

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 develop-
10 ment of port facilities may not exceed

11 (1) 90 per cent of project costs for municipalities under
12 5,000 population;

13 (2) 80 per cent of project costs for municipalities over
14 5,000.

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

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

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

5 Sec. 30.30.070. DEFINITIONS. In this chapter

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

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

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

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

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

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

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