

1 IN THE HOUSE

BY MR. STRANDBERG

2 HOUSE BILL NO. 24

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a Department of Transpor-
7 tation; and providing for an effective
8 date."

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

10 * Section 1. AS 44.15.010 is amended to read:

11 Sec. 44.15.010. OFFICES AND DEPARTMENTS. There are in
12 the state government the following principal offices and
13 departments:

- 14 (1) Office of the Governor
- 15 (2) Department of Administration
- 16 (3) Department of Law
- 17 (4) Department of Revenue
- 18 (5) Department of Education
- 19 (6) Department of Health and Welfare
- 20 (7) Department of Labor
- 21 (8) Department of Commerce
- 22 (9) Department of Military Affairs
- 23 (10) Department of Natural Resources
- 24 (11) Department of Fish and Game
- 25 (12) Department of Public Safety
- 26 (13) Department of Public Works
- 27 (14) Department of Economic Development and

28 Planning

- 29 (15) Department of Transportation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

* Sec. 2. AS 39.05.060 is amended to read:

Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, COMPENSA-
TION, AND TERMS OF OFFICE OF MEMBERS OF DEPARTMENTAL BOARDS,
COUNCILS OR COMMISSIONS. Each member of the Local Boundary
Commission, Alcoholic Beverage Control Board, Board of Educa-
tion, Hospital Advisory Council, Employment Security Advisory
Council, Alaska State Housing Authority, Board of Fish and
Game, Board of Transportation, and Board of Tourism shall be
a citizen of the United States. The governor shall appoint
each member on the basis of interest in public affairs, good
judgment, knowledge and ability in the field of action of the
department for which appointed, and with a view to providing
diversity of interest and points of view in the membership.
Appointments are subject to confirmation by a majority of the
members of the legislature in joint session. Initial ap-
pointments of members are as follows: (1) in the case of
three-member boards, for one, two, and three years; (2) in
the case of five-member boards, for one, two, three, four and
five years; (3) in the case of six-member boards, two mem-
bers serve for one year, two for two years, and two for three
years; (4) in the case of seven-member boards, two members
serve for one year, two for two years, two for three years,
and one for four years; (5) and in the case of eight-
member boards, two members serve for one year, two for two
years, two for three years, and two for four years. Initial
terms date from February 1 before appointment. A vacancy
occurring during a term of office is filled in the same
manner as the original appointment is made and for the
balance of the unexpired term. Each member, except a member

1 of the Board of Transportation, holds office at the pleasure
2 of the governor notwithstanding the member's term.

3 * Sec. 3. AS 44 is amended by adding a new chapter to read:

4 CHAPTER 47. DEPARTMENT OF TRANSPORTATION.

5 ARTICLE 1. ORGANIZATION

6 Sec. 44.47.010. BOARD OF TRANSPORTATION. The Board of
7 Transportation is the head of the Department of Transporta-
8 tion, for which it performs the duties of a principal execu-
9 tive officer. The board consists of seven members. The
10 term of service of a board member is five years.

11 Sec. 44.47.020. QUALIFICATIONS OF MEMBERS. No more
12 than one qualified public officer or employee may be a
13 member. Not more than four members may be of the same
14 political party.

15 Sec. 44.47.030. REMOVAL OF MEMBERS. The governor may
16 remove a member from office, notwithstanding the member's
17 term, subject to approval by a majority of the members of the
18 legislature in joint session.

19 Sec. 44.47.040. ORGANIZATION AND MEETINGS OF THE BOARD.
20 (a) The governor shall appoint the board within 60 days
21 after this chapter becomes law. The governor shall designate
22 the length of each initial appointment as he makes it under
23 AS 39.05.060. Not more than 14 days after the governor has
24 made all initial appointments, the board shall meet and
25 organize by electing from its members a chairman, a vice
26 chairman, and a secretary. At the first regular meeting of
27 every odd-numbered year the board shall elect new officers.

28 (b) The board shall hold its meetings in public. Four
29 members shall constitute a quorum for the transaction of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

business, unless the bylaws require a larger number. The board shall keep minutes of its meetings and send certified copies to the governor.

Sec. 44.47.050. CONFLICT OF INTERESTS. Upon appointment and during his term of office, a board member shall declare privately in writing to the governor and the board any financial or business interest he has which might conflict with the public nature of his membership on the board. If there is a serious conflict, the board may ask him to resign from the board. A contract of the department which is otherwise valid is not invalid because of a personal interest in it if the interest is declared and the board member abstains from decisions pertaining to the contract.

Sec. 44.47.060. COMPENSATION AND EXPENSES. Members of the board receive no salary but are entitled to per diem and travel expenses under AS 39.20.180.

Sec. 44.47.070. DUTIES OF THE BOARD. The board shall

- (1) conduct studies necessary for planning future development of transportation facilities;
- (2) establish schedules and routes for transportation facilities as defined in sec. 120(3) of this chapter;
- (3) fix and collect fees for the use of its project and services at rates the board considers reasonable;
- (4) submit to the governor before December 1 of each year a general report describing the board's operations, fiscal transactions, financial condition, and future plans in a comprehensive form to be prescribed by the governor;

1 (5) submit to the governor before December 1 of
2 each year a personnel report describing the board's personnel
3 administration, including its policies of recruitment, clas-
4 sification, promotion, compensation, employee services, and
5 other related personnel matters;

6 (6) have an audit of the Department of Transpor-
7 tation's financial records made annually by a private or
8 independent certified public accountant who shall be rotated
9 at least every four years;

10 (7) make specific recommendations to the governor,
11 at his request, regarding the determination of specific
12 capital improvements for transportation facilities;

13 (8) award contracts necessary for the design,
14 construction, and maintenance of transportation facilities
15 under the procedure described in AS 19.10.180 - 19.10.210.

16 Sec. 44.47.080. POWERS OF THE BOARD. The board may,
17 among other things,

18 (1) acquire property;

19 (2) exercise the power of eminent domain;

20 (3) take immediate possession of real property or
21 any interest in it under a declaration of taking or by other
22 lawful means;

23 (4) acquire rights of way for present or future
24 use;

25 (5) control access to transportation facilities;

26 (6) dispose of excess property;

27 (7) accept and dispose of federal funds or
28 property available for transportation facility equipment or
29 for the construction or maintenance of transportation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

facilities;

(8) enter into contracts or agreements relating to transportation facilities with the federal government, municipalities, a political subdivision, or with a foreign government if the contract is approved by the federal government;

(9) accept grants of real or personal property from a person under conditions which require the pledging of state funds or revenues from certain transportation facilities, if the property is to be used in the construction, operation, or maintenance of a transportation facility;

(10) exercise the powers given to principal executive officers by AS 44.17.010 - 44.17.040;

(11) enter on any land or waters in the state to make surveys, soundings, and examinations.

Sec. 44.47.090. COMMISSIONER OF TRANSPORTATION. The board shall appoint a commissioner of transportation. The appointment of the commissioner is subject to the approval of the governor. The commissioner must have professional training and experience in an appropriate field, and is subject to the provisions of sec. 50 of this chapter. The commissioner shall perform the duties and exercise the powers the board delegates to him under AS 44.17.010.

Sec. 44.47.100. EMPLOYEES. (a) Employees of the department, unless excepted by (b) of this section, are subject to all state laws relating to state employees.

(b) Employees of the department engaged in the operation of a ferry or ferry facility are exempt from the provisions of the following state laws:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(1) State Personnel Act (AS 39.25)

(2) Public Employees' Retirement System of
Alaska (AS 39.35)

(3) AS 39.30.090 - 39.30.100

(4) AS 39.20.200 - 39.20.350.

Sec. 44.47.110. REVENUE BONDS. The board may issue revenue bonds with the approval of the legislature. Bonds issued under this section, their transfer, and their income are exempt from state and local assessment and taxation with the exception of the inheritance and estate taxes.

Sec. 44.47.120. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "board" means the Board of Transportation;

(2) "commissioner" means the commissioner of transportation;

(3) "transportation facility" means the Anchorage and Fairbanks international airports and a state owned

(A) ferry,

(B) ferry terminal facility,

(C) railroad,

(D) toll road, tunnel, or toll bridge,

(E) harbor or port.

* Sec. 4. The following laws are repealed: AS 19.60.010 - 19.60.070.

* Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval. To assure that there is no interruption of the administrative business of the state, the governor may, for a period not to exceed four months, postpone the actual transfer of all or a part

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

of the functions from the Department of Public Works to the Department of Transportation until the Department of Transportation is organized for the assumption of its duties as prescribed by this Act.

HB #24