

Original sponsor: Transportation Committee

Offered: 3/3/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

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CS FOR HOUSE BILL NO. 651 (Transportation)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to ferries and ferry terminals and
7 establishing the Alaska Marine Highway Authority."

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

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* Section 1. PURPOSE. The purpose of this Act is to establish an

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authority for the operation, management, and planning and construction of

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facilities for the marine highway system that is independent of the state

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government. The authority shall be the exclusive state agency directly

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associated with the operation, management, planning and construction of

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facilities for the marine highway system.

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* Sec. 2. AS 19 is amended by adding a new chapter to read:

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CHAPTER 70. ALASKA MARINE HIGHWAY AUTHORITY.

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ARTICLE 1. CREATION AND ORGANIZATION.

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Sec. 19.70.010. ALASKA MARINE HIGHWAY AUTHORITY. The Alaska

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Marine Highway Authority is established. The authority is a public

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corporation of the state. The corporation is an instrumentality of the

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state in the Department of Transportation and Public Facilities but has

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a legal existence independent of and separate from the state and has

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continuing succession until its existence is terminated by law.

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Sec. 19.70.020. DIRECTORS. (a) The authority consists of seven

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directors including the commissioner of transportation and public facili-

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ties, who shall be a director ex officio without voting privileges, and

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six directors appointed by the governor as follows: a representative of

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commercial carriers, a representative of the maritime industry, a repre-

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sentative of the tourism industry, and three members of the public

1 with one representing each of the following regions served by the marine
2 highway: (1) Region one (extending from Dixon entrance to Skagway);
3 (2) Region two (Kodiak Island); and (3) Region three (Prince William
4 Sound). The appointment of each director other than the commissioner of
5 transportation and public facilities is subject to confirmation by the
6 legislature.

7 (b) The directors appointed by the governor serve at his pleasure
8 for four-year terms. Each director shall hold office for the term of
9 his appointment and until his successor is appointed and qualified. A
10 director is qualified for reappointment. A vacancy in a directorship
11 occurring other than by expiration of term shall be filled in the same
12 manner as the original appointment but only for the unexpired term.

13 (c) The directors must be residents of the state and qualified
14 voters at the time of appointment and shall comply with the require-
15 ments of AS 39.50 (conflict of interest). Each director before entering
16 upon his duties shall take and subscribe to an oath to perform the
17 duties of his office faithfully, impartially, and justly to the best of
18 his ability. A record of the oath shall be filed with the Office of
19 the Governor.

20 (d) The directors of the authority serve without compensation, but
21 are entitled to travel and per diem expenses as provided in AS 39.20.180.

22 Sec. 19.70.030. OFFICERS AND QUORUM. The directors shall elect
23 one of their number as chairman. The directors shall elect a secretary
24 and a treasurer who need not be directors, and the same person may be
25 elected to serve both as secretary and treasurer. The powers of the
26 authority are vested in the directors, and four voting directors of the
27 authority constitute a quorum. Action may be taken and motions and
28 resolutions adopted by the authority at any meeting by the affirmative
29 vote of at least four directors. A vacancy in the directorship of the

1 authority does not impair the right of a quorum to exercise all the
2 powers and perform all the duties of the authority.

3 Sec. 19.70.040. STAFF. The authority shall employ an executive
4 director who serves at the pleasure of the authority as its chief admin-
5 istrative officer. The executive director may with the approval of the
6 authority select and employ additional staff as necessary. Employees of
7 the authority other than legal counsel and the executive director are in
8 the classified service under AS 39.25. In addition to its staff of
9 regular employees, the authority may contract for and engage the ser-
10 vices of consultants, and professional, technical and financial advisors
11 the authority considers necessary for the purpose of developing informa-
12 tion, conducting hearings, studies, investigations or other proceedings,
13 or otherwise exercising its powers.

14 ARTICLE 2. POWERS AND DUTIES.

15 Sec. 19.70.050. POWERS OF AUTHORITY. In addition to other powers
16 granted in this chapter, the authority may

- 17 (1) sue and be sued;
- 18 (2) adopt and alter an official seal;
- 19 (3) make and enforce bylaws and regulations for the conduct
20 of its business and for the use of its services and facilities;
- 21 (4) maintain offices at any place in the state and at places
22 out of the state which are served by the marine highway system;
- 23 (5) acquire, hold, use and dispose of its income, revenues,
24 funds and money;
- 25 (6) acquire, hold, use, lease, rent, construct and dispose of
26 real and personal property for its purposes;
- 27 (7) operate, maintain, improve, and extend a system of ferries
28 connecting with the public roads and highways of the state and including
29 the boats, vessels, wharves, docks, approaches, landings and appurte-

1 nances the authority determines to be necessary or desirable for safe
2 and efficient operation of the ferry system so as to best serve the
3 public;

4 (8) do all acts and things necessary, convenient or desirable
5 to carry out the powers expressly granted or necessarily implied in this
6 chapter.

7 Sec. 19.70.060. "ALASKA MARINE HIGHWAY SYSTEM": NAME AUTHORIZED.
8 The authority is authorized to operate its ferry system under the name
9 "Alaska marine highway system".

10 Sec. 19.70.070. COMPREHENSIVE LONG-RANGE PLAN. The authority,
11 with the cooperation of the Department of Transportation and Public
12 Facilities, shall prepare a comprehensive long-range plan for the devel-
13 opment and improvement of the marine highway system. The plan shall be
14 revised and updated at least every five years.

15 ARTICLE 3. ACQUISITION OF PROPERTY.

16 Sec. 19.70.080. ACQUISITION OF LAND AND EASEMENTS. The authority,
17 as part of the cost of constructing, maintaining, or improving a ferry
18 system, may acquire by purchase, gift, or exchange land in fee simple or
19 easements that it considers necessary for present public use, either
20 temporary or permanent, or that it considers necessary and reasonable
21 for the public use. By the same means, the authority may obtain
22 material, including clay, gravel, sand, or rock, or the land necessary
23 to obtain the material, including access to it. The authority may so
24 acquire the land or materials notwithstanding the fact that title to it
25 is vested in the state or a department, agency, commission or institution
26 of the state.

27 Sec. 19.70.090. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE OF
28 EXCHANGE. When a majority of the directors of the authority declares
29 that it is in the best public interest of the state to do so, the author-

1 ity may acquire by purchase, gift, or exchange privately or publicly
2 owned land or an interest in it for the purpose of exchanging it for
3 privately or publicly owned land that the authority is authorized by law
4 to acquire.

5 Sec. 19.70.100. VACATING OF LAND OR RIGHTS IN LAND. The authority
6 may vacate land, or part of it, or rights in land acquired for use in
7 the marine highway system by executing and filing a deed in the approp-
8 riate recording district. Upon vacating, title reverts to the persons,
9 heirs, successors, or assigns in whom it was vested at the time of the
10 taking. The authority may transfer land no longer considered necessary
11 for use in the marine highway system to the Department of Natural Re-
12 sources for disposal. The proceeds of disposal by the Department of
13 Natural Resources shall be credited to the funds from which the purchase
14 was originally made.

15 ARTICLE 4. GENERAL PROVISIONS.

16 Sec. 19.70.110. ANNUAL REPORT. By March 1 of each year, the
17 authority shall submit to the governor and the legislature a compre-
18 hensive report describing the operations, income, and expenditures for
19 the preceding calendar year.

20 Sec. 19.70.120. ANNUAL AUDIT. The authority shall have its finan-
21 cial records audited annually by a certified public accountant. The
22 legislative auditor may prescribe the form and content of the financial
23 records of the authority and shall have access to those records at any
24 time.

25 Sec. 19.70.130. BUDGET AND APPROPRIATIONS. The authority shall
26 submit its annual budget to the legislature through the governor as
27 provided for state agencies by the Executive Budget Act (AS 37.07). It
28 may expend money directly appropriated by the legislature only as autho-
29 rized by the legislature.

1 Sec. 19.70.140. PUBLIC RECORDS; OPEN MEETINGS. The provisions of
2 AS 09.25.110 - 09.25.125 (public records) and AS 44.62.310 - 44.62.312
3 (open meetings) apply to the authority. The authority shall publish a
4 proposed agenda of each meeting and shall afford the public an oppor-
5 tunity to be heard in accordance with AS 44.62.312.

6 Sec. 19.70.150. NAMING OF VESSEL OR FACILITY. (a) A vessel or
7 facility of the Alaska marine highway system constructed or acquired by
8 the authority under this chapter or AS 19.60 may be given a name only by
9 law.

10 (b) A maritime vessel shall bear the name of an Alaska glacier.

11 (c) A vessel used principally on the inland waterways of the state
12 shall bear the name of an historical vessel that used the rivers of the
13 state.

14 Sec. 19.70.160. DEFINITIONS. In this chapter, unless the context
15 requires otherwise,

16 (1) "authority" means the Alaska Marine Highway Authority
17 established by this chapter;

18 (2) "capital improvement" means a project for the construc-
19 tion, rehabilitation, rebuilding, enlarging, or improving of all or any
20 part of the marine highway system, including, without limitation, boats,
21 vessels, wharves, docks, approaches, landings, offices, and appurte-
22 nances as determined by the authority to be necessary or desirable for
23 efficient operation of the marine highway system and to best serve the
24 public;

25 (3) "ferry" means a vessel used in the common carriage of
26 passengers and self-propelled vehicles in intrastate commerce.

27 Sec. 19.70.170. SHORT TITLE. This chapter may be cited as the
28 Alaska Marine Highway Authority Act.

29 * Sec. 3. AS 19.60.010 is amended to read:

1 Sec. 19.60.010. ACQUISITION AND MAINTENANCE OF FERRY TERMINAL
2 FACILITIES. The authority [DEPARTMENT] shall construct, purchase or
3 lease ferry terminal facilities at locations it selects for the loading
4 and unloading of passengers and vehicles under their own power, on and
5 off ferries. The authority [DEPARTMENT] shall repair and maintain these
6 facilities.

7 * Sec. 4. AS 19.60.020 is amended to read:

8 Sec. 19.60.020. CONNECTION OF FACILITIES TO HIGHWAYS. The depart-
9 ment shall [MAY] connect ferry terminal facilities with local highway
10 systems.

11 * Sec. 5. AS 19.60.030 is amended to read:

12 Sec. 19.60.030. REGULATIONS. The authority [DEPARTMENT] may adopt
13 [RULES AND] regulations governing the use of ferry terminal facilities
14 by the public which it considers necessary and proper in the public
15 interest.

16 * Sec. 6. AS 19.60.040 is amended to read:

17 Sec. 19.60.040. PRIVATE ENTERPRISE NOT AFFECTED. Any person may
18 construct a ferry terminal facility upon obtaining the approval of the
19 authority [DEPARTMENT] as to its location. A ferry terminal facility
20 constructed by a person other than the authority [DEPARTMENT] is subject
21 to reasonable [RULES AND] regulations governing its use which the author-
22 ity [DEPARTMENT] considers necessary and proper in the public interest.

23 * Sec. 7. AS 19.60.050 is amended to read:

24 Sec. 19.60.050. APPROVAL OF AUTHORITY [DEPARTMENT] REQUIRED FOR
25 CONSTRUCTION. A ferry terminal facility may [SHALL] not be constructed
26 without the approval of the authority [DEPARTMENT].

27 * Sec. 8. AS 19.60.070(1) is amended to read:

28 (1) "authority" ["DEPARTMENT"] means the Alaska Marine High-
29 way Authority [DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES];

1 * Sec. 9. AS 35.27.020 is amended by adding a new subsection to read:

2 (h) The requirements of this chapter apply to the Alaska Marine
3 Highway Authority. Fulfillment of the duties of the department under
4 this chapter is the sole responsibility of the authority with respect to
5 the public buildings and facilities of the authority.

6 * Sec. 10. AS 35.27.030(2) is amended to read:

7 (2) "building" or "facility" means a permanent improvement
8 constructed by the department or authority; the term

9 (A) includes, but is not limited to,

10 (i) schools, office buildings, and court buildings;

11 (ii) other buildings which the commissioner deter-
12 mines are designed for substantial public use;

13 (iii) boats and vessels of the marine highway system;

14 (iv) transportation facilities which accommodate
15 traveling passengers;

16 (B) excludes other transportation facilities; [.]

17 * Sec. 11. AS 35.27.030 is amended by adding a new paragraph to read:

18 (5) "authority" means the Alaska Marine Highway Authority.

19 * Sec. 12. AS 44.42.020(a)(1) is amended to read:

20 (1) plan, design, construct and maintain all state modes of
21 transportation and transportation facilities and all docks, floats,
22 breakwaters, buildings and similar facilities, except that the depart-
23 ment has no planning, design, construction, or maintenance responsibili-
24 ties for transportation modes or facilities under the jurisdiction of
25 the Alaska Marine Highway Authority;

26 * Sec. 13. AS 44.42.020(a)(7) is amended to read:

27 (7) manage, operate, and maintain state transportation faci-
28 lities and all docks, floats, breakwaters and buildings, including all
29 state highways, vessels, railroads, pipelines, airports, and aviation

1 facilities, except that the department has no management, operational,
2 or maintenance responsibilities for transportation facilities, vessels,
3 or equipment under the jurisdiction of the Alaska Marine Highway Author-
4 ity;

5 * Sec. 14. AS 19.65 is repealed.

6 * Sec. 15. APPOINTMENT OF FIRST DIRECTORS OF ALASKA MARINE HIGHWAY AUTHOR-
7 ITY. The governor shall designate the terms of the voting directors of the
8 Alaska Marine Highway Authority first appointed under AS 19.70.020. Of the
9 six directors first appointed

- 10 (1) two shall serve a term of two years;
- 11 (2) two shall serve a term of three years;
- 12 (3) two shall serve a term of four years.

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