

Introduced: 4/2/80
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 989

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Port Authority and pro-
7 viding that the authority may make loans to municipali-
8 ties for port purposes; and providing for an effective
9 date."

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

11 * Section 1. AS 30.15 is amended by adding new sections to read:

12 ARTICLE 2. ALASKA PORT AUTHORITY.

13 Sec. 30.15.100. ALASKA PORT AUTHORITY. There is created in the
14 Department of Transportation and Public Facilities the Alaska Port
15 Authority. The authority consists of the commissioner of transportation
16 and public facilities, the commissioner of revenue, and one public
17 member appointed by the governor. The public member appointed by the
18 governor serves for a term of four years.

19 Sec. 30.15.110. COMPENSATION. Members of the authority receive no
20 salary, but are entitled to per diem and travel expenses authorized by
21 law for state boards and commissions.

22 Sec. 30.15.120. EXECUTIVE DIRECTOR; TECHNICAL ASSISTANCE. (a)
23 The authority may hire, set the salary of, and delegate responsibility
24 to an executive director.

25 (b) The authority may hire additional staff as the authority
26 considers necessary or appropriate to perform its functions.

27 (c) The authority may engage professional or technical advisors
28 under contract, including but not limited to engineers and bond counsel.

29 Sec. 30.15.130. DUTIES. The authority shall

1 (1) negotiate and, to the extent that money is available to
2 the authority from appropriations, enter into contracts with the United
3 States Army Corps of Engineers for studies relating to the design,
4 engineering and feasibility of projects proposed by municipalities under
5 AS 30.15.140(b)(1);

6 (2) negotiate and enter into agreements with municipalities
7 relating to the sale of municipal revenue bonds as provided in AS 30.-
8 15.140(b)(3);

9 (3) administer the port construction revolving loan fund
10 created in AS 30.15.140;

11 (4) prepare an annual report by January 15 describing the
12 authority's activities during the preceding calendar year and distribute
13 copies of the report to the governor and the legislature.

14 Sec. 30.15.140. PORT CONSTRUCTION REVOLVING LOAN FUND. (a) There
15 is established in the Department of Transportation and Public Facilities
16 the port construction revolving loan fund. The authority may make loans
17 from the port construction revolving loan fund to a municipality for the
18 construction of port facilities.

19 (b) To qualify for a loan under this section, the governing body
20 of a municipality shall

21 (1) submit a written proposal for the port facility project
22 to the authority;

23 (2) authorize the authority to negotiate with the United
24 States Army Corps of Engineers for studies described in AS 30.15.130(1)
25 relating to the municipality's port facility project proposal; and

26 (3) authorize the issuance of municipal revenue bonds to pay
27 for the port facility project costs.

28 (c) If the authority, after reviewing the results of the studies
29 described in (b)(2) of this section, determines that a port facility

1 project is feasible, the authority shall notify the governing body of
2 the municipality of its determination and shall make copies of the
3 studies available to the municipality.

4 (d) If, after receiving notification under (c) of this section,
5 the governing body of the municipality requests a loan from the port
6 construction revolving loan fund, the authority may make a loan from the
7 fund to the municipality for the project. The loan may not exceed an
8 amount which, in the opinion of the authority, is sufficient to pay for
9 the port facility project costs to be incurred between the time the loan
10 is made and the time the municipality is able to sell its revenue bonds
11 for the port facility project.

12 (e) A loan under this section may not bear interest exceeding nine
13 and one-half percent.

14 Sec. 30.15.150. REPAYMENT OF LOANS. (a) A municipality shall
15 repay the outstanding principal and interest on a loan it receives under
16 AS 30.15.140 when it sells the revenue bonds it authorized for the port
17 facility project or within one year after the loan is made, whichever is
18 earlier.

19 (b) Payment of principal and interest on a loan issued under
20 AS 30.15.140 shall be deposited in the port construction revolving loan
21 fund.

22 Sec. 30.15.160. DEFINITIONS. In AS 30.15.100 - 30.15.160

23 (1) "authority" means the Alaska Port Authority;

24 (2) "municipality" means a general law or home rule borough
25 or city which is incorporated under the laws of the state;

26 (3) "port facility" means docks, wharves, bulkheads, sea-
27 walls, landfills, warehouses, staging areas, transfer spans and aprons,
28 lifting equipment and similar structures together with the necessary
29 equipment and facilities required to accommodate waterborne commerce and

1 shipping, including but not limited to combined port and ferry terminal
2 facilities;

3 (4) "project costs" means the cost of financing or borrowing,
4 site acquisition and rights-of-way, planning, engineering and designing,
5 construction, equipment acquisition and installation, but does not
6 include the cost of operation or maintenance of a port facility when
7 constructed or the cost of feasibility studies required in applying for
8 a loan under AS 30.15.140.

9 * Sec. 2. AS 30.15.060 is amended to read:

10 Sec. 30.15.060. REGULATIONS. The commissioner of transportation
11 and public facilities [PUBLIC WORKS] shall promulgate regulations under
12 the Administrative Procedure Act (AS 44.62) that he considers necessary
13 to carry out the provisions of AS 30.15.010 - 30.15.070 [THIS CHAPTER].

14 * Sec. 3. AS 30.15.070 is amended to read:

15 Sec. 30.15.070. DEFINITIONS. In AS 30.15.010 - 30.15.070 [THIS
16 CHAPTER]

17 (1) "commissioner" means commissioner of transportation and
18 public facilities [PUBLIC WORKS];

19 (2) "department" means Department of Transportation and
20 Public Facilities [PUBLIC WORKS];

21 (3) "municipality" means a home rule or general law borough
22 or city including but not limited to a unified municipality organized
23 under AS 29.68;

24 (4) "port facilities" means docks, wharves, bulkheads, sea-
25 walls, landfills, warehouses, staging areas, transfer spans and aprons,
26 lifting equipment and similar structures together with the necessary
27 equipment and facilities required to accommodate waterborne commerce and
28 shipping, including but not limited to combined port and ferry terminal
29 facilities;

1 (5) "project costs" means the cost of financing or borrowing,
2 site acquisition and rights-of-way, planning, engineering and designing,
3 construction, equipment acquisition and installation, but does not
4 include the cost of operation or maintenance of the port facilities once
5 constructed or the cost of feasibility studies required in making appli-
6 cation for a grant under AS 30.15.010 - 30.15.070 [THIS CHAPTER].

7 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
8 070(c).

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29