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Fisher
4/20/21

CS FOR HOUSE BILL NO. 63(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES STUTES, Kreiss-Tomkins, Hannan, Fields, Ortiz, Drummond

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the duties of the Department of Transportation and Public
2 Facilities; renaming the Alaska Marine Transportation Advisory Board the Alaska
3 Marine Highway Operations Board; relating to the membership and duties of the
4 Alaska Marine Highway Operations Board; relating to the comprehensive, intermodal,
5 long-range transportation plan for the state; and providing for an effective date."

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

7 * **Section 1.** AS 19.05.030 is amended to read:

8 **Sec. 19.05.030. Duties of department.** The department has the following
9 duties:

- 10 (1) direct approved highway planning and construction and
11 maintenance, protection and control of highways;
12 (2) employ assistants and employees;
13 (3) certify and approve vouchers;

(4) provide a program of highway research;
(5) prepare a budget;
(6) review the annual highway program;
(7) develop and implement an avalanche control plan to protect persons who use public highways;

(8) review and respond to recommendations regarding the statewide transportation improvement program that are made by the Alaska Marine Highway Operations Board established under AS 19.65.110.

* Sec. 2. AS 19.65.011 is amended to read:

Sec. 19.65.011. Short-term and comprehensive [COMPREHENSIVE] long-range plans [PLAN]. The Department of Transportation and Public Facilities, in consultation with the Alaska Marine **Highway Operations** [TRANSPORTATION ADVISORY] Board, shall prepare a **short-term plan and a** comprehensive long-range plan for the development and improvement of the Alaska marine highway system and shall, in consultation with the Alaska Marine **Highway Operations** [TRANSPORTATION ADVISORY] Board, revise and update the **short-term** plan **annually, and the comprehensive long-range plan** at least every five years. **The short-term plan must describe the means by which effective and efficient progress toward priorities and goals defined in the comprehensive long-range plan will be attained and must include a description of skill or competency gaps in the membership of the Alaska Marine Highway Operations Board. The comprehensive long-range plan must include priorities and goals for the Alaska marine highway system and may recommend performance measures, including output, efficiency, and effectiveness measures.** The department shall submit **both the short-term and** the comprehensive long-range **plans** [PLAN] and revisions and updates of the **plans** [PLAN] to the legislature **and the governor and make the plans available to the public.**

* Sec. 3. AS 19.65.110 is amended to read:

Sec. 19.65.110. Alaska Marine Highway Operations [TRANSPORTATION ADVISORY] Board. There is established in the Department of Transportation and Public Facilities the Alaska Marine **Highway Operations**

[TRANSPORTATION ADVISORY] Board.

* **Sec. 4.** AS 19.65.120(a) is repealed and reenacted to read:

(a) The board is composed of the deputy commissioner of transportation and public facilities assigned to the Alaska marine highway system and the following eight public members, each of whom must be a resident of the state:

(1) one representative, who may be retired, of a recognized union that represents employees of the Alaska marine highway system, appointed by the governor;

(2) one representative of an Alaska Native organization or tribe who is from a community served by the Alaska marine highway system, appointed by the governor;

(3) six public members

(A) who collectively have experience in enterprise, architecture, business operations, financial management, risk management, logistics, supply chain management, engineering, project management and controls, marine operations, strategy, regulatory compliance, ship maintenance, construction, and repair, quality management, continuous improvement, sales, marketing, communications, customer interface, or experience management;

(B) two of whom are appointed by the governor, two of whom are appointed by the speaker of the house of representatives and who serve at the pleasure of the speaker of the house of representatives, and two of whom are appointed by the president of the senate and who serve at the pleasure of the president of the senate.

* **Sec. 5.** AS 19.65.120(c) is amended to read:

(c) The members of the board, except for the deputy commissioner of transportation and public facilities, shall serve staggered three-year terms. If a vacancy arises on the board, the governor, the president of the senate, or the speaker of the house, as applicable, shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of appointment until the expiration of the term.

1 * **Sec. 6.** AS 19.65.120(d) is amended to read:

2 (d) A [BOARD MEMBERS SERVE AT THE PLEASURE OF THE
3 GOVERNOR. IN ADDITION, A] majority of the membership of the board may
4 remove a member, **except for the deputy commissioner of transportation and**
5 **public facilities**, if that member misses more than two meetings in a calendar year and
6 has not been previously excused.

7 * **Sec. 7.** AS 19.65.120 is amended by adding new subsections to read:

8 (e) The board shall provide newly appointed members with information about
9 the board and the Alaska marine highway system, including information about the
10 business, operations, and regulatory obligations of the Alaska marine highway system.

11 (f) A regional development organization, including a regional development
12 organization that represents a region of the state that contains a community dependent
13 on the Alaska marine highway system, may recommend a person for appointment to
14 fill a vacancy on the board under (a)(2) - (6) of this section. An appointing authority
15 shall consider the recommendation of the regional development organization but is not
16 required to appoint the person recommended by the regional development
17 organization. In this subsection, "regional development organization" means a
18 nonprofit organization or nonprofit corporation formed to encourage economic
19 development within a particular region of the state that includes the entire area of each
20 municipality within that region and that has a board of directors that represents the
21 region's economic, political, and social interests.

22 * **Sec. 8.** AS 19.65.180(d) is amended to read:

23 (d) The board may receive information from the department as the board
24 considers necessary to carry out its duties, **and the department shall provide**
25 **information requested by the board in a timely and responsive manner**.

26 * **Sec. 9.** AS 19.65.180 is amended by adding new subsections to read:

27 (e) The board shall provide advice and recommendations to the commissioner
28 of transportation and public facilities concerning the operation and management of the
29 Alaska marine highway system, including advice and recommendations regarding
30 business to enhance revenue and reduce costs, personnel management, commercial
31 service options, ship maintenance, construction, and repair, fleet strategy, reliability,

and regulatory compliance, and other service objectives.

(f) If the board determines that the Alaska marine highway system has deviated from a plan, policy, or procedure described in the short-term plan or comprehensive long-range plan prepared under AS 19.65.011, the board may prepare a report recommending corrective action. The board shall submit an electronic report prepared under this subsection to the legislature and the governor and shall make the report available to the public.

(g) The board may establish a task force that includes members who are not members of the board and that is tasked with investigating matters relevant to the Alaska marine highway system and reporting to the board. Members of a task force established under this subsection are not entitled to receive a salary, per diem, or travel expenses.

(h) The board shall annually submit recommendations to the Department of Transportation and Public Facilities regarding the preparation of the statewide transportation improvement program.

* **Sec. 10.** AS 19.65.195 is amended to read:

Sec. 19.65.195. Definition. In AS 19.65.110 - 19.65.195, "board" means the Alaska Marine Highway Operations [TRANSPORTATION ADVISORY] Board.

* **Sec. 11.** AS 44.42.050(a) is amended to read:

(a) The commissioner shall develop a comprehensive, intermodal, long-range transportation plan for the state. The commissioner shall incorporate the comprehensive long-range plan prepared under AS 19.65.011 into the plan developed under this section. The plan may be developed in multiple documents that address logical components, including geographic areas, modes of transportation, transportation corridors, systems, and other distinct subjects relevant to transportation planning. The components of the plan shall be revised as the commissioner determines appropriate. In developing and revising the state plan, the commissioner shall conform to the requirements for the eligibility and use of federal and other funds, as applicable. Upon approval of each component of the plan by the commissioner, the commissioner shall transmit notice of the approval of that component to the governor and to the legislature.

1 * **Sec. 12.** AS 19.65.120(b) is repealed.

2 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 ALASKA MARINE HIGHWAY OPERATIONS BOARD; TRANSITION. (a) The
5 terms of members who fill seats on the Alaska Marine Transportation Advisory Board under
6 AS 19.65.120(a), as it read on the day before the effective date of this Act, expire on the
7 effective date of this Act.

8 (b) Notwithstanding AS 19.65.120(c), as amended by sec. 5 of this Act, and
9 AS 39.05.055, the seats on the Alaska Marine Highway Operations Board established by
10 AS 19.65.120(a), as repealed and reenacted by sec. 4 of this Act, shall be filled as follows:

11 (1) the two public members appointed by the governor shall serve one-year
12 terms;

13 (2) the representative of an Alaska Native organization or tribe appointed by
14 the governor shall serve a one-year term;

15 (3) the members appointed by the speaker of the house of representatives shall
16 serve two-year terms;

17 (4) the union representative appointed by the governor and the members
18 appointed by the president of the senate shall serve three-year terms.

19 (c) The deputy commissioner of transportation and public facilities assigned to the
20 Alaska marine highway system begins membership on the Alaska Marine Highway
21 Operations Board on the effective date of this Act.

22 (d) Nothing in this section prevents the appointment of a person whose term expires
23 under (a) of this section to the Alaska Marine Highway Operations Board if the person meets
24 the qualifications in AS 19.65.120(a), as repealed and reenacted by sec. 4 of this Act.

25 * **Sec. 14.** This Act takes effect January 1, 2022.