

Introduced: 2/11/76
Referred: State Affairs and
Finance

BY HAUGEN, ELIASON AND
FREEMAN

1 IN THE HOUSE

2 CS HOUSE BILL NO. 741

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Highway Commission; and
7 providing for an effective date."

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

9 * Section 1. AS 44.44.010 is amended to read:

10 Sec. 44.44.010. ORGANIZATION; ADMINISTRATION [COMMISSIONER OF
11 HIGHWAYS]. (a) There is created the Alaska Highway Commission in the
12 Department of Highways. The department is under the control and super-
13 vision of the commission. Administrative authority and those duties
14 that may be prescribed by law, or delegated to him by the commission,
15 are vested in the commissioner.

16 (b) The principal executive officer of the Department of Highways
17 is the commissioner of highways.

18 * Sec. 2. AS 44.44 is amended by adding a new section to read:

19 Sec. 44.44.015. APPOINTMENT AND TERM OF OFFICE OF COMMISSIONER;
20 VACANCY. (a) The governor shall appoint the commissioner of highways
21 from a list of qualified persons nominated by the Alaska Highway Commis-
22 sion, subject to the right of the governor to request additional nomina-
23 tions. The appointment shall be confirmed by a majority of the members
24 of the legislature in joint session. The commissioner of highways serves
25 for a term of five years.

26 (b) If a vacancy occurs in the office of the commissioner of high-
27 ways, the governor shall appoint a successor for the unexpired term in
28 the same manner as provided for original appointment.

29 (c) The Alaska Highway Commission may submit a resolution to the

1 governor requesting the removal of the commissioner. The resolution
2 shall set out the grounds for the request, and the governor shall give
3 the commissioner and the commission an opportunity to be heard.

4 * Sec. 3. AS 19.05.010 is amended to read:

5 Sec. 19.05.010. COMMISSION [DEPARTMENT] TO SUPERVISE HIGHWAY
6 SYSTEM. The department is responsible for the planning, construction,
7 maintenance and [,] protection [AND CONTROL] of the state highway
8 system under the supervision and control of the Alaska Highway Commis-
9 sion.

10 * Sec. 4. AS 19.05.020 is amended to read:

11 Sec. 19.05.020. REGULATIONS. Subject to the Administrative Proce-
12 cedure Act (AS 44.62), the commission [THE DEPARTMENT] shall promulgate
13 [ADOPT RULES AND] regulations necessary to carry out the purpose of
14 chs. 5 - 25 of this title.

15 * Sec. 5. AS 19.05.130 is amended by adding a new paragraph to read:

16 (14) "commission" means the Alaska Highway Commission.

17 * Sec. 6. AS 19 is amended by adding a new chapter to read:

18 CHAPTER 7. ALASKA HIGHWAY COMMISSION.

19 Sec. 19.07.010. COMMISSION CREATED. There is created the Alaska
20 Highway Commission in the Department of Highways. The commission con-
21 sists of five members appointed by the governor, subject to confirmation
22 by a majority of the members of the legislature in joint session.

23 Sec. 19.07.020. QUALIFICATIONS. Each commission member shall be
24 a resident of the state for one year before appointment and while serving
25 on the commission. One member shall be appointed from each judicial
26 district and one shall be appointed at large.

27 Sec. 19.07.030. TERM OF OFFICE; VACANCIES. The members of the
28 commission shall be appointed for staggered five-year terms, with the
29 term of office of one member expiring each year. The first members

1 appointed serve for terms of one, two, three, four, and five years.
2 Initial terms date from February 1 immediately preceding appointment.
3 If a vacancy occurs, the governor shall fill it by appointment for the
4 unexpired term, and the appointment shall be submitted to the legisla-
5 ture for confirmation at the next regular or special session.

6 Sec. 19.07.040. REMOVAL OF COMMISSION MEMBERS. The governor may
7 remove a commission member for inefficiency, neglect of duty, or mis-
8 conduct in office by delivering to him a written copy of the charges
9 and giving him an opportunity to be heard in person or through counsel
10 at a public hearing before the governor or his designee upon at least
11 10 days notice by certified or registered mail. The member has the
12 right to confrontation by and cross-examination of all witnesses against
13 him. Upon removal the governor or his designee shall file a complete
14 statement of all charges made against the member and the findings in
15 the office of the lieutenant governor.

16 Sec. 19.07.050. OFFICERS. The chairman and vice-chairman shall
17 be elected from among the commission members for a one-year term, and
18 no member of the commission may serve as chairman for more than two
19 consecutive one-year terms.

20 Sec. 19.07.060. MEETINGS, RULES, VOTES REQUIRED. (a) The commis-
21 sion shall prescribe its own rules of procedure. A quorum is a majority
22 of the members of the commission.

23 (b) The votes of the commission members shall be recorded, and
24 effective action requires the affirmative vote of a majority of the com-
25 mission members present. No commission member may, with respect to a
26 matter before the commission, vote for or on behalf of, or in any way
27 exercise the vote of, another member of the commission.

28 (c) The commission shall meet at least once quarterly at a time
29 and place determined by the chairman, and at other times and places as

1 the chairman, a majority of the members of the commission, or the com-
2 missioner of highways consider necessary.

3 Sec. 19.07.070. OFFICE. The commission shall maintain its office
4 at the principal office of the department.

5 Sec. 19.07.080. COMPENSATION AND PER DIEM. Members of the commis-
6 sion serve without compensation but are entitled to per diem and travel
7 expenses as may be authorized by law for boards and commissions.

8 Sec. 19.07.080. DEFINITIONS. In this chapter

- 9 (1) "commission" means the Alaska Highway Commission;
10 (2) "commissioner" means the commissioner of highways;
11 (3) "department" means the Department of Highways.

12 * Sec. 7. If at any time legislation is enacted creating a Department of
13 Transportation, including but not limited to the consolidation within that
14 department of the functions, powers and duties of the existing Department of
15 Highways and the divisions of marine transportation, waters and harbors,
16 aviation and communications of the Department of Public Works, the Alaska
17 Highway Commission, its members, officers and employees, functions, duties,
18 and responsibilities shall be transferred from the Department of Highways to
19 the Department of Transportation, and the commission's name shall be changed
20 from the Alaska Highway Commission to the Alaska Transportation Board. The
21 board shall have the same authority with respect to the Department of Trans-
22 portation, and the commissioner of transportation, as the commission had with
23 respect to the Department of Highways, and the commissioner of highways.

24 * Sec. 8. This Act takes effect July 1, 1976.
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