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IN THE HOUSE BY RULES COMMITTEE  
SUBSTITUTE FOR HOUSE BILL NO. 135  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the establishment of a division of revenue transportation within the Department of Public Works; providing for its duties, powers, and responsibilities."

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

Section 1. ESTABLISHMENT OF DIVISION. The division of revenue transportation is established as a division within the Department of Public Works with the responsibilities of operating all forms of revenue producing state owned transportation facilities.

Sec. 2. ORGANIZATION. a. There shall be an officer of the division of revenue transportation to be known as the director or general manager of revenue transportation.

b. There is hereby created a Board of Revenue Transportation consisting of seven members appointed for five year overlapping terms, not more than two of whom may be department heads. The director shall not be a member of the board, but shall be ex officio secretary and shall cast no vote. The board members shall be appointed by the governor and confirmed by the legislature without regard to political affiliation.

c. The governor shall appoint the director of revenue transportation from a list of qualified persons experienced in the field of transportation nominated by the Board of Revenue

1 Transportation, subject to the right of the governor to request  
2 additional nominations. The appointment shall be subject to con-  
3 firmation by a majority of the members of the legislature in joint  
4 session. The director shall serve a term of five years. In the  
5 event of a vacancy in the office of director a successor shall be  
6 appointed, in the manner provided for the regular appointment, to  
7 fill the unexpired term. An additional director or general  
8 manager of revenue producing air transportation facilities may  
9 also be similarly appointed and removed.

10 d. The board may submit a resolution to the governor request-  
11 ing removal of the director. The resolution shall set forth the  
12 grounds for the request and the governor shall afford the director  
13 and the board an opportunity to be heard.

14 e. The board shall have all rule making power, pursuant to  
15 the Administrative Procedure Act, rate and fee determinations,  
16 subject to review by the Public Service Commission, and shall  
17 review and approve all traffic schedules. The board may meet at  
18 any time on the call of the director or at the request of any two  
19 members; four members shall constitute a quorum. A board member  
20 who has a financial interest, direct or indirect, in any contract  
21 with the state or in any sale of any land, material, supplies or  
22 services to the state, shall make known that interest to the board

23 f. The term of two members of the board shall expire on  
24 February 1 of each year, except that on February 1 of the third  
25 year the term of only one member shall expire. A member appointed  
26 by the governor to fill a vacancy occurring other than by expiration  
27 of a term shall serve for the unexpired term of the member he suc-  
28 ceeds. Newly appointed members are qualified to act and to receive  
29 compensation between the time of their appointment and the time of

1 confirmation or rejection by the legislature.

2 g. Board members receive no salary, but shall receive the  
3 same per diem and travel expenses as are authorized for state  
4 boards.

5 Sec. 3. MEETINGS OF THE BOARD. Within 60 days after the  
6 effective date of this Act, the governor shall appoint the board.  
7 At the time of these appointments, the governor shall designate  
8 which members have been appointed for the terms of service pro-  
9 vided by Sec. 2f of this Act. Within 14 days after the last of  
10 the original appointments have been made, the board shall meet and  
11 organize. At the first regular meeting of every odd-numbered year  
12 the board shall elect new officers.

13 Sec. 4. POWERS OF THE DIVISION. The Division has, but is  
14 not limited to, the following powers under the direction of the  
15 commissioner of public works:

16 (1) to conduct studies necessary for planning future develop-  
17 ment or expansion of transportation facilities prescribed by this  
18 Act;

19 (2) to acquire by gift, purchase, lease, the powers of  
20 eminent domain, and by any other lawful means at its disposal,  
21 lands, buildings, rights-of-way, or other necessary and proper real  
22 or personal property in the name of the state when to do so would  
23 further the purposes of this Act;

24 (3) to establish the schedule and routes of transportation  
25 facilities operated by the division;

26 (4) to fix, alter, and collect charges for the use of its  
27 projects, or its services, at reasonable rates determined by the  
28 board;

29 (5) to enter on any lands, waters, and premises for the

1 purpose of making surveys, soundings, and examinations.

2 Sec. 5. OATHS AND BONDS. a. The members of the board and  
3 the director of revenue transportation shall, before entering  
4 upon their duties, take, subscribe to, and file an oath of office  
5 as required by the constitution.

6 b. Board members, the director, and subordinate officials  
7 shall furnish corporate surety bonds in the manner prescribed for  
8 commissioners, board members, and subordinate officials of other  
9 principal departments by Sec. 26, Ch. 64, SLA 1959.

10 Sec. 6. ADVISORY DUTIES. The board shall, upon request of  
11 the governor, make specific recommendations to the governor re-  
12 garding the determination of the specific capital improvements for  
13 ferries and ferry facilities to be acquired, constructed, and made  
14 out of proceeds of the sale of the general obligation bonds author-  
15 ized by Ch. 170, SLA 1960.

16 Passed by the House March 28, 1961

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