

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3

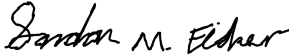
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 15, 2021

SUBJECT: Alaska Marine Highway Operations Board
(CSHB 63(TRA); Work Order No. 32-LS0286(G.17))

TO: Representative Jonathan Kreiss-Tomkins
Attn: Jeff Stepp

FROM: Sandon M. Fisher
Legislative Counsel 

Please find the amendment your requested attached. I have the following comments for your consideration.

1. I recommend clarifying what you mean by a regional development organization that serves a ferry dependent community. Does it mean a community that is served by the Alaska marine highway system or is there some other meaning you intend?
2. The amendment could raise a constitutional issue under the state constitutional prohibition against local and special legislation because it specifically allows for regional development organizations that serve communities dependent on the Alaska marine highway system to make recommendations regarding the appointment of members of the Alaska Marine Highway Operations Board (Board) to the governor or the presiding officers, but does not specifically allow regional development organizations located in other areas of the state to do so. Article II, sec. 19, Constitution of the State of Alaska, provides, in part:

The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination.

The test employed by the Alaska Supreme Court to determine whether an act is "local" or "special" is whether it is "reasonably related to a matter of common interest to the whole state."¹ If a special or local act is found to have been enacted, the question of whether a "general act can be made applicable" is specifically a matter for judicial determination.² If the court determines that the legislation is not "of statewide application," it will

¹ *Abrams v. State*, 534 P.2d 91, 94 (Alaska 1975).

² *Id.*

Representative Jonathan Kreiss-Tomkins

April 15, 2021

Page 2

evaluate whether the legislation has a fair and substantial relationship to legitimate purposes.³ To satisfy the "fair and substantial relationship" standard, the classification established by the legislation must be tailored to the purpose of the legislation.

If I may be of further assistance, please advise.

SMF:lme

21-215.lme

Attachment

³ *State v. Lewis*, 559 P.2d 630, 643 (Alaska 1977).