

Original sponsor: Poland, T. Miller,  
Silides, et al

Offered: 3/19/74  
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 350

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for state assistance in the con-  
7 struction of port facilities; and providing for an  
8 effective date."

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

10 \* Section 1. AS 30 is amended by adding a new chapter to read:

11 TITLE 30. HARBORS, NAVIGATION AND SHIPPING.

12 CHAPTER 30. STATE PARTICIPATION IN PORT FACILITIES AND DEVELOPMENT.

13 Sec. 30.30.010. STATE GRANTS FOR PORT FACILITIES CONSTRUCTION.

14 To the extent funds are appropriated by the legislature, or from the  
15 proceeds from the sale of bonds, the state may make grants to munici-  
16 palities to finance a portion of the cost of constructing local,  
17 regional or state port facilities. The state shall participate only  
18 in those projects approved by the governor on recommendation of the  
19 commissioner of public works.

20 Sec. 30.30.020. CRITERIA FOR ESTABLISHING ELIGIBILITY. (a)

21 Before a grant may be awarded under this chapter, the commissioner of  
22 public works shall determine that

23 (1) the grant is for a feasible project;

24 (2) the project is endorsed by resolution of the governing  
25 body of the sponsoring municipality on its own behalf, or on behalf of  
26 a service area in an organized borough if a service area is estab-  
27 lished to finance and construct port facilities and operate and maintain  
28 them once constructed; and

29 (3) the municipality can clearly demonstrate its ability to

1 finance the local share of project costs.

2 (b) No grant may be awarded under this chapter for a port facility  
3 development project until a study of its feasibility is conducted and  
4 submitted with the application for the grant. The project also must  
5 be justifiable on the basis of public convenience and necessity. The  
6 study shall be conducted by consultants, engineers or other technical  
7 experts, who may be officers or employees of the municipality making  
8 application for a grant.

9 Sec. 30.30.030. LIMITATION ON GRANTS. Grants for the development  
10 of port facilities may not exceed

11 (1) 90 per cent of project costs for municipalities under  
12 3,000 population;

13 (2) 80 per cent of project costs for municipalities of  
14 3,000 - 25,000 population; or

15 (3) 70 per cent of project costs for municipalities over  
16 25,000 population.

17 Sec. 30.30.040. DISPOSITION OF STATE LAND FOR PORT FACILITIES  
18 DEVELOPMENT PROJECTS. The division of lands of the Department of  
19 Natural Resources, subject to the applicable provisions of AS 38.05  
20 and 38.10, may convey title or other interests in state land, provide  
21 for the exchange of state land, or make other arrangements with respect  
22 to state land that may be necessary to complete a project for which a  
23 state grant is approved under this chapter.

24 Sec. 30.30.050. COMBINED PORT AND FERRY TERMINAL FACILITIES. A  
25 grant may be awarded under this chapter for a port facilities develop-  
26 ment project that includes, or combines, state ferry terminal facilities  
27 as a part of the project. However, the state shall pay the proportion-  
28 ate project costs attributable to the ferry terminal including but not  
29 limited to vehicle staging areas, transfer spans and aprons, passenger

1 terminal facilities and offices, docks and other docking facilities  
2 for ferry vessels.

3 Sec. 30.30.060. REGULATIONS. The commissioner of public works  
4 shall promulgate regulations under the Administrative Procedure Act  
5 (AS 44.62) that he considers necessary to carry out the provisions of  
6 this chapter.

7 Sec. 30.30.070. DEFINITIONS. In this chapter

8 (1) "commissioner" means commissioner of public works;

9 (2) "department" means Department of Public Works;

10 (3) "municipality" means a general law municipal corporation  
11 and political subdivision, which is a first or second class borough or  
12 city, or a third class borough, incorporated under the laws of the  
13 state, including a home rule first class borough or city, or a unifi-  
14 cation of these;

15 (4) "port facilities" means docks, wharves, bulkheads,  
16 seawalls, landfills, warehouses, staging areas, transfer spans and  
17 aprons, lifting equipment and similar structures together with the  
18 necessary equipment and facilities required to accommodate waterborne  
19 commerce and shipping, including but not limited to combined port and  
20 ferry terminal facilities;

21 (5) "project costs" means the cost of financing or borrowing,  
22 site acquisition and rights-of-way, planning, engineering and designing,  
23 construction, equipment acquisition and installation, but does not  
24 include the cost of operation or maintenance of the port facilities  
25 once constructed or the cost of feasibility studies required in making  
26 application for a grant under this chapter.

27 Sec. 30.70.080. SHORT TITLE. This chapter may be cited as the  
28 "Port Facilities Development Act."

29 \* Sec. 2. This Act takes effect July 1, 1974.