

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 294

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES WILSON, LEDOUX AND SEATON, Buch, Thomas, Edgmon, Doll

Introduced: 2/25/08

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the division of marine transportation; establishing the Alaska
2 Marine Transportation Authority Board and the position of director of the division of
3 marine transportation, and assigning the powers and duties of each; making conforming
4 amendments; and providing for an effective date."

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

6 * **Section 1.** AS 19.65.011 is amended to read:

7 **Sec. 19.65.011. Comprehensive long-range plan.** The Department of
8 Transportation and Public Facilities, in consultation with the Alaska Marine
9 Transportation Authority Board, shall prepare a comprehensive long-range plan for
10 the development and improvement of the Alaska marine highway system and shall
11 revise and update the plan at least every five years. The department shall submit the
12 comprehensive long-range plan and revisions and updates of the plan to the
13 legislature.

14 * **Sec. 2.** AS 19.65 is amended by adding new sections to read:

1 **Article 3. Alaska Marine Highway Organization and Operations.**

2 **Sec. 19.65.110. Division of marine transportation.** There is established in the
3 Department of Transportation and Public Facilities a division of marine transportation.
4 The division is responsible for planning and operations of the Alaska marine highway
5 system.

6 **Sec. 19.65.120. Alaska marine transportation director.** (a) The position of
7 director of the division of marine transportation is established in the Department of
8 Transportation and Public Facilities. The position is established notwithstanding the
9 requirement of AS 44.42.020 that the department be organized regionally.

10 (b) The director shall

11 (1) be responsible for the operations and management of the Alaska
12 marine highway system;

13 (2) carry out the policies determined by the commissioner, in
14 consultation with the Alaska Marine Transportation Authority Board;

15 (3) draft and submit to the Alaska Marine Transportation Authority
16 Board

17 (A) a master plan for the purpose of recommending long-term
18 phasing of economically sustainable major development, identifying short-
19 term opportunities that are consistent with long-term phasing;

20 (B) an annual service plan; and

21 (C) a capital plan to become the primary document for
22 outlining acquisition strategy and timing and delivery of major assets,
23 including new ferries.

24 **Article 4. Alaska Marine Transportation Authority Board.**

25 **Sec. 19.65.200. Alaska Marine Transportation Authority Board.** There is
26 established in the Department of Transportation and Public Facilities the Alaska
27 Marine Transportation Authority Board.

28 **Sec. 19.65.210. Board composition.** (a) The board consists of 11 members
29 appointed by the governor and confirmed by a majority of the members of the
30 legislature in joint session. Each member must be a resident of the state. The board
31 shall be composed of the following members:

1 (1) one member who has a significant level of experience in the private
 2 sector or local government, specializing in financing or economic development or
 3 marketing, from each of the following districts:

4 (A) northern southeast Alaska, representing Haines and
 5 Skagway;

6 (B) southern southeast Alaska, representing Petersburg and
 7 Wrangell, and the cities and communities of Prince of Wales Island;

8 (C) southeast Alaska, representing the City and Borough of
 9 Sitka and the cities of Angoon, Hoonah, Kake, Pelican, and Tenakee Springs;

10 (D) the Prince William Sound and Kenai Peninsula areas,
 11 representing the cities of Cordova, Seward, Valdez, and Whittier, the City and
 12 Borough of Yakutat, and the communities of Chenega Bay and Tatitlek; and

13 (E) southwest Alaska, representing the cities of Akutan,
 14 Chignik, Cold Bay, False Pass, Homer, King Cove, Kodiak, Port Lions, Sand
 15 Point, Seldovia, and Unalaska, including Dutch Harbor;

16 (2) one retired marine captain, marine engineer, or licensed seaman;

17 (3) one representative, who may be retired, of a recognized union that
 18 represents employees of the Alaska marine highway system;

19 (4) one business owner who has experience interacting with the Alaska
 20 marine highway system and who is involved in the tourism industry;

21 (5) one travel agent or tourism specialist familiar with various Alaska
 22 marine highway reservation systems available to the public; and

23 (6) two members of the public at large.

24 (b) At least one member appointed under (a)(2) - (6) of this section must be a
 25 representative of the City and Borough of Juneau. At least one member appointed
 26 under (a)(2) - (6) of this section must be a representative of the Ketchikan Gateway
 27 Borough or Metlakatla.

28 (c) The members of the board shall serve staggered three-year terms. If a
 29 vacancy arises on the board, the governor shall, within 30 days after the vacancy
 30 arises, appoint a person to serve the balance of the unexpired term and submit the
 31 name of the person to the legislature for confirmation. A person appointed to fill the

1 balance of an unexpired term shall serve on the board from the date of appointment
2 until the earlier of the expiration of the term or the failure of the legislature to confirm
3 the person under AS 39.05.080.

4 (d) Members of the board serve at the pleasure of the governor. In addition, a
5 majority of the membership of the board may remove a member if that member misses
6 more than two meetings in a calendar year and has not been previously excused.

7 **Sec. 19.65.220. Officers and quorum.** The members of the board shall select
8 a chair and a vice-chair from among the members of the board each year. The vice-
9 chair presides over meetings in the absence of the chair. A majority of the members of
10 the board constitutes a quorum. A vacancy in the board does not impair the right of a
11 quorum to exercise all the powers and perform all the duties of the board.

12 **Sec. 19.65.230. Meetings.** The board shall meet at least four times each year.
13 Meetings may be called by the chair or by a majority of the members of the board. At
14 least one meeting each year must be attended by the board members in person, but all
15 other meetings may be conducted by teleconference. All meetings are open to the
16 public unless an executive session is called based on the criteria in AS 44.62.310(b).

17 **Sec. 19.65.240. Per diem and expenses.** Members of the board do not receive
18 a salary, but are entitled to per diem and travel expenses authorized for boards and
19 commissions under AS 39.20.180.

20 **Sec. 19.65.250. Records.** Records of the board are subject to inspection and
21 copying under AS 40.25.110.

22 **Sec. 19.65.260. Legal assistance.** The Department of Law shall provide all
23 legal services for the board.

24 **Sec. 19.65.270. Powers, duties, and functions.** (a) The board shall select not
25 more than three nominees for the position of director of the division of marine
26 transportation to be submitted to the commissioner of transportation and public
27 facilities for consideration. The selection of the nominees shall be without regard to
28 political affiliation, and the nominees must have at least 10 years of experience in the
29 field of marine engineering or maritime operations.

30 (b) The board may establish volunteer regional advisory committees. The
31 purpose of the advisory committees is to provide recommendations to the board

1 regarding concerns from the region whose members constitute the advisory
2 committee.

3 (c) The board, in cooperation with the Department of Transportation and
4 Public Facilities, shall prepare a strategic plan that includes the mission, core values,
5 objectives, initiatives, and performance goals of the Alaska marine highway system
6 and submit that plan to the department for its consideration.

7 (d) The board has the express authority to enter into contractual services. The
8 authority granted under this subsection includes

9 (1) issuing a request for proposals to develop a two-year ferry schedule
10 for year-round service to be submitted to the department; and

11 (2) issuing a request for proposals for independent small feeder routes.

12 **Sec. 19.65.280. Staff.** The department shall provide staff for the board.

13 **Sec. 19.65.295. Definition.** In AS 19.65.200 - 19.65.295, "board" means the
14 Alaska Marine Transportation Authority Board.

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

17 INITIAL APPOINTMENT OF MEMBERS OF THE ALASKA MARINE
18 TRANSPORTATION AUTHORITY BOARD. (a) Notwithstanding AS 19.65.210(c), added
19 by sec. 2 of this Act, and AS 39.05.055, the initially appointed members of the Alaska Marine
20 Transportation Authority Board shall be appointed by the governor to terms as follows:

21 (1) three members shall serve one-year terms;

22 (2) three members shall serve two-year terms; and

23 (3) five members shall serve three-year terms.

24 (b) The governor may designate a member of the Marine Transportation Advisory
25 Board, created by Administrative Order No. 233, who is serving as an advisory board member
26 on the day before the effective date of this Act, as a member of the initial Alaska Marine
27 Transportation Authority Board under (a) of this section, if the member meets the
28 requirements set by AS 19.65.210, added by sec. 1 of this Act. Nothing in this subsection
29 prevents the governor from appointing members to the board that do not serve on the Marine
30 Transportation Advisory Board as authorized by this subsection.

31 * **Sec. 4.** This Act takes effect July 1, 2008.