

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

February 2, 2017

1:32 p.m.

MEMBERS PRESENT

Representative Louise Stutes, Co-Chair
Representative Adam Wool, Co-Chair
Representative Matt Claman
Representative Harriet Drummond
Representative Chuck Kopp
Representative Mark Neuman
Representative Colleen Sullivan-Leonard
Representative David Eastman (alternate)

MEMBERS ABSENT

Representative Gabrielle LeDoux (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 51

"An Act relating to the regulation of wastewater discharge from small commercial passenger vessels in state waters; and providing for an effective date."

- MOVED CSHB 51(TRA) OUT OF COMMITTEE

PRESENTATION: WORK DRAFT BY DEPARTMENT OF TRANSPORTATION

- HEARD

APPROVAL OF DRAFTING REQUEST FOR POTENTIAL COMMITTEE LEGISLATION BY REQUEST OF THE GOVERNOR

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 51

SHORT TITLE: SMALL VESSEL WASTEWATER EXEMPTION

SPONSOR(s): TRANSPORTATION

01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) RES, FIN

01/20/17	(H)	TRA REPLACES RES REFERRAL
01/20/17	(H)	BILL REPRINTED 1/20/17
01/26/17	(H)	TRA AT 1:30 PM CAPITOL 17
01/26/17	(H)	Heard & Held
01/26/17	(H)	MINUTE (TRA)
01/27/17	(H)	BILL REPRINTED 1/27/17
02/02/17	(H)	TRA AT 1:30 PM BARNES 124

WITNESS REGISTER

MICHAEL NEUSSL, Deputy Commissioner
 Department of Transportation & Public Facilities (DOT&PF)
 Juneau, Alaska

POSITION STATEMENT: During a meeting on HB 51, answered questions relating to Conceptual Amendment 1.

HEATHER FAIR, State Right-of-Way Chief
 Division of Statewide Design & Engineering Services
 Department of Transportation & Public Facilities (DOT&PF)
 Juneau, Alaska

POSITION STATEMENT: Answered questions on possible legislation relating to state compliance with federal Relocation Assistance Programs.

ACTION NARRATIVE

[1:32:38 PM](#)

CO-CHAIR LOUISE STUTES called the House Transportation Standing Committee meeting to order at 1:32 p.m. Representatives Neuman, Drummond, Claman, Kopp, Sullivan-Leonard, Wool, and Stutes were present at the call to order. Representative Eastman (alternate) arrived as the meeting was in progress.

HB 51-SMALL VESSEL WASTEWATER EXEMPTION

[1:34:06 PM](#)

CO-CHAIR STUTES announced that the first order of business would be HOUSE BILL NO. 51, "An Act relating to the regulation of wastewater discharge from small commercial passenger vessels in state waters; and providing for an effective date."

CO-CHAIR STUTES opened public testimony on HB 51, and then she closed it after ascertaining that no one wished to testify. She noted that Mike Lesmann and Michael Neussl from Department of Transportation and Public Facility (DOT&PF) and Michelle Hale

from Department of Environmental Conservation (DEC) were in the room for questions. She indicated a desire to review the two attached zero fiscal notes.

[1:36:41 PM](#)

REPRESENTATIVE NEUMAN moved that the committee adopt Conceptual Amendment 1 to Version D, labeled 30-LS0302\D.1, Nauman, 2/1/17, which read:

Page 4, following line 5:

Insert a new bill section to read:

"* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read: RETROACTIVITY. This Act is retroactive to January 1, 2016."

Renumber the following bill section accordingly.

CO-CHAIR STUTES objected for discussion purposes.

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REPRESENTATIVE NEUMAN explained that Conceptual Amendment 1 would change the effective date in Section 8 of HB 51, from occurring immediately to being retroactive to January 1, 2016. He stated that the proposed amendment would ensure that state and private sector vessels addressed in the bill are fully covered and not left vulnerable due to the January 1, 2016, sunset. Representative Neuman offered his understanding that there are a number of vessels that will be affected. He acknowledged that the department posted a letter ensuring it would not take action against those vessels, but explained he was offering, Conceptual Amendment 1 to close a loop and ensure that the private sector operators are not left vulnerable to any lawsuits.

CO-CHAIR STUTES asked that DOT&PF speak to Conceptual Amendment 1.

[1:37:57 PM](#)

MICHAEL NEUSSL, Deputy Commissioner, Department of Transportation & Public Facilities (DOT&PF), stated that from the department's perspective, the effective date doesn't make any difference. He said that it would be fine to close the gap but that it had effectively been done already by the letter from

DEC. Mr. Neussl stated that the department has been complying with the same best management practice (BMP) plans it has always followed. He reiterated that the department has no objections to Conceptual Amendment 1.

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REPRESENTATIVE NEUMAN stated that when he checked with DEC prior to the meeting, he understood the department had no problems with the proposed amendment.

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CO-CHAIR STUTES reiterated that the department is neutral regarding Conceptual Amendment 1, but she said the proposed amendment could offer added protections to the private sector.

CO-CHAIR STUTES removed her objection to the motion to adopt Conceptual Amendment 1. There being no further objection, Conceptual Amendment 1 was adopted.

[1:39:12 PM](#)

CO-CHAIR WOOL moved to report HB 51, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 51(TRA) was reported out of the House Transportation Standing Committee.

PRESENTATION: WORK DRAFT BY DEPARTMENT OF TRANSPORTATION

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CO-CHAIR STUTES announced that the next order of business would be a presentation from the DOT&PF relating to state compliance with federal Relocation Assistance Programs. She stated that this was not a bill hearing and that it was simply an introduction to a bill that would bring Alaska's statute into compliance with new federal law. She assured the committee and the public that there would be ample time for proper vetting at a later date. Co-Chair Stutes called Heather Fair with DOT&PF to the stand to present the proposal.

[1:40:34 PM](#)

HEATHER FAIR, State Right-of-Way Chief, Division of Statewide Design & Engineering Services, Department of Transportation &

Public Facilities (DOT&PF), stated that Co-Chair Stutes was correct that the legislation being requested by the governor would bring Alaska into compliance with federal mandates. Ms. Fair explained that the Moving Ahead for Progress in the 21st Century Act ("MAP-21") was the second to last iteration of new federal laws that apply to Alaska in regard to relocation assistance for Alaskan families, businesses, and farms. She said that MAP-21 was the first time in over 40 years that the amount of federal funds available to parties that are displaced from right-of-way acquisitions by DOT&PF was raised.

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REPRESENTATIVE SULLIVAN-LEONARD inquired who would sponsor the bill.

CO-CHAIR STUTES explained that the intent is to make it a committee sponsored bill.

[1:42:13 PM](#)

The committee took an at-ease from 1:42 p.m. to 1:43 p.m.

**APPROVAL OF DRAFTING REQUEST FOR POTENTIAL COMMITTEE LEGISLATION
BY REQUEST OF THE GOVERNOR**

[1:43:00 PM](#)

CO-CHAIR STUTES [announced that the final order of business would be the approval of drafting request for potential committee legislation by request of the governor.] She clarified the committee was discussing a concept for a bill that may subsequently be drafted and sponsored by the House Transportation Standing Committee at the request of the governor.

REPRESENTATIVE SULLIVAN-LEONARD asked why the governor would not bring the bill forward himself.

CO-CHAIR STUTES answered that it is very common for a committee to present a bill [at the request of the governor].

[1:44:00 PM](#)

REPRESENTATIVE KOPP offered his understanding that today the committee was just talking conceptually about the information sheet provided in the committee packets. He asked Ms. Fair

whether the issue is just a housekeeping measure that does not involve any general funds dollars but instead is regarding federal dollars. He concluded that the intent is to create statute to authorize the state to spend available federal dollars to relocate people.

MS. FAIR answered that is correct.

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REPRESENTATIVE CLAMAN asked if not drafting and enacting such legislation would hamper Alaska's ability to use federal dollars to pay individuals who were relocated by DOT&PF. He stressed that it is important for Alaska to have its statutes in compliance with federal standards to ensure maximum benefit from the federal dollars.

MS. FAIR answered that is correct. She explained that the state needs to be very clear about its authorizations to comply with federal law and to bring the maximum eligible amounts of federal dollars to displaced Alaskans.

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CO-CHAIR WOOL moved and asked unanimous consent that in accordance with AS 24.08.0640, the committee authorize the introduction of a committee bill on the subject of Federal Relocation Assistance Program compliance.

REPRESENTATIVE NEUMAN objected for discussion purposes.

CO-CHAIR STUTES objected for discussion purposes.

REPRESENTATIVE NEUMAN explained a situation, from his district along the George Parks Highway (Parks Highway), where according to "the federal center line" there was a certain distance from the center line of the Parks Highway to where private property started; and property owners in the area were working off of the plat mats that were stamped by the State of Alaska (SOA) and the borough. Representative Neuman said that when DOT&PF ran its right-of-way through the Parks Highway, the department based the location of lines off something that United States Congress did back in 1946, which allowed for a different center line to be used. He stated that that action took an additional 15-20 feet away from those private properties where owners had been paying property taxes for 20 or 30 years. He said that there was confusion because property owners lost value on existing

infrastructure, such as a parking lot. He cautioned that the committee should look into some of the problems that have arisen in Alaska in previous cases involving rights-of-way.

CO-CHAIR STUTES assured Representative Neuman that the motion before the committee today is strictly to make it a committee bill and that there will be later hearings in the committee on the issue.

REPRESENTATIVE NEUMAN asked whether any bill language had been drafted.

CO-CHAIR STUTES answered no.

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REPRESENTATIVE NEUMAN withdrew his objection.

CO-CHAIR STUTES withdrew her objection and announced that there being no further objection, the motion to introduce a committee bill on the subject of Federal Relocation Program Compliance was so ordered.

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ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:48 p.m.