

**SENATE CS FOR CS FOR HOUSE BILL NO. 63(TRA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 5/17/21

Referred: Rules

Sponsor(s): REPRESENTATIVES STUTES, Kreiss-Tomkins, Hannan, Fields, Ortiz, Drummond, Kaufman, Schrage, Story, Josephson, Tarr, Spohnholz, Wool, Vance

**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; and relating to the comprehensive,  
5 intermodal, long-range transportation plan for the state."

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;

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

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

9 **(9) report, in a manner that is easily available to the public and the**  
 10 **media, including on the department's Internet website, on the progress of the**  
 11 **Alaska marine highway system in meeting the performance goals established by**  
 12 **the Alaska Marine Highway Operations Board under AS 19.65.011.**

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

14 Sec. 19.65.011. **Short-term and comprehensive [COMPREHENSIVE]**  
 15 **long-range plans [PLAN].** The Department of Transportation and Public Facilities, in  
 16 consultation with the Alaska Marine **Highway Operations** [TRANSPORTATION  
 17 ADVISORY] Board, shall prepare a **short-term plan and a** comprehensive long-  
 18 range plan for the development and improvement of the Alaska marine highway  
 19 system and shall, in consultation with the Alaska Marine **Highway Operations**  
 20 [TRANSPORTATION ADVISORY] Board, revise and update the **short-term** plan  
 21 **annually, and the comprehensive long-range plan** at least every five years. **The**  
 22 **short-term plan must describe the means by which effective and efficient**  
 23 **progress toward priorities and goals defined in the comprehensive long-range**  
 24 **plan will be attained, must include recommendations for the state operating and**  
 25 **capital budgets, and must include a description of skill or competency gaps in the**  
 26 **membership of the Alaska Marine Highway Operations Board. The**  
 27 **comprehensive long-range plan must include priorities and goals for the Alaska**  
 28 **marine highway system and a proposed strategic maintenance and vessel**  
 29 **replacement plan and may recommend performance measures, including output,**  
 30 **efficiency, and effectiveness measures.** The department shall submit **both the short-**  
 31 **term and** the comprehensive long-range **plans** [PLAN] and revisions and updates of

1 the **plans** [PLAN] to the legislature **and the governor and make the plans available**  
 2 **to the public.**

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

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

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

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

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

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

18 (3) six public members

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

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

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

31 (c) The members of the board, **except for the deputy commissioner of**

1 **transportation and public facilities**, shall serve staggered **six-year** [THREE-YEAR]  
 2 terms. If a vacancy arises on the board, the governor, **the president of the senate, or**  
 3 **the speaker of the house, as applicable**, shall, within 30 days after the vacancy  
 4 arises, appoint a person to serve the balance of the unexpired term. A person appointed  
 5 to fill the balance of an unexpired term shall serve on the board from the date of  
 6 appointment until the expiration of the term.

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

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

13 \* **Sec. 7.** AS 19.65.180(d) is amended to read:

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

17 \* **Sec. 8.** AS 19.65.180 is amended by adding new subsections to read:

18 (e) The board shall provide advice and recommendations to the commissioner  
 19 of transportation and public facilities concerning the operation and management of the  
 20 Alaska marine highway system, including advice and recommendations regarding  
 21 business to enhance revenue and reduce costs, personnel management, commercial  
 22 service options, ship maintenance, construction, and repair, fleet strategy, reliability,  
 23 and regulatory compliance, and other service objectives.

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

30 (g) The board may establish a task force that includes members who are not  
 31 members of the board and that is tasked with investigating matters relevant to the

1 Alaska marine highway system and reporting to the board. Members of a task force  
 2 established under this subsection are not entitled to receive a salary, per diem, or travel  
 3 expenses.

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

7 \* **Sec. 9.** AS 19.65.195 is amended to read:

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

10 \* **Sec. 10.** AS 44.42.050(a) is amended to read:

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

23 \* **Sec. 11.** AS 19.65.120(b) is repealed.

24 \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to  
 25 read:

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

30 (b) Notwithstanding AS 19.65.120(c), as amended by sec. 5 of this Act, and  
 31 AS 39.05.055, the seats on the Alaska Marine Highway Operations Board established by

1 AS 19.65.120(a), as repealed and reenacted by sec. 4 of this Act, shall be filled as follows:

2 (1) the two public members appointed by the governor shall serve two-year  
3 terms;

4 (2) the representative of an Alaska Native organization or tribe appointed by  
5 the governor shall serve a two-year term;

6 (3) the members appointed by the speaker of the house of representatives shall  
7 serve four-year terms;

8 (4) the union representative appointed by the governor and the members  
9 appointed by the president of the senate shall serve six-year terms.

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

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