public facilities
20 should be executed in accordance with facility procurement policies
21 developed by the Department of Administration [TRANSPORTATION AND PUBLIC
22 FACILITIES] and reviewed annually by the legislature.

23 * Sec. 66. AS 35.15.080(b) is amended to read:

24 (b) If the commissioner of administration [TRANSPORTATION AND
25 PUBLIC FACILITIES] determines that assumption of responsibilities by a
26 municipality under (a)(2) of this section is not practicable or not in
27 the best interests of the state, he shall notify the governing body of
28 the municipality of his finding and specify reasons for it. If the
29 governing body requests reconsideration of the decision, the commis-

1 sioner [HE] shall hold a hearing in the municipality within 30 days
2 following mailing of the request. Following the hearing, he may affirm,
3 modify or reverse his initial decision and shall specify in writing the
4 reasons.

5 * Sec. 67. AS 35.15.080(f) is amended to read:

6 (f) To carry out the purpose of this section, the commissioner of
7 administration [TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regula-
8 tions relating to the application for and the making and the conditions
9 of agreements and the local assumption of responsibilities for the
10 planning, design and construction of public works under this section.
11 The commissioner [HE] shall include in grant contracts terms and condi-
12 tions requiring a regional school board and its contractors to adhere to
13 the provisions of AS 36.05.010 with respect to the payment of wage rates
14 on construction projects, and AS 36.10.010 with respect to employment
15 preference, and may require different terms in agreements for different
16 projects to meet local conditions and unique requirements and to assure
17 compliance with the public facilities procurement policies developed by
18 the department under AS 35.10.160 - 35.10.200. If necessary, the commis-
19 sioner may require as a condition of an agreement approval of the agree-
20 ment by the federal government. Regulations adopted, amended or repealed
21 by the department under this section which relate to educational facili-
22 ties shall be developed in conjunction with the Alaska Association of
23 School Boards and the Alaska Association of School Administrators and
24 reviewed by those associations before final action on the regulations is
25 taken by the department.

26 * Sec. 68. AS 35.27.030(1) is amended to read:

27 (1) "department" means the Department of Administration.
28 [TRANSPORTATION AND PUBLIC FACILITIES];

29 * Sec. 69. AS 35.27.030(4) is amended to read:

1 (4) "commissioner" means the commissioner of administration
2 [TRANSPORTATION AND PUBLIC FACILITIES].

3 * Sec. 70. AS 35.30.010(b)(1) is amended to read:

4 (1) the Department of Transportation [AND PUBLIC FACILITIES]
5 and the municipality have entered into agreement for the planning of the
6 project under AS 19.20.060 or 19.20.070 and the plans for the project
7 are completed in accordance with the terms of that agreement;

8 * Sec. 71. AS 35.30.010(b)(3) is amended to read:

9 (3) the Department of Transportation [AND PUBLIC FACILITIES]
10 has entered into agreement with the municipality for the planning of
11 transportation corridors under AS 19.10.280 and the plans for the project
12 are completed in accordance with the provisions of that agreement.

13 * Sec. 72. AS 35.30.010(c) is amended to read:

14 (c) If final disapproval by resolution of the governing body of
15 the affected municipality or village is not received within 90 days from
16 the date the project was submitted to the municipality or village, the
17 department that submitted the project may proceed with the project.

18 * Sec. 73. AS 35.30.040(1) is amended to read:

19 (1) "department" includes the Department of Administration,
20 [MEANS] the Department of Transportation [AND PUBLIC FACILITIES], and
21 the University of Alaska;

22 * Sec. 74. AS 37.05.230(7) is amended to read:

23 (7) the provisions of this section relative to an "Alaska
24 bidder" do not apply to contracts estimated to exceed \$5,000, of either
25 the Department of Administration [TRANSPORTATION AND PUBLIC FACILITIES],
26 which are authorized under AS 35.15, or the Department of Transportation
27 [HIGHWAYS], which are authorized under AS 19.10.

28 * Sec. 75. AS 37.05.240 is amended to read:

29 Sec. 37.05.240. AWARD OF CONTRACTS AND PURCHASES. A contract or

1 purchase made by or under the supervision of the department for which
2 competitive bids are required shall be awarded to the lowest responsible
3 bidder, taking into consideration conformity with the specifications,
4 terms of delivery, and other conditions imposed in the call for bids.
5 Bids may be rejected, and a bid shall be rejected if it contains a
6 material alteration or erasure which is not initialed by the signer of
7 the bid. The department may reject the bid of a bidder who is in arrears
8 on taxes due the state or who failed to perform on a previous contract
9 with the state. Where competitive bids are required and where all bids
10 are rejected, new bids shall be called for as in the first instance.
11 Before the awarding of a contract for a building or the making of repairs
12 upon a building, the department shall see that the bids conform with
13 plans and specifications approved by the Department of Administration
14 [TRANSPORTATION AND PUBLIC FACILITIES]. All bids with the names of the
15 bidders and the amounts of the bids, together with all documents per-
16 taining to the award of a contract, shall be made a part of a file or
17 record and retained by the department for three years, unless reproduced
18 by microfilming and these files or records are open to public inspection
19 at all reasonable times. An aggrieved bidder may within five days after
20 an award of contract appeal to the department for hearing, with notice
21 to interested parties, for redetermination and final award in accordance
22 with law.

23 * Sec. 76. AS 37.15.500 is amended to read:

24 Sec. 37.15.500. AIRPORT CHARGES. The commissioner of transporta-
25 tion [AND PUBLIC FACILITIES] shall fix and collect such fees, charges
26 and rentals derived by the state from the ownership, lease, use and
27 operation of the airports and all of the facilities and improvements of
28 them or used in connection with them as will provide revenues sufficient
29 to comply with all of the covenants of the bond resolution.

1 * Sec. 77. AS 37.15.510 is amended to read:

2 Sec. 37.15.510. STATE IMPROVEMENTS TO AIRPORTS. The state is
3 authorized to acquire, equip; construct and install additions and
4 improvements to and extensions of the airports, facilities for the
5 landing, parking, loading, storing, repairing, safety and utility of
6 aircraft at the airports and passenger, freight and terminal facilities,
7 including safety equipment and devices at the airports, found to be
8 necessary by the commissioner of transportation [AND PUBLIC FACILITIES].

9 * Sec. 78. AS 37.15.550(5) is amended to read:

10 (5) "commissioner of transportation [AND PUBLIC FACILITIES]"
11 means the principal executive officer of the Department of Transportation
12 [AND PUBLIC FACILITIES OF THE STATE] as provided in AS 44.42.010, or his
13 successor;

14 * Sec. 79. AS 37.20.030(c) is repealed and reenacted to read:

15 (c) Public buildings accepted under the provisions of AS 37.20.010
16 and 37.20.020 are subject to the jurisdiction of the Department of
17 Administration or the Department of Transportation, as directed by the
18 governor.

19 * Sec. 80. AS 38.05.030(b) is amended to read:

20 (b) The provisions of this chapter do not apply to any power, duty
21 or authority now or in the future granted to the Department of Adminis-
22 tration [PUBLIC WORKS] and the Department of Transportation [HIGHWAYS]
23 in the name of the state, to acquire, use, lease, dispose of, or exchange
24 real property, or any interest in real property. Lands assigned by the
25 division of lands to the Department of Administration [PUBLIC WORKS] and
26 the Department of Transportation [HIGHWAYS] shall be returned to the
27 management of the division of lands when they are no longer needed for
28 the purposes assigned.

29 * Sec. 81. AS 38.05.030(d) is amended to read:

1 (d) Real property acquired by, and under the management of,
2 the agencies referred to in (a) and (b) of this section, which is no
3 longer needed for its intended use, shall be returned to the jurisdic-
4 tion of the division of lands, except that the Department of Transpor-
5 tation [HIGHWAYS] may dispose of real property acquired by it under
6 AS 19.05.040(2) and AS 19.05.080 - 19.05.120.

7 * Sec. 82. AS 38.35.230(2) is amended to read:

8 (2) "coordinate agencies" includes Department of Labor,
9 Department of Transportation [HIGHWAYS], Department of Environmental
10 Conservation, and the Alaska Public Utilities Commission;

11 * Sec. 83. AS 39.25.120(9) is amended to read:

12 (9) regional directors of the Department of Transportation
13 [AND PUBLIC FACILITIES];

14 * Sec. 84. AS 39.25.153(a) is amended to read:

15 (a) Each personnel officer for the departments of transportation
16 [HIGHWAYS], fish and game, education, labor, and health and social
17 services shall be permanently employed by and located within that depart-
18 ment.

19 * Sec. 85. AS 41.20.050 is amended to read:

20 Sec. 41.20.050. SELECTION OF SITES. The Department of Transporta-
21 tion [AND PUBLIC FACILITIES] and the Department of Natural Resources,
22 jointly, shall select sites of ten acres or less for their historic or
23 scenic value, or for recreation beaches along waterways, roadside rests
24 for travelers resting, camping, or parking, and determine what facilities
25 are necessary or desirable at these sites. Selection of the sites for
26 roadside rests and recreation beaches shall be based upon the flow of
27 traffic and distances to and between facilities otherwise provided.
28 Insofar as possible, sites shall be located on, or adjacent to, highways
29 rights-of-way and small boat waterways. The Department of Natural

1 Resources may acquire the sites jointly selected by grant, gift, pur-
2 chase, lease, dedication or prescription and hold them in the name of
3 the state.

4 * Sec. 86. AS 41.20.060 is amended to read:

5 Sec. 41.20.060. CONSTRUCTION AND MAINTENANCE OF FACILITIES. The
6 Department of Transportation [PUBLIC WORKS] may construct and maintain
7 facilities at scenic sites, recreation beaches or roadside rests as are
8 determined to be necessary and desirable. Facilities may include, but
9 are not limited to, access roads, camp facilities, including picnic
10 tables, fireplaces, and toilets, camping areas or other facilities that
11 are considered necessary and desirable for the convenience and benefit
12 of travelers and small boat operators.

13 * Sec. 87. AS 41.20.110(a) is amended to read:

14 (a) The Department of Transportation [PUBLIC WORKS] may construct
15 and maintain campsites throughout the wilderness trails system. Camp-
16 sites may include any type of shelter or camp facility considered neces-
17 sary and desirable for the benefit and convenience of travelers.

18 * Sec. 88. AS 41.20.220 is amended to read:

19 Sec. 41.20.220. DESIGNATION OF MANAGEMENT REPONSIBILITY. The
20 state lands and waters described in AS 41.20.210 as the Chugach State
21 Park are assigned to the Department of Natural Resources for control,
22 development and maintenance, except that the Department of Transporta-
23 tion [HIGHWAYS] is responsible for the repair and maintenance of all
24 existing public roads within the park. The control of highway access
25 and roadside structures within the Chugach State Park is the responsi-
26 bility of the Department of Natural Resources. The Department of Fish
27 and Game shall cooperate with the Department of Natural Resources to
28 provide for those purposes under AS 41.20.210 relevant to the duties of
29 the Department of Fish and Game. If, in the exercise of management

1 responsibility under this section, conflicts of land ownership, jurisdic-
2 tion, or authority are unreconcilable or unmanageable other than at an
3 unreasonable cost and expense to the state, the commissioner after
4 public hearing in accordance with AS 44.62 may modify, subject to the
5 approval of the legislature, the boundaries of the Chugach State Park
6 not to exceed 20 percent of the total acreage described in AS 41.20.210.

7 * Sec. 89. AS 41.20.355(b) is amended to read:

8 (b) Within the limits of available appropriations, the Department
9 of Transportation [HIGHWAYS] is entitled to state grants for the estab-
10 lishment and maintenance of footpaths and trails along certain designated
11 existing highways or when a highway, road or street is being constructed,
12 reconstructed or relocated after June 7, 1972.

13 * Sec. 90. AS 41.20.355(d) is amended to read:

14 (d) Upon approval of the plan, funds shall be utilized and dis-
15 bursed to cities and boroughs and to the Department of Transportation
16 [HIGHWAYS] according to regulations established by the commissioner of
17 natural resources.

18 * Sec. 91. AS 41.20.360 is amended to read:

19 Sec. 41.20.360. PATHS AND TRAILS ALONG HIGHWAYS. The commissioner
20 of transportation [HIGHWAYS] shall administer the plan and program
21 providing for the establishment and maintenance of footpaths, bridle
22 paths, bicycle paths, ski trails, dog sled trails, motorized vehicle
23 trails and other paths and trails along certain designated existing
24 highways, or when a highway, road or street is being constructed, recon-
25 structed or relocated after June 7, 1972. Trails established under an
26 approved plan submitted by the Department of Transportation [HIGHWAYS]
27 may be used for those types of uses written into the plan. A uniform
28 system of marking the paths and trails established under this section
29 shall be established by the commissioner of transportation [HIGHWAYS].

1 * Sec. 92. AS 41.20.365(a) is amended to read:

2 (a) An amount of not less than three-eighths of one percent nor
3 more than one percent of the total yearly state and federal matching sum
4 combined, under the federal-aid highways program (23 U.S.C., secs.
5 101 - 511), shall be appropriated annually from the general fund to the
6 Department of Natural Resources for the purposes of providing grants to
7 eligible cities and boroughs for trails, footpaths and shelter construc-
8 tion and maintenance in appropriate areas, including but not limited to
9 existing park and recreation areas and for the purpose of providing
10 grants to the Department of Transportation [HIGHWAYS] for developing the
11 program specified in AS 41.20.355(b) and AS 41.20.360.

12 * Sec. 93. AS 41.20.365(c) is amended to read:

13 (c) The amount expended by a city or borough under AS 41.20.355(a)
14 or by the Department of Transportation [HIGHWAYS] under AS 41.20.355(b)
15 and 41.20.360, shall never in any one fiscal year be less than 10 percent
16 of the total amount of the funds it receives in that year for the pur-
17 poses authorized in AS 41.20.355 - 41.20.360.

18 * Sec. 94. AS 41.20.370 is amended to read:

19 Sec. 41.20.370. USE AND MARKING OF TRAILS AND FOOTPATHS. Trails
20 established under AS 41.20.355(a) may be used for more than one type of
21 transportation, motorized or nonmotorized, as considered appropriate by
22 the commissioner of natural resources. Except along highways within the
23 jurisdiction of the Department of Transportation [HIGHWAYS], the Depart-
24 ment of Natural Resources shall provide a uniform system of marking
25 trails and footpaths.

26 * Sec. 95. AS 43.18.300(b)(1) is amended to read:

27 (1) estimates of reasonable costs of a study or project as
28 approved by the commissioner after consultation with the Department of
29 Administration [PUBLIC WORKS];

1 * Sec. 96. AS 43.18.500(d)(4)(B) is amended to read:

2 (B) to the Department of Administration [TRANSPORTATION
3 AND PUBLIC FACILITIES], for review in accordance with the provisions
4 of AS 35.10.190;

5 * Sec. 97. AS 43.40.010(g) is amended to read:

6 (g) The proceeds of the revenue from the tax on all motor fuels,
7 except as provided in (e), (f), and (j) of this section, shall be
8 deposited in a special highway fuel tax account in the state general
9 fund. The legislature may appropriate funds from it for expenditure by
10 the Department of Transportation [PUBLIC WORKS] directly or as matched
11 with available federal-aid highway money for maintenance of highways,
12 construction of highway projects and ferries included in the program
13 provided for in AS 19.10.150, including approaches, appurtenances and
14 related facilities and acquisition of rights-of-way or easements, and
15 other highway costs including surveys, administration, and related
16 matters. All departments of the state government authorized to spend
17 funds collected from taxes imposed by AS 43.40.010 - 43.40.100 shall
18 perform, when feasible, all construction or reconstruction projects by
19 contract after the projects have been advertised for competitive bids,
20 except that, when feasible, arrangements shall be made with political
21 subdivisions to carry out the construction or reconstruction projects.
22 If it is not feasible for the work to be performed by state engineering
23 forces, the commissioner of transportation [PUBLIC WORKS] may contract
24 on a professional basis with private engineering firms for road design,
25 bridge design, and services in connection with surveys. If more than
26 one private engineering firm is available for the work, the contracts
27 shall be entered into on a negotiated basis.

28 * Sec. 98. AS 43.40.010(i) is amended to read:

29 (i) Within 30 days after the legislature convenes the Department

1 of Transportation [PUBLIC WORKS] shall submit an annual budget covering
2 anticipated revenues and their expenditure, for the consideration and
3 approval by the legislature. The budget shall cover all money collected
4 or anticipated to be collected under AS 43.40.010 - 43.40.100 for the
5 year following the adjournment of each regular session of the legisla-
6 ture.

7 * Sec. 99. AS 43.40.010(j) is amended to read:

8 (j) The proceeds from the tax on motor fuel used in snow vehicles
9 and, unless a tax refund is applied for under AS 43.40.040, other inter-
10 nal combustion engines not used in or in conjunction with a motor vehicle
11 licensed to be operated on public ways shall be deposited in a special
12 nonpublic highway use account in the general fund. The legislature may
13 appropriate from this account to the Department of Transportation [HIGH-
14 WAYS] for trail staking and shelter construction and maintenance.

15 * Sec. 100. AS 44.07.140(f) is amended to read:

16 (f) The corporation shall submit the facility procurement process
17 schedule to the capital coordinating committee. The committee consists
18 of the commissioners of administration, transportation [AND PUBLIC
19 FACILITIES], public safety, health and social services, environmental
20 conservation, natural resources, fish and game, labor, commerce and
21 economic development, community and regional affairs, and a representa-
22 tive of the Office of the Governor. The [CHAIRMAN OF THE] committee
23 shall select its presiding officer [BE THE COMMISSIONER OF TRANSPORTATION
24 AND PUBLIC FACILITIES]. The committee, with the cooperation of the
25 corporation, shall ensure that submissions made by the corporation as
26 required by statute, codes, and regulations are processed expeditiously.
27 The committee and the corporation, or the corporation itself, may propose
28 to the governor revision of procedures, statutes, codes or regulations
29 when necessary to expedite the corporation's work.

1 * Sec. 101. AS 44.17.005(15) is amended to read:

2 (15) Department of Transportation [AND PUBLIC FACILITIES]

3 * Sec. 102. AS 44.19.056 is amended to read:

4 Sec. 44.19.056. COMPOSITION. The State Geographic Board consists
5 of the commissioner [DIRECTOR] of the Department of Community and
6 Regional Affairs, the curator of the state museum, the state historical
7 librarian, the commissioner of the Department of Administration, the
8 commissioner of the Department of Transportation [AND PUBLIC FACILITIES],
9 the commissioner of the Department of Natural Resources, the commissioner
10 of the Department of Education, the director of the division of lands,
11 and one other person appointed by the governor.

12 * Sec. 103. AS 44.19.066(4) is amended to read:

13 (4) the commissioner of transportation [HIGHWAYS];

14 * Sec. 104. AS 44.19.155(a)(2)(G) is amended to read:

15 (G) the commissioner of the Department of Administration
16 [PUBLIC WORKS].

17 * Sec. 105. AS 44.21 is amended by adding new sections to read:

18 ARTICLE 8. PUBLIC FACILITIES.

19 Sec. 44.21.331. STATE PUBLIC FACILITIES PLAN. (a) The commis-
20 sioner shall develop and annually revise a statewide comprehensive
21 facility procurement plan for public facilities of the state and its
22 municipalities.

23 (b) In developing and annually revising the facility procurement
24 plan, the commissioner shall

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

28 (2) consult with officials and representatives of municipali-
29 ties, the federal government, interested corporations, and other organi-

1 zations concerning public facility needs in the state;

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

- 4 (A) sewage transmission and treatment systems;
- 5 (B) water transmission and treatment systems;
- 6 (C) electrical generation and distribution systems;
- 7 (D) health care and social services facilities;
- 8 (E) educational facilities;
- 9 (F) communications facilities;
- 10 (G) public safety and justice facilities;
- 11 (H) recreational facilities;
- 12 (I) sanitation facilities; and
- 13 (J) cultural facilities;

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

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

29 (5) identify common public facility needs among the various

1 user agencies; and

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

5 (c) In the preparation and revision of the facility procurement
6 plan, the commissioner may

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

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

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

16 (1) means a capital improvement within one of the categories
17 described in (b) of this section that is constructed

18 (A) for subsequent occupancy or operation by the state,
19 a public corporation of the state, the University of Alaska, a
20 political subdivision, or a regional educational attendance area;

21 (B) by a political subdivision or any private party with
22 the assistance of financial support provided by the state if funds
23 appropriated or paid by way of a grant or loan in advance of con-
24 struction of the facility, or any part of it, are 50 percent or
25 more of the estimated costs of construction of the facility;

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

29 Sec. 44.21.335. GRANTS TO THE DEPARTMENT. The commissioner may

1 apply for and accept, on behalf of the state, grants from the federal
2 government or an agency of it, or from another state, a foundation, or
3 any person, for any of the functions or purposes of the department.

4 Sec. 44.21.337. CONSERVATION OF ENERGY IN PUBLIC BUILDINGS. (a)
5 The department shall, as soon as practicable after July 1, 1980, and at
6 least once every seven years thereafter, perform an energy audit of each
7 public building. A report of the results of the energy audits performed
8 during the preceding year shall be submitted to the legislature not
9 later than February 1 of each year.

10 (b) The department shall include in the report required in (a) of
11 this section recommendations for corrective measures to improve the
12 energy efficiency and to minimize the life-cycle cost of the public
13 buildings surveyed. These measures may include (1) energy conservation
14 measures, (2) measures involving solar technology and other alternative
15 energy systems, (3) energy management, and (4) maintenance and operating
16 procedures and energy-related modifications. In recommending the correc-
17 tive measures, the department shall give priority to changes in mainten-
18 ance and operating procedures over measures requiring substantial struc-
19 tural modification or installation of equipment.

20 (c) In this section, "energy audit" means a determination of

21 (1) the energy consumption characteristics of a building,
22 including the size, type, and rate of energy consumption of major energy-
23 consuming systems of the building and the climate characterizing the
24 region where the building is located; and

25 (2) a determination of the energy conservation and cost
26 savings likely to result from appropriate energy-conserving maintenance
27 and operating procedures and modifications, including the purchase and
28 installation of energy-related fixtures.

29 Sec. 44.21.339. CAPITAL PROJECTS FUNDS. There is created within

1 the department the following capital projects funds:

- 2 (1) educational, cultural, and related facilities;
- 3 (2) public institutions and related facilities;
- 4 (3) public safety, justice, and related facilities;
- 5 (4) health, and related facilities;
- 6 (5) natural resource development facilities;
- 7 (6) general purpose facilities.

8 Sec. 44.21.341. INVENTORY. The department shall complete and
9 maintain a current inventory of public facilities, including a projection
10 of the serviceability of the facilities and projections of replacements
11 and additions to facilities needed to provide the level of services
12 programmed by the various user agencies, for municipalities with popula-
13 tions of less than 12,000 and for unincorporated communities, and perform
14 those duties on a cooperative basis with larger municipalities.

15 Sec. 44.21.350. ENERGY PERFORMANCE STANDARDS FOR PUBLIC BUILDINGS.
16 The department shall

17 (1) adopt energy performance standards for public facilities
18 of the state, the construction of which begins after July 1, 1980; the
19 standards shall be based on thermal and lighting energy standards estab-
20 lished by the American Society of Heating, Refrigeration and Air Condi-
21 tioning Engineers as adapted for application in high latitude, cold
22 climate environs;

23 (2) provide planning assistance, including but not limited to
24 energy audits and related technical services, to school districts and
25 regional educational attendance areas to develop and implement

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

28 (B) energy conservation measures for rural educational
29 facilities.

1 * Sec. 106. AS 44.33.190(b) is amended to read:

2 (b) The Tourism Advisory Board consists of 11 members; nine of
3 whom are public members appointed by the governor for overlapping three-
4 year terms, one of whom is a member of the house of representatives
5 appointed by the speaker of the house, and one of whom is a member of
6 the senate appointed by the president of the senate. The commissioner
7 of administration, the director of the division of parks in the Depart-
8 ment of Natural Resources, the director of the division of marine trans-
9 portation in the Department of Transportation [PUBLIC WORKS], the chief
10 of information and education in the Department of Fish and Game, and the
11 director of the Alaska division of tourism in the Department of Commerce
12 and Economic Development, or their designees, serve as ex officio members
13 of the commission, without a vote. The director of the Alaska division
14 of tourism serves as the board's executive director.

15 * Sec. 107. AS 44.42.010 is amended to read:

16 Sec. 44.42.010. COMMISSIONER OF TRANSPORTATION [AND PUBLIC FACILI-
17 TIES]. The principal executive officer of the Department of Transporta-
18 tion [AND PUBLIC FACILITIES] is the commissioner of transportation [AND
19 PUBLIC FACILITIES].

20 * Sec. 108. AS 44.42.040 is amended to read:

21 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The commissioner shall
22 establish regions within the state. The functions of the department
23 within each region shall be performed, to the maximum extent feasible,
24 through a regional office. Each regional office shall be directed by a
25 regional transportation [AND PUBLIC FACILITIES] director appointed by
26 the commissioner.

27 * Sec. 109. AS 44.42.080 is amended by adding a new subsection to read:

28 (b) The transportation and related facilities capital projects
29 fund is established in the department.

1 * Sec. 110. AS 44.42.900(1) is amended to read:

2 (1) "commissioner" means the commissioner of the Department
3 of Transportation [AND PUBLIC FACILITIES];

4 * Sec. 111. AS 44.42.900(2) is amended to read:

5 (2) "department" means the Department of Transportation [AND
6 PUBLIC FACILITIES];

7 * Sec. 112. AS 44.47.092 is amended to read:

8 Sec. 44.47.092. LAND USE PLANNING AND STATE FACILITY PROCUREMENT
9 PLAN. The department shall make recommendations to the Department of
10 Administration, the Department of Transportation, [AND PUBLIC FACILITIES]
11 and to appropriate program agencies concerning the effect upon the
12 comprehensive plan or other land use plans or proposals of municipalities
13 and unincorporated communities with respect to the facility procurement
14 plan required to be prepared in accordance with AS 35.10.170 and
15 AS 44.21.350 [AS 44.42.055].

16 * Sec. 113. AS 44.47.160(a)(3) is amended to read:

17 (3) the commissioners of the departments of administration,
18 transportation [AND PUBLIC FACILITIES], commerce and economic develop-
19 ment, and community and regional affairs, and the director of the divi-
20 sion of policy development and planning;

21 * Sec. 114. AS 44.62.330(a)(16) is amended to read:

22 (16) Department of Transportation [AND PUBLIC FACILITIES], as
23 to functions relating to aeronautics and communications

24 * Sec. 115. AS 44.65.050(c) is amended to read:

25 (c) The Department of Natural Resources and the Department of
26 Transportation [AND PUBLIC FACILITIES] may enter into agreements under
27 this chapter for the acquisition of rights of way, construction, recon-
28 struction, maintenance, repair or alteration of access roads serving
29 public airports.

1 * Sec. 116. AS 44.68.020 is amended to read:

2 Sec. 44.68.020. RULES REGARDING THE USE OF STATE-OWNED VEHICLES.
3 The Department of Transportation [AND PUBLIC FACILITIES] shall prescribe
4 rules which

5 (1) define what is the use of state-owned automotive and
6 mechanical vehicles in the conduct of state business and distinguish
7 this use from misappropriation for private use;

8 (2) prescribe use governing the storage of state-owned
9 vehicles in those locations where storage space, under the jurisdiction
10 of the Department of Transportation [HIGHWAYS], is available for storage
11 of state-owned vehicles;

12 (3) provide for the marking of state-owned vehicles as
13 property of the state and for the use of distinctive license tags for
14 state-owned vehicles.

15 * Sec. 117. AS 44.74.010 is amended to read:

16 Sec. 44.74.010. WORKING CAPITAL FUND. A working capital fund is
17 established in the state treasury for the use of the Department of
18 Transportation [AND PUBLIC FACILITIES].

19 * Sec. 118. AS 44.74.040 is amended to read:

20 Sec. 44.74.040. RECORDS OF WORKING CAPITAL FUND. The Department
21 of Transportation [AND PUBLIC FACILITIES] shall maintain cost accounting
22 records showing the income and expenses of the fund. The department
23 shall submit a report on the operation of the fund to the governor and
24 the legislature at the time of submission of the departmental budget.

25 * Sec. 119. AS 44.74.070(a) is amended to read:

26 (a) The commissioners of the Department of Administration [PUBLIC
27 WORKS] and the Department of Transportation [HIGHWAYS] may transfer
28 directly to a political subdivision of the state, including a village
29 organized under Federal Act of June 18, 1934 (48 Stat. 984), as amended

1 by the Act of May 1, 1936 (49 Stat. 1250), the title to automotive and
2 construction equipment which can be used in the maintenance or construc-
3 tion of roads and airports.

4 * Sec. 120. AS 44.88.180(a) is amended to read:

5 (a) A [NO] member of the authority may not vote on a resolution of
6 the authority relating to a lease or contract to be entered into by the
7 authority under this chapter if he is a party to the lease or contract
8 or has a direct ownership or equity interest in a firm, partnership,
9 corporation or association which may be a party to the contract or
10 lease. If a person may not vote because of this prohibition, for all
11 purposes regarding action of the authority relating to adoption of the
12 resolution, the position of the persons as a member shall be transferred
13 to the first one of the following state officers who is not then acting
14 as a member and would not be prohibited from voting on the resolution
15 because of the same prohibition: commissioner of administration, attorney
16 general, commissioner of revenue, commissioner of health and welfare,
17 commissioner of labor, commissioner of transportation [PUBLIC WORKS],
18 commissioner of public safety.

19 * Sec. 121. AS 46.11.010 is amended to read:

20 Sec. 46.11.010. THERMAL AND LIGHTING ENERGY STANDARDS FOR PUBLIC
21 BUILDINGS. (a) All public facilities of the state, the construction of
22 which begins after July 1, 1980, shall be designed to comply with the
23 thermal and lighting energy standards adopted by the Department of
24 Administration [TRANSPORTATION AND PUBLIC FACILITIES] under AS 44.21.350
25 [AS 44.42.020(a)(14)].

26 (b) By June 30, 1988, all public facilities of the state existing
27 on July 1, 1980 shall be modified, to the extent economically feasible,
28 to comply with the thermal and lighting energy standards adopted by the
29 Department of Administration [TRANSPORTATION AND PUBLIC FACILITIES]

1 under AS 44.21.350 [AS 44.42.020(a)(14)].

2 * Sec. 122. AS 46.11.900(9)(A) is amended to read:

3 (A) by the commissioner of administration [TRANSPORTA-
4 TION AND PUBLIC FACILITIES] under AS 44.21.350 [AS 44.42.020(a)]
5 for public facilities; or

6 * Sec. 123. AS 47.37.040(14) is amended to read:

7 (14) cooperate with the Department of Public Safety and the
8 Department of Transportation [HIGHWAYS] in establishing and conducting
9 programs designed to deal with the problem of persons operating motor
10 vehicles while intoxicated;

11 * Sec. 124. AS 47.37.050(a) is amended to read:

12 (a) An interdepartmental coordinating committee is created, com-
13 posed of the coordinator, the commissioners of health and social ser-
14 vices, education, transportation [AND PUBLIC FACILITIES], labor and
15 public safety, and the director of the Alcoholic Beverage Control Board.
16 The committee shall meet at least twice annually at the call of the
17 commissioner of health and social services who is its chairman. The
18 committee shall provide for the coordination and exchange of information
19 on all programs relating to alcoholism and act as a permanent liaison
20 among state departments engaged in activities affecting alcoholics and
21 intoxicated persons. The committee shall assist the commissioner of
22 health and social services and the coordinator in formulating a compre-
23 hensive plan for prevention of alcoholism and for treatment of alcoholics
24 and intoxicated persons.

25 * Sec. 125. AS 35.25; AS 44.42.020(a)(13) - (15), 44.42.055, 44.42.065 and
26 44.42.080(a) are repealed.

27 * Sec. 126. This Act takes effect July 1, 1982.
28
29

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CSHB 648 - Transfer certain functions of Dept.
Title of Transportation & Public Facilities to Dept. of Administration
Requested by House Transportation Date 3/26/82

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		(11491.3)				
200 TRAVEL		(623.8)				
300 CONTRACTUAL		(7218.1)				
400 COMMODITIES		(5199.3)				
500 EQUIPMENT		(47.9)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		(24580.4)				

Assume increase with inflation)

FUNDING (Thousands of Dollars)

GENERAL FUND		(19092.5)				
FEDERAL FUNDS						
OTHER (Specify Source)		(5487.9)				

POSITIONS

FULL TIME		(236.0)				
PART TIME						
TEMPORARY						

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

Assumes transfer of building and facility type structures to Department of Administration. Does not transfer building maintenance at Anchorage and Fairbanks International Airports.

Bill is confusing as to harbors, etc. that were previously with Department of Public Works. We have assumed transportation items such as harbors and airports remain with the Department of Transportation.

See attached for particular BRU adjustments.

IV. DATE 3/31/82 PREPARED BY Ron Lind
AGENCY DOT/PF
PHONE 465-3900
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

CSHB 648 Transfers from DOTPF to Admin.

	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Other</u>	<u>Total</u>	<u>Funding</u>			
								<u>General Fund</u>	<u>Other</u>	<u>PFT</u>	<u>Staff Mos</u>
<u>Maintenance & Operations-Facilities</u>											
Central Region	1126.4	20.2	1749.3	400.2	-	-	3296.1	3049.5	246.6	26.0	330.4
Interior Region	965.1	12.2	1795.4	682.5	-	-	3455.2	3093.1	362.1	22.0	286.8
Dalton Highway	548.0	103.4	110.3	982.8	-	-	1744.5	1679.1	65.4	9.0	136.8
Southeast Region	1553.4	23.7	2138.4	1089.3	19.6	-	4824.4	4736.1	88.3	34.0	442.6
Western Region	255.0	5.0	270.8	299.0	-	-	829.8	775.1	54.7	4.0	63.6
Southcentral Region	879.1	11.2	466.7	1595.9	24.8	-	2977.7	2207.4	770.3	16.0	226.2
Subtotal	<u>5327.0</u>	<u>175.7</u>	<u>6530.9</u>	<u>5049.7</u>	<u>44.4</u>	<u>-</u>	<u>17127.7</u>	<u>15540.3</u>	<u>1587.4</u>	<u>111.0</u>	<u>1486.4</u>
<u>Planning & Programing-Facilities</u>											
Central Region	949.6	32.5	51.7	10.0	1.6	-	1045.4	1045.4	-	21.0	252.0
Interior Region	443.0	13.5	42.4	7.2	.7	-	506.8	506.8	-	8.0	96.0
Southeast Region	427.8	24.8	178.2	10.5	1.2	-	642.5	642.5	-	9.0	108.0
Subtotal	<u>1820.4</u>	<u>70.8</u>	<u>272.3</u>	<u>27.7</u>	<u>3.5</u>	<u>-</u>	<u>2194.7</u>	<u>2194.7</u>	<u>-</u>	<u>38.0</u>	<u>456.0</u>
<u>Design & Construction-Facilities</u>											
Central Region	1693.4	78.2	66.7	21.2	-	-	1859.5	290.9	1568.6	34.0	412.8
Interior Region	1368.5	186.6	121.3	18.3	-	-	1694.7	418.5	1276.2	25.0	304.0
Southeast Region	1053.6	112.5	226.9	82.4	-	-	1475.4	419.7	1055.7	20.0	243.7
Subtotal	<u>4115.5</u>	<u>377.3</u>	<u>414.9</u>	<u>121.9</u>	<u>-</u>	<u>-</u>	<u>5029.6</u>	<u>1129.1</u>	<u>3900.5</u>	<u>79.0</u>	<u>960.5</u>
<u>Administration</u>											
Support Services	28.4	-	-	-	-	-	28.4	28.4	-	1.0	12.0
Regional Operations	200.0	-	-	-	-	-	200.0	200.0	-	7.0	84.0
Subtotal	<u>228.4</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>228.4</u>	<u>228.4</u>	<u>-</u>	<u>8.0</u>	<u>96.0</u>
<u>TOTAL</u>	<u>11491.3</u>	<u>623.8</u>	<u>7218.1</u>	<u>5199.3</u>	<u>47.9</u>	<u>-</u>	<u>24580.4</u>	<u>19092.5</u>	<u>5487.9</u>	<u>236.0</u>	<u>2998.9</u>

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 648 - Transfer certain functions of Department of Transportation & Public Facilities to Department of Administration
Requested by _____ Date _____

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		(11491.3)				
200 TRAVEL		(623.8)				
300 CONTRACTUAL		(7218.1)				
400 COMMODITIES		(5199.3)				
500 EQUIPMENT		(47.9)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		(24580.4)	Assume increase with inflation			

FUNDING (Thousands of Dollars)

GENERAL FUND		(19092.5)				
FEDERAL FUNDS						
OTHER (Specify Source)		(5487.9)				

POSITIONS

FULL TIME		(236.0)				
PART TIME						
TEMPORARY						

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

Assumes transfer of building and facility type structures to Department of Administration. Does not transfer building maintenance at Anchorage and Fairbanks International Airports.

Bill is confusing as to harbors, etc. that were previously with Department of Public Works. We have assumed transportation items such as harbors and airports remain with the Department of Transportation.

See attached for particular BRU adjustments.

IV. DATE 2/17/82 PREPARED BY Don Lind
AGENCY DOT/PF
Original: Legislative Finance PHONE 465-3900
cc: Budget and Management

Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

HB 648 - Transfers from Department of Transportation & Public Facilities to Administration

	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Other</u>	<u>Total</u>	<u>Funding</u>			
								<u>General Fund</u>	<u>Other</u>	<u>PFT</u>	<u>Staff Mos</u>
<u>Maintenance & Operations-Facilities</u>											
Central Region	1126.4	20.2	1749.3	400.2	-	-	3296.1	3049.5	246.6	26.0	330.4
Interior Region	965.1	12.2	1795.4	682.5	-	-	3455.2	3093.1	362.1	22.0	286.8
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Western Region	255.0	5.0	270.8	299.0	-	-	829.8	775.1	54.7	4.0	63.6
Southcentral Region	879.1	11.2	466.7	1595.9	24.8	-	2977.7	2207.4	770.3	16.0	226.2
Subtotal	<u>5327.0</u>	<u>175.7</u>	<u>6530.9</u>	<u>5049.7</u>	<u>44.4</u>	<u>-</u>	<u>17127.7</u>	<u>15540.3</u>	<u>1587.4</u>	<u>111.0</u>	<u>1486.4</u>
<u>Planning & Programming-Facilities</u>											
Central Region	949.6	32.5	51.7	10.0	1.6	-	1045.4	1045.4	-	21.0	252.0
Interior Region	443.0	13.5	42.4	7.2	.7	-	506.8	506.8	-	8.0	96.0
Southeast Region	427.8	24.8	178.2	10.5	1.2	-	642.5	642.5	-	9.0	108.0
Subtotal	<u>1820.4</u>	<u>70.8</u>	<u>272.3</u>	<u>27.7</u>	<u>3.5</u>	<u>-</u>	<u>2194.7</u>	<u>2194.7</u>	<u>-</u>	<u>38.0</u>	<u>456.0</u>
<u>Design & Construction-Facilities</u>											
Central Region	1693.4	78.2	66.7	21.2	-	-	1859.5	290.9	1568.6	34.0	412.8
Interior Region	1368.5	186.6	121.3	18.3	-	-	1694.7	418.5	1276.2	25.0	304.0
Southeast Region	1053.6	112.5	226.9	82.4	-	-	1475.4	419.7	1055.7	20.0	243.7
Subtotal	<u>4115.5</u>	<u>377.3</u>	<u>414.9</u>	<u>121.9</u>	<u>-</u>	<u>-</u>	<u>5029.6</u>	<u>1129.1</u>	<u>3900.5</u>	<u>79.0</u>	<u>960.5</u>
<u>Administration</u>											
Support Services	28.4	-	-	-	-	-	28.4	28.4	-	1.0	12.0
Regional Operations	200.0	-	-	-	-	-	200.0	200.0	-	7.0	84.0
Subtotal	<u>228.4</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>228.4</u>	<u>228.4</u>	<u>-</u>	<u>8.0</u>	<u>96.0</u>
<u>TOTAL</u>	<u>11491.3</u>	<u>623.8</u>	<u>7218.1</u>	<u>5199.3</u>	<u>47.9</u>	<u>-</u>	<u>24580.4</u>	<u>19092.5</u>	<u>5487.9</u>	<u>236.0</u>	<u>2998.9</u>

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 648

FISCAL NOTE
R E V I S E D

I. REQUEST HB 648
 Bill/Resolution No. _____
 Title Transferring Public Facilities Operations to the Department of Administration
 Requested by House Transportation Committee Date 2/22/82

II. FISCAL DETAIL Administration
 Agency Affected _____
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected See attached worksheet
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		1585.6	1712.4	1849.4	1997.4	2157.2
200 TRAVEL		41.3	44.6	48.2	52.0	56.2
300 CONTRACTUAL		1036.0	146.9	158.6	171.3	185.0
400 COMMODITIES		40.0	43.2	46.6	50.4	54.4
500 EQUIPMENT		20.0	21.6	23.3	25.2	27.2
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	2722.9	1968.7	2126.1	2296.3	2480.0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		2722.9	1968.7	2126.1	2296.3	2480.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		40	40	40	40	40
PART TIME						
TEMPORARY						

- III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
- 1) Annual inflation rate of 8% is applied to FY 83-87 expenditures.
 - 2) One time items included in FY 82 contractual are:
 - a) conversion costs - new offices, office systems, etc. for transferred and new employees and new supply stations for maintenance and operations. Cost. \$700,000.
 - b) Development of Cost Accounting/Financial Management Information System for capital projects. Cost. \$200,000.
 - 3) The Department of Administration will establish three new divisions for the programs being transferred from DOT/PF: Division of Maintenance and Operations, Planning and Programming and Design and Construction. The divisions will report to a Deputy Commissioner for Public Facilities in the Commissioner's Office.

IV. DATE 2/20/82 PREPARED BY Robert L. Rehfeld *Bill Smith*
 AGENCY Administration
 PHONE 465-2200
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) House Transportation Committee
 33-001 (Rev. 12/81)
 Office of the Governor: Keith Specking

- 4) The Division of Administrative Services will decentralize its personnel/fiscal and supply operations. New field offices will be created in Anchorage, Fairbanks and Juneau.
- 5) The Public Facilities Capital Projects will have an average work-in process balance of \$60 million
- 6) The Fiscal Note prepared by DOT/PF proposed to transfer only eight administrative support personnel, four of which are Supply Clerks, Range 8. The substantial increase in Administrative Services staff is required for the following reasons:
 - a) To accommodate transfer of 236 PFT positions from DOT/PF.
 - b) Increased burden in preparing payroll for approximately 100 LTC employees.
 - c) Maintenance of a new cost accounting/financial management information system.
 - d) Significant expansion of the department's supply and logistics effort.
 - e) Decentralized Administrative Support for field operations for both new public facility programs as well as existing departmental programs (i.e., Pioneers' Homes, Public Defender, General Services and Supply).



ANNUAL OPERATING COSTS

<u>BRU</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>TOTAL</u>	<u>G.F.</u>	<u>PFT</u>
Public Facilities (New)								
Maintenance and Operations	170.0	2.2	10.2	3.0	1.5	186.9	186.9	3
Planning and Programming	103.4	2.1	6.8	2.0	1.0	115.3	115.3	2
Design and Construction	103.4	2.1	6.8	2.0	1.0	115.3	115.3	2
SUBTOTAL	376.8	6.4	23.8	7.0	3.5	417.5	417.5	7
Commissioner's Office	79.8	2.6	3.4	1.0	.5	87.3	87.3	1
Administrative Services								
Fiscal/Personnel	1070.7	32.3	102.0	30.0	15.0	1250.0	1250.0	30
Word Processing	58.3	0	6.8	2.0	1.0	68.1	68.1	2
SUBTOTAL	1129.0	32.3	108.8	32.0	16.0	1318.1	1318.1	32
TOTAL ANNUAL OPERATING COSTS	1585.6	41.3	136.0	40.0	20.0	1822.9	1822.9	40
One Time Items								
Conversion Costs			700.0			700.0	700.0	0
Cost Accounting System			200.0			200.0	200.0	0
TOTAL ALL COSTS	1585.6	41.3	1036.0	40.0	20.0	2722.9	2722.9	*40

* See Listing of New Positions

NEW POSITIONS

BRU

Public Facilities

Maintenance and Operations	
Director	R26
Deputy Director	R24
Corresponding Secretary	R12
Planning and Programming	
Director	R26
Corresponding Secretary	R12
Design and Construction	
Director	R26
Corresponding Secretary	R12

Commissioner's Office

Deputy Commissioner - Public Facilities	R28
--------------------------------------------	-----

Administrative Services

Fiscal/Personnel

Administrative Officer II	R19	Anchorage	Field Office Supervisor
Administrative Officer II	R19	Fairbanks	Field Office Supervisor
Administrative Officer II	R19	Juneau	Field Office Supervisor
Accounting Technician II	R14	Anchorage	Field Office, Payroll
Accounting Technician II	R14	Fairbanks	Field Office, Payroll
Accounting Technician II	R14	Juneau	Field Office, Payroll
Clerk Typist III	R8	Anchorage	Field Office, Clerical
Clerk Typist III	R8	Fairbanks	Field Office, Clerical
Clerk Typist III	R8	Juneau	Field Office, Clerical
Accountant II	R14	Anchorage	Field Office-Cost Acct Mtnce
Accountant II	R14	Fairbanks	Field Office-Cost Acct Mtnce
Accountant II	R14	Juneau	Field Office-Cost Acct Mtnce
Assistant Personnel Officer I	R16	Juneau	Central Office-Personnel/ Payroll
Accounting Technician II	R14	Juneau	Central Office-Personnel/ Payroll
Accounting Technician I	R12	Juneau	Central Office-Accounts Payable
Accounting Clerk III	R10	Juneau	Central Office-Accounts Payable
Accounting Technician II	R14	Juneau	Central Office - RSA's

NEW POSITIONS - CONTINUED

Accountant III	R16	Juneau	Central Office	Contract Officer
Internal Auditor III	R19	Juneau	Central Office	Audits Controls
Budget Analyst III	R19	Juneau	Central Office	Budgets, R.P.'s
Accounting Clerk III	R10	Juneau	Central Office,	Travel
Supply Officer III	R18	Juneau	Central Office,	Department Supply Officer
Supply Officer II	R16	Juneau	Central Office -	Accounting
Supply Clerk	R8	Juneau	Central Office -	Clerical
Supply Officer II	R16	Anchorage	Field Office -	Supply
Supply Officer II	R16	Fairbanks	Field Office -	Supply
Supply Officer II	R16	Juneau	Field Office -	Supply
Supply Assistant	R12	Anchorage	Field Office -	Central Stores
Systems Analyst I	R18	Juneau	Central Office -	Cost Accounting Mtnc
D P Programmer	R17	Juneau	Central Office -	Cost Accounting Mtnc
Word Processing				
Correspondence Secretary	R12	Juneau	Word Processing	Support
Correspondence Secretary	R12	Juneau	Word Processing	Support

CA

HB 648

"AN ACT TRANSFERRING CERTAIN FUNCTIONS OF THE DEPARTMENT OF
TRANSPORTATION AND PUBLIC FACILITIES TO THE DEPARTMENT OF
ADMINISTRATION; ESTABLISHING THE DEPARTMENT OF TRANSPORTATION; AND
PROVIDING FOR AN EFFECTIVE DATE."

This bill separates those non-transportation related functions from the Department of Transportation and Public Facilities and places them in the Department of Administration. It takes a rather large bill to accomplish this task. It was discovered by Legislative Affairs Legal Services that many statute references had not been changed to reflect Executive Order 39 which organized the Department in 1977. Appropriate changes in this regard have been made in HB 648.

In this bill, Sec. 105 is the only new section in AS 44.21 the language comes from existing statute, AS 44.42.055, which is repealed in Sec. 125.

A thorough bill analysis by legal services is in the back-up file.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

Extras for you
Becky or Carol

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

March 8, 1982

SUBJECT: DOTPF & DOT & DOA
(CS FOR HB 648 (Transportation))

TO: Representative Bette M. Cato
Chairwoman, House Transportation Committee

FROM: Richard A. Bradley *B*
Legislative Counsel

You have requested a committee substitute for HB 638.

Steve Soenksen asked me to explain any changes I made in the bill that were inconsistent with changes he identified in his request to me.

In bill section 34, he enquired whether there should be a reference to an "urban system" of highways in the definitions section amended at that point. In my view, there is no such need. Note that AS 19.27.010 evidences an intent to apply the chapter ("junk yards") to the "interstate, primary and secondary systems within this state and other roads maintained by the state." The change suggested is unnecessary and would also be a substantive change not within the subject of the bill or within the single subject rule.

At bill section 69, the committee noted that the responsibilities described in AS 35.25.020 (6) and reassigned by the section from DOTPF to DOA includes "work on a . . . boat harbor, jetty, dike, breakwater, or airport." These latter responsibilities are transferred to DOT, not DOA. The problem is even broader; note that Ch. 35.25 is general chapter and seems to grant no specific authority to any department to do anything. AS 35.25.010, the only arguably substantive section in the chapter, merely says that other specified chapters assign responsibilities.

Accordingly, the better solution seems to repeal the entire chapter; the other chapters then may speak for themselves. I have repealed AS 35.25.

At page 9 of my sectional analysis of HB 648 I suggested new language for sections 72 - 74, sections amending AS 35.30.

On review I had determined that both DOT and DOA were involved with the local planning authorities DOT when highway planning and perhaps ferry system planning was involved and DOA when other forms of public building construction was involved. Accordingly, I had suggested amendments to AS 35.30 to address these questions. The bill that accompanies this memorandum addresses these questions.

Sec. 80, an amendment to AS 37.20,030(c), provides as amended that public buildings accepted by the state from the Federal Government go to DOA. As suggested, there are some public buildings that may be accepted, I suspect, that are more appropriate to the jurisdiction of the DOT.

My memorandum had suggested that the entire chapter was executed or was temporary law and no longer had functions remaining undone (except perhaps sec. 10); accordingly, I suggested that it was appropriate to repeal the chapter.

I gather that the committee may not have agreed. Accordingly, I have redrafted the section to permit the flexibility desired (which would occur even if the chapter were repealed).

Sec. 44.21.341, a section having to do with an inventory of public facilities was questioned; the committee wished to know whether the inventory included public facilities other than public facilities of the state. The section is derived from AS 44.42.020 (a) (13), a section having concern for the "powers and duties" of DOTPF. As such, it seems clear that the inventory should be concerned only with public facilities of the state.

I have not amended the section in any way.

One other point may be noted.

The effective date of this bill is July 1, 1982. I have heard it said that DOTPF was still getting organizational problems sorted out months or years after it was established I suspect that it would be impossible to have the DOT/DOA organization in place 30 to 45 days after the bill passes.

Recall also that a new governor is being elected this fall.

Because the committee gave me no instruction on this point, I have not changed the language from HB 648 as introduced. But the committee may wish to reconsider this question.

If I may assist further, please advise.

RAB:csh

FEB - 1 1982

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 1, 1982

SUBJECT: Transferring non-transportation projects from the Department of Transportation and Public Facilities to the Department of Administration and establishing a Department of Transportation -- HB 648 (Work Order No. 12-2361)

TO: Representative Bette M. Cato
Chairman, House Transportation Committee

FROM: Richard A. Bradley 
Legislative Counsel

You have requested a sectional analysis of HB 648, a bill that is intended to transfer to the Department of Administration the non-transportation functions of the present Department of Transportation and Public Facilities and which renames DOTPF with its remaining functions as the Department of Transportation.

The bill is designed to achieve the request but you will note that additional sections are included in the bill that clean up some of the now obsolete references to the former Departments of Highways and Public Works.

As used in this memorandum, the word "section" will usually refer to a bill section. If I am referring to an Alaska Statutes reference, I will spell it out so that there should be no difficulty in understanding each. In addition, while I assume that the usages are clear, the committee should understand that "DOTPF" stands for the existing Department of Transportation and Public Facilities; "DOT" stands for the proposed Department of Transportation; "DOA" stands for the Department of Administration; "DOH" stands for the former Department of Highways; and "DPW" stands for the former Department of Public Works.

Representative Bette M. Cato

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Sec. 1 amends AS 01.20, the Alaska Aeronautics Act of 1937. This chapter provides that the department will have responsibility over aeronautics and communications inside the state, and shall make recommendations for the establishment, location, maintenance, operation and use of airports, landing fields, air markings, air beacons, and other navigation facilities, and for the establishment, operation, management, and equipment of all air schools, flying clubs, and other persons giving air instruction.

Sec. 1 assigns these responsibilities to DOT.

Secs. 2 and 3 amend AS 02.15, the Alaska Aeronautics Act of 1949. While this chapter appears to duplicate part of AS 02.10, it is the basic authority of DOTPF for its responsibilities as to state airports (AS 02.15.060 - 02.15.100), departmental assistance to airports (AS 02.-15.120 - 02.15.155), rural airstrip and seaplane facilities (AS 02.15.150), and aeronautics training such as the Civil Air Patrol (AS 02.15.170 - 02.15.180).

Secs. 2 and 3 assign responsibilities for AS 02.15 to DOT.

Sec. 4 amends AS 02.20, a chapter relating to "registration (of aircraft), flight plans, and landing field obstructions". The responsibilities granted deal with the subjects indicated except that the provisions of AS 02.25 deal more specifically with airport zoning.

Sec. 4 assigns responsibility for AS 02.20 to DOT.

Sec. 5 amends AS 02.25; as suggested this chapter deals with "airport zoning", a subject that deals with the regulation of construction of hazards to air navigation near airports and related subjects.

Sec. 5 assigned these responsibilities to DOT.

Sec. 6 amends AS 02.35, a chapter entitled the "uniform air licensing act". The chapter is intended to mesh with the U.S. Air Commerce Act of 1926 and requires licenses for planes and pilots and legislates on related subjects.

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Sec. 6 assigns these responsibilities to DOT.

To summarize, all the responsibilities established under AS 02 are assigned to DOT.

AS 03 is the chapter dealing with "agriculture and animals".

Sec. 7 amends AS 03.53.010(a); the section regulates the transportation of animals aboard state ferries. Since the responsibility for the management of the ferry system is granted to DOT, I amended this section to grant this responsibility to DOT.

Sec. 8 amends AS 05.35, the chapter dealing with "amusements and sports".

Sec. 05.35.020 requires certain permits for racing events from the athletic commission. It stipulates that when a state highway is to be used for the racing event, the concurrence of DOTPF is required. Sec. 8 assigns the responsibility to DOT.

Sec. 9 amends AS 09.55.250(1), a section that relates to the "classifications of estates and lands subject to be taken". This section determines when a fee simple estate will be taken, when an easement will be taken, and when a right of entry will be taken in eminent domain (condemnation) actions. Until this amendment the section had still referred to the former Departments of Highways and Public Works; since both the new Department of Transportation and the Department of Administration will require the eminent domain power, both departments are granted the power of eminent domain under this section.

Secs. 10 - 14 are concerned with the responsibilities presently assigned to DOTPF for school construction, repair, and improvement. Until these amendments, the law in one section still referred to DPW. Since the responsibilities are essentially those of the former Department of Public Works and do not deal with transportation, sections 10 - 14 assign the responsibilities to DOA.

Secs. 15 - 18 amend AS 18.40, a chapter that deals with the responsibility for "shelter cabins and comfort stations". In my view, the responsibility could go either way; note

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that before DOTPF was established, these responsibilities had been given to DPW. The responsibility is for the erection and maintenance of public facilities, a responsibility otherwise generally granted to DOA, at least to the extent that the public facility is not oriented to transportation. My reason for assigning the responsibility to DOT is that the determination as to need and the responsibility for maintenance seemed intimately tied into the needs of the travelling public and accordingly, it may be assumed that DOT is more able to maintain the facilities and more aware of need. Included are facilities at airports as well as along public highways. Secs. 15 - 18 assign responsibilities to DOT.

Secs. 19 - 20 amend AS 18.45, a chapter dealing with "atomic energy development".

The particular concerns of the sections amended involve the transportation of radioactive materials on highways of the state [Sec. 19: AS 18.45.030(4)] and by common carriers not in interstate commerce and as to the "participation by public utilities subject to its jurisdiction in projects (using radioactive materials)". [Sec. 20: AS 18.45.-030(5).]

I suggest that the amendment proposed is reasonable and consistent with the goals of the bill in Sec. 19.

I am less certain that the DOTPF (or DOT or DOA) have responsibilities for "common carriers not in interstate commerce" or that any of them have "public utilities subject to its jurisdiction". [Sec. 20.] Perhaps the Public Utilities Commission (AS 42.05) is the better place to assign this responsibility.

Sec. 19 assigns responsibility to DOT; the assignment of responsibility by sec. 20 to DOT should be reconsidered.

Sec. 21 deals with the "safety" programs of the Department of Labor; it lists in paragraph (5) the departments on which coordination of accident prevention may be useful. Because it was a former DPW function, I assigned it to DOA. While I believe that is reasonable, to the extent that both highway safety and safety within buildings may be involved, coordination with both DOT and DOA may be reasonable.

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Sec. 21 assigns responsibility to DOA; the committee may wish to add an assignment to DOT.

Secs. 22 - 48 amend the provisions of AS 19, the title dealing with "highways and ferries". The provisions of these sections uniformly assign responsibilities to DOT.

Secs. 22 - 23 amend the definitions section of AS 19.05. The chapter is characterized as "administration" of DOTPF but applies exclusively to the "highways" aspect of DOTPF and derives from a part of the former organic act of the Department of Highways. Secs. 22 - 23 assign responsibilities to DOT.

Secs. 24 - 27 amend AS 19.10, the chapter dealing with the "state highway system".

Secs. 24, 25 - 27, and 28 amend AS 19.10.052, 19.10.280, 19.20.090 respectively. When the sections were renumbered by the revisors in the new print of AS 19 as AS 19.20.017, 19.20.014, and 19.45.015 respectively, the phrases identifying the department of "Transportation and Public Facilities" were dropped; it now reads "department". These sections may be deleted from the bill.

Sec. 29 amends AS 19.22, the chapter regulating "landscaping and scenic enhancement". The amendment to AS 19.22.030 assigns the responsibility to DOT as an aspect of highway management.

Secs. 30 - 32 amend the definitions section [AS 19.25.160] of the chapter dealing with "protection and use of state highways and roads". The responsibilities are properly reassigned from DOTPF to DOT.

Secs. 33 - 35 deal with amendments to the chapter dealing with "junk yards"; junk yards are defined with reference to highways and the scenic views from highways rather than the management of junk yards as such. [AS 19.27.110] The responsibilities are properly assigned to DOT.

Secs. 36 - 42 deal with amendments to AS 19.30, a chapter dealing with "access roads". Such roads are described as roads useful for access to areas rich in mineral development, to areas programmed for surface disposal, and as local

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service roads and trails. Sections amended include AS 10.-30.040(a) and (b), 19.30.051, 19.30.080, 19.30.151(a), and 19.30.241(7) and (8). These sections assign responsibilities to DOT.

Secs. 43 - 45 amend the chapter dealing with the James Dalton Highway (the North Slope haul road) and its construction. Sections amended include AS 19.40.020(c), 19.40.060(c), and 19.40.080(1). Secs. 43 - 45 assign responsibilities to DOT.

Sec. 46 amends a section in AS 19.60, a chapter authorizing "ferry terminal facilities". Since the ferry system seems involved in transportation, I have assigned the establishment of ferry terminal facilities to DOT. AS 19.60.070(1).

Secs. 47 - 48 amend AS 19.65, a chapter dealing with miscellaneous ferry system provisions.

Sec. 47, an amendment to AS 19.65.010, limits the authority of the ferry system to relieve employees of the ferry system outside the state. The section has been found unconstitutional by the U.S. District Court for the District of Washington (State). I understand that the decision is on appeal to the Ninth Circuit Court of Appeals.

Sec. 48, an amendment to AS 19.65.020(a), regulates the naming of ferries.

Secs. 47 - 48 assign and recognize responsibilities in DOT.

Sec. 49 amends the provisions of AS 23.40 that authorize the negotiation with employees of the division of marine transportation. AS 23.40.040. The responsibility for ferries has been given to DOT and this section also grants responsibility to DOT.

Sec. 50 amends AS 28.01, a chapter dealing with the "scope and interpretation of AS 28". Sec. 28.01.010(d) permits a municipality to regulate traffic control devices consistently with a manual prepared by DOTPF. Since the responsibility for highways is granted to DOT, this section also grants authority to DOT to prepare the manual.

Sec. 51 amends AS 28.05, a chapter dealing with the "administration" of the Department of Public Safety. The section amended, AS 28.05.011, establishes the duty of the commissioner of public safety to adopt regulations necessary for the management of that department. It permits DOTPF to participate in the restrictions on the operation of motor vehicles when necessary to protect road foundations, surfaces, or structures. Sec. 51 assigns the DOTPF responsibilities to DOT.

Sec. 52 amends AS 29.89, a chapter regulating "state aid for miscellaneous municipal purposes". The section amended, AS 29.89.020 authorizes aid for local roads in accordance with regulations of the DOTPF. Since the highway function is assigned to DOT, this section also reassigns responsibilities to DOT.

Secs. 53 - 56 amend AS 30.05, a chapter relating to "shipping subsidies". The sections amended [AS 30.-05.010 - 30.05.040] generally authorize a subsidy to a vessel acting as a common carrier between points designed by DOTPF. Since transportation is involved, the sections reassign responsibilities to DOT.

Sec. 57 amends AS 30.07, a chapter relating to "marine radiotelephone installation". While the question was a close one, it seemed that marine communication involves transportation modes and therefore was reassigned to DOT. AS 30.07.020.

Secs. 58 - 62 amend AS 30.15, a chapter regulating "state participation in (the construction of) port facilities and development. Sections amended include AS 30.15.010, 30.15.020(a), 30.15.060, and 30.15.070(1) and (2).

Again the question is a close one. The function was formerly granted to DPW before its assignment to DOTPF. The responsibility is different from the construction of highways and would be an appropriate responsibility for a "division of public building construction".

On the other hand, the facilities involved are involved in transportation and commerce and accordingly I assigned the responsibilities in Secs. 58 - 62 to DOT.

Sec. 63 amends AS 30.30, a chapter relating to "abandoned and derelict vessels". The chapter deals with the responsibilities of the division of waters and harbors over abandoned and derelict vessels, typically as they become a problem in the harbors of the state. Sec. 63 reassigns the responsibility from DPW (DOTPF) to DOT. AS 30.30.170(1).

Secs. 64 - 65 amend AS 35.10, a chapter dealing generally with "public works". Sec. 64 amends AS 35.10.015(d), a section relating to "public works planning and construction" that regulates the installation of architectural barriers in ferries that may limit the use of ferries by the physically handicapped. The responsibility is assigned to DOT since the responsibility for the division of marine transportation is assigned there.

Sec. 65 amends AS 35.10.160, a section requiring the establishment by DOTPF of a public facility procurement policy. Since DOA is given the responsibility for the construction of nontransportation mode public facilities, sec. 65 assigns this responsibility to DOA.

Secs. 66 and 67 amend AS 35.15, a chapter regulating public facilities "construction procedures". AS 35.15.080(b) and (f) relate to the "local control of state public works projects" and assigns responsibilities to DOTPF. Consistently with the assignment of nontransportation public works project control to DOA, secs. 66 and 67 assign responsibilities to DOA.

Secs. 68 and 69 amend AS 35.25, a chapter dealing with "general provisions". Sec. 68 defines department to mean DOTPF [AS 35.35.020(2)] and sec. 69 provides a definition for "public works". [AS 35.25.020(6)] In each case, assignment of responsibilities moves from DOTPF to DOA.

Secs. 70 and 71 amend AS 37.28, a chapter providing for "art works in public buildings and facilities". Since the nontransportation public facilities function is transferred from DOTPF to DOA, secs. 70 and 71 assign responsibilities to DOA. AS 35.27.030(1) and (4).

Secs. 72 - 74 amend AS 35.30, a chapter that is concerned with the "consistency (of state facilities planning and construction) with local government plans and ordinances".

February 1, 1982

I have reconsidered the suggestions made in secs. 72 - 74 because responsibilities of both DOT and DOA are involved and I suggest new sections [subject to revision] to read:

* Sec. 72. AS 35.30.010(b) is amended to read:

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the Department of Transportation [AND PUBLIC FACILITIES] and the municipalities have entered into agreement for the planning of the project under AS 19.-20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.030 and the highway or local service road is consistent with the plan adopted; or

(3) the Department of Transportation [AND PUBLIC FACILITIES] has entered into agreement with the municipality for the planning of transportation corridors under AS 19.10.280 and the plans for the project are completed in accordance with the provisions of that agreement.

*Sec. 73. AS 35.30.010(c) is amended to read:

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the date the project was submitted to the municipality or village, the department that submitted the project may proceed with the project.

* Sec. 74. AS 35.30.040(1) is amended to read:

(1) "department" means the Department of Administration, the Department of Transportation [AND PUBLIC FACILITIES], and the University of Alaska;

Secs. 75 and 76 amend AS 37.05, a chapter regulating "fiscal procedures". Sec. 75 [AS 37.05.230(7)] had provisions prescribing responsibilities both for DOTPF and the former DOH; the section is amended to recognize that "Alaska bidder" procedures may be utilized by either DOA or DOT. Sec. 76 [AS 37.05.240] which relates to the award of contracts and purchases for the construction or repair of a public building is amended to recognize that those activities are the responsibility of DOA.

Secs. 77 - 79 amend AS 37.15, a chapter establishing procedures for "state bonding". Each section amended [AS 37.15.500, 37.15.510, and 37.15.550(5)] is located within the article relating to "international airport revenue bonds". These responsibilities relate to airports and the sections reassign responsibility from DOTPF to DOT.

Sec. 80 amends a provision of AS 37.20, the chapter relating to the "acceptance of federal funds". AS 37.20.030(c). The provisions of AS 37.20.010 - 37.20.030 deal with transitional funding measures arising from statehood; AS 37.20.040 deals with payments into the Alaska Native Fund. I believe that the provisions of the entire chapter are executed, no longer needed, and appropriate for repeal. Assuming that the Federal Government may yet grant public buildings to the state, the section is appropriate as written only if it is understood that DOA has merely received the building and its use may require the transfer of the building to a different department, depending on the use the building will be put to.

Secs. 81 and 82 amend AS 38.05, a chapter establishing the "Alaska Land Act". AS 38.05.030(b), the section amended in sec. 81, recognizes that both DPW and DOH may need public lands of the state in their programs. The section is amended to assign these rights to DOA and DOT. AS 38.05.030(d), as amended in sec. 82, recognizes that DOH may dispose of property acquired for highways that are not needed for that purpose without returning it to DNR. The responsibility is reassigned from DOH (DOTPF) to DOT.

Sec. 83 amends AS 38.35, the (oil and gas) "right of way leasing act". Responsibilities formerly assigned to DOH are transferred to DOT. AS 38.35.230(2).

Secs. 84 and 85 amend the provisions of AS 39.25, "the State Personnel Act". The amendments to AS 39.25.120(9) and 39.25.153(a) are essentially technical; the first relates to the "regional directors of the Department of Transportation [AND PUBLIC FACILITIES] and the second provides that the "personnel officer of the departments of transportation [HIGHWAYS], fish and game (etc.) shall be located within the department.

Secs. 86 - 95 amend AS 41.20, a wide-ranging chapter entitled "parks and recreational facilities".

Sec. 86 amends AS 41.20.050 to permit DOTPF and DNR to select jointly sites for "historic or scenic value, or for recreation beaches along waterways, roadside rests for travellers," etc. The responsibility is transferred to DOT.

Sec. 82 amends AS 41.20.060, a section permitting the former DPW (DOTPF) to construct and maintain facilities at scenic sites, recreation beaches, and the like. The power had been exercised by DOTPF and is transferred to DOT.

Sec. 88 amends AS 41.20.110(a), a section permitting former DPW to construct and maintain campsites through out the wilderness trails system. The power had been exercised by DOTPF and is transferred to DOT.

Sec.89 amends AS 41.20.220, a section granting DOH management responsibility for the public roads in the Chugach State Park. I assume that DOTPF exercised this responsibility and it is transferred to DOT.

Secs. 90 and 91 amend AS 41.20.335(b) and (d) and permitted DOH to establish footpaths and trails along certain highways. The responsibility involves transportation responsibilities, has been exercised by DOTPF and is transferred to DOT.

Sec. 92 amends AS 41.20.360, a section permitting DOH to establish and maintain footpaths, bridle baths, bicycle paths, (etc.) along highways. It is transferred to DOT.

Secs. 93 and 94 amend AS 41.20.365(a) and (c), a section authorizing funding to DOH for the footpaths (etc.) provided for in AS 41.20.360. The responsibility goes to DOT.

Sec. 95, a section amending AS 41.20.370, is similarly involved with footpaths and the responsibility is transferred from DOH to DOT.

Secs. 96 and 97 amend AS 43.18, a chapter relating to "state aid to local governments". Sec. 96 amends AS 43.18.300(b)(1), a provision relating to civic, convention, and community recreation centers. Since nontransportation public facilities are involved, the responsibilities are transferred from DPW to DOA.

Sec. 97 amends AS 43.18.500(d)(4)(B), a section relating to cultural facility construction and development grants. The responsibility was given to DOTPF to review the application for a grant under that department's responsibilities under AS 35.10.190. The responsibilities for seeking "cost savings in planning, design, and contractual techniques" in facilities procurement at AS 35.10.190 have been transferred to DOA and accordingly this section is made consistent.

Secs. 98 - 100 amend AS 43.40, a chapter providing for the "motor fuel tax". Each section amends AS 43.40.010; it provides that DPW may use funds derived from the motor fuel tax for the construction and maintenance of transportation facilities. The responsibilities have been exercised by DOTPF and are transferred to DOT.

Sec. 101 amends AS 44.07, a chapter establishing the "Alaska capital city development corporation". AS 44.07.140(f), the section amended, provides for a "capital coordinating committee". The commissioner of DOTPF had been on the committee and had been chairman. Amendments that I proposed made the commissioner of administration chairman but left the commissioner of transportation on the committee.

Sec. 102, an amendment to AS 44.17.005, the list of executive departments, changes the name of DOTPF to DOT.

Sec. 103 amends AS 44.19.056, a section relating to the membership of the state geographic board. The amendment removes the commissioner of transportation and public facilities, adds the commissioner of administration, and recognizes that the Department of Community and Regional Affairs has a commissioner, not a director, at its head. Arguably, the responsibilities of DOT are more a

qualification for membership on the geographic board than DOA's and perhaps DOT's commissioner should be reinstated on the board.

Sec. 104, a section amending AS 44.19.066(4), relates to the membership of the International Development Commission; it clarifies the fact that the commissioner of transportation has a seat on it, not the commissioner of highways.

Sec. 105 amends AS 44.19.155(a)(2)(G), a section providing for membership of the Alaska Coastal Policy Council, and assigns the seat of the commissioner of DPW to the commissioner of administration. The commissioner of transportation might equally qualify.

Sec. 106 adds a new article, "public facilities", to AS 44.21, the chapter establishing the Department of Administration. Sec. 44.21.331 is derived from AS 44.42.055. Sec. 44.21.335 is derived from AS 44.42.060. Sec. 44.21.337 is derived from AS 44.42.065.

Sec. 44.21.339 will be recognized as AS 44.42.080, modified only by the deletion of paragraph (2), a function transferred to DOT. See sec. 110 of the bill.

Sec. 44.21.341 is derived from AS 44.42.020(a)(13);
Sec. 44.21.350 is derived from AS 44.42.020(a)(14) and (15).

Sec. 107 amends AS 44.33.190, a section relating to the Tourism Advisory Board. The seat of the director of the division of marine transportation is recognized as being in DOT not in DPW.

Secs. 108 - 111 are sections amending AS 44.42, the chapter establishing the Department of Transportation and Public Facilities; sec. 108 amends AS 44.42.010, a section providing that the principal executive officer of DOT is the commissioner of transportation.

Sec. 109 amends AS 44.42.040; the section requiring the establishment of regions in DOTPF is amended to relate to the regions in DOT.

Sec. 110 amends AS 44.42.080 to recognize that the transportation and related facilities fund is established in

DOT. Note that the provisions in former AS 44.42.080, renumbered as AS 44.42.080(a), which established the former DOTPF capital facilities fund, are repealed. See sec. 126 and recall that a capital facilities fund for the programs transferred from DOTPF to DOA were established under Sec. 44.21.339 in sec. 106.

Secs. 111 and 112 conform the definition section in AS 44.-42, eliminating the references to DOTPF and substituting references to DOT.

Sec. 113 amends AS 44.47.092; the section requires the Department of Community and Regional Affairs to make recommendations to DOA (in place of DOTPF) on "comprehensive plans or other land use plans" of municipalities with respect to the facility procurement plan prepared in accordance with stated law.

Sec. 114, an amendment to AS 44.47.160(a)(3), adds the commissioner of administration to the Rural Development Council; the commissioner of transportation retains the seat of the former commissioner of transportation and public facilities.

Sec. 115, an amendment to AS 44.62.330(a)(16), requires DOT (instead of DOTPF) to apply the Administrative Procedures Act's administrative adjudication procedures (AS 44.62.330 - 44.62.630) to DOT's "functions relating to aeronautics and communications".

Sec. 116, a section amending AS 44.65.050(c), establishes "restrictions on construction contracts" but permits DOT (in place of DOTPF) to acquire, construct, and maintain access roads serving public airports.

Sec. 117 amends AS 44.64.020, a section requiring DOTPF to establish "rules regarding the use of state-owned vehicles". The assignment is given to DOT by this section.

Secs. 118 - 119 amend AS 44.74, a chapter establishing a "working capital fund" for DOTPF in the state treasury. The amendments establish the fund for DOT.

Sec. 120 amends AS 44.74.070, a section permitting the commissioners of highways and public works to transfer to

political subdivisions of the state "the title to automotive and construction equipment which can be used in the maintenance of roads and airports". The amendment to the section transfers these responsibilities to the commissioners of administration and transportation.

Sec. 121 is an amendment to AS 44.88, the chapter establishing the Alaska Industrial Development Authority. AS 44.88.180(a) is a section dealing with vote by members of the authority when they may have a conflict of interest. The section establishes a series of state officers who may act if a member has a conflict. The amendment deletes the reference to the commissioner of public works and substitutes the commissioner of transportation.

Secs. 122 and 123 amend AS 46.11, a chapter relating to the "conservation of energy and materials". Sec. 122 amends AS 46.11.010, a section requiring all public facilities of the state built after July 1, 1980 to comply with "thermal and lighting energy standards" adopted by DOTPF; buildings built before that date shall be modified, to the extent practicable, by June 30, 1988. The section is amended to assign these responsibilities to DOA.

Sec. 123 amends the definitions section of the chapter to delete the references to DOTPF and substitute DOA.

Secs. 124 and 125 constitute amendments to AS 47.37, a chapter establishing the "uniform alcoholism and intoxication treatment act" (the office of alcoholism). Sec. 124 [AS 47.37.040(14)] directs the office of alcoholism to cooperate with the Department of Highways in conducting programs relating the problems of persons operating motor vehicles while intoxicated. The amendment transfers the responsibility to DOT.

Sec. 125 constitutes an amendment to AS 47.37.050(a) and establishes an interdepartmental coordinating committee to act as liaison among state departments engaged in activities affecting alcoholics and intoxicated persons. The amendment deletes DOTPF from membership and adds DOT.

Sec. 126 repeals certain provisions of AS 44.42 (the chapter establishing DOTPF). Those sections repealed are uniformly responsibilities transferred from DOTPF to DOA by the bill.

Representative Bette M. Cato
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See the discussion on these points relative to bill
section 106.

RAB:ljb