

**CS FOR HOUSE BILL NO. 380 (TRANSPORTATION)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE TRANSPORTATION COMMITTEE

**Offered: 2/13/92
Referred: Finance**

Sponsor(s): REPRESENTATIVES MACKIE, Grussendorf, C.Davis, Kubina

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska Marine Highway Commission; relating to repair,
2 maintenance, and reconstruction of vessels, docks, and transfer facilities of the Alaska
3 marine highway system; and providing for an effective date."

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

5 * **Section 1.** AS 19.65 is amended by adding new sections to read:

6 **ARTICLE 3. ALASKA MARINE HIGHWAY COMMISSION.**

7 **Sec. 19.65.110. DECLARATION OF POLICY.** The state ferry system, operated by the
8 Department of Transportation and Public Facilities, is a moving highway commonly known as
9 the Alaska marine highway system. It is the purpose of AS 19.65.110 - 19.65.170 to

10 (1) ensure that the marine highway system is operated in the public interest;

11 (2) provide continuity of management of the marine highway system to promote
12 efficiency in operating the system;

13 (3) ensure that marine transportation services are provided equitably,
14 economically, and efficiently to all users;

1 (4) provide users of the marine highway system and citizens of the state with a
2 marine highway system operated and managed as a public service for their benefit under a fair
3 and reasonable tariff schedule;

4 (5) ensure that the marine highway system is properly developed and operated in
5 coordination with other transportation modes and services; and

6 (6) provide complete and dependable marine transportation services to the
7 traveling public.

8 Sec. 19.65.120. ALASKA MARINE HIGHWAY COMMISSION. The Alaska Marine
9 Highway Commission is created within the Department of Transportation and Public Facilities.

10 Sec. 19.65.130. MEMBERSHIP AND VACANCIES. (a) The commission consists of
11 the commissioner of transportation and public facilities and six members appointed by the
12 governor. The appointed members of the commission must be state residents who have a
13 knowledge of the marine highway system and who have experience in business management,
14 finance, transportation services, tourism, or engineering. At least two appointed members must
15 be residents of Southeast Alaska, one of whom must be a resident of a rural community in
16 Southeast Alaska, and at least one appointed member must be a resident of the Gulf of Alaska
17 area west of Icy Cape. At least two appointed members must be appointed without regard to
18 their place of residence in the state. One appointed member must be an employee in the
19 collective bargaining unit that represents the largest number of employees of the Alaska marine
20 highway system.

21 (b) Appointed members serve for staggered five-year terms. They may be removed by
22 the governor only for cause.

23 (c) Appointed members shall comply with the requirements of AS 39.50 (conflict of
24 interest).

25 (d) An appointed member holds office for the term of the appointment and until a
26 successor has been appointed and qualified. An appointed member may be reappointed.

27 (e) A vacancy in a membership occurring other than by expiration of term shall be filled
28 in the same manner as the original appointment but only for the unexpired term.

29 (f) An appointed member, before serving on the commission, shall take and subscribe
30 to an oath to faithfully perform the duties of the office. A record of the oath shall be filed with
31 the Office of the Governor.

1 Sec. 19.65.140. COMPENSATION. The appointed members of the commission serve
2 without compensation, but are entitled to per diem and travel expenses authorized for state boards
3 and commissions under AS 39.20.180.

4 Sec. 19.65.150. OFFICERS, MEETINGS, AND QUORUM. (a) The members of the
5 commission shall annually elect one of their number as chair.

6 (b) The commission shall meet at a time and place determined by the chair, and at other
7 times and places the chair, or a majority of the members, considers necessary.

8 (c) The powers of the commission are vested in the members and four members of the
9 commission constitute a quorum. The commission may take action by the affirmative vote of
10 at least four members. A vacancy in the membership of the commission does not impair the
11 right of a quorum to exercise all the powers and perform all the duties of the commission.

12 Sec. 19.65.160. DUTIES. The commission shall

13 (1) recruit, select, appoint, dismiss, or suspend the director of the Alaska marine
14 highway system;

15 (2) advise and make recommendations to the director of the Alaska marine
16 highway system regarding the operation of the Alaska marine highway system, including

17 (A) schedules and tariffs;

18 (B) management, planning, and construction of facilities;

19 (C) replacement, refurbishing, and overhaul of vessels;

20 (D) reviews of short-term and long-term operating and capital costs;

21 (3) establish policy for the Alaska marine highway system;

22 (4) submit to the governor and the legislature before the 10th day of each regular
23 legislative session a comprehensive report describing the operations and expenditures of the
24 commission and including a summary of recommendations made by the commission under (2)
25 of this section during the preceding year;

26 (5) adopt rules of procedure; and

27 (6) hold meetings to provide a timely opportunity for the public to comment on
28 the annual operations plan of the Alaska marine highway system, including proposed tariff
29 increases or schedule changes.

30 Sec. 19.65.170. COMPREHENSIVE LONG-RANGE PLAN. The commission, with the
31 cooperation of the Department of Transportation and Public Facilities, shall prepare a

1 comprehensive long-range plan for the development and improvement of the Alaska marine
2 highway system and shall revise and update the plan at least every five years. The department
3 shall submit the comprehensive long-range plan and revisions and updates of the plan to the
4 legislature.

5 * Sec. 2. AS 36.30.015 is amended by adding a new subsection to read:

6 (g) The Alaska marine highway system shall adopt policies to manage the procurement
7 of supplies, services, professional services, and construction for the repair, maintenance, and
8 reconstruction of vessels, docking facilities, and passenger and vehicle transfer facilities of the
9 Alaska marine highway system. The policies must be based on principles of competitive
10 procurement consistent with this chapter to satisfy the special requirements of the Alaska marine
11 highway system as determined by the commission.

12 * Sec. 3. AS 36.30.990(1) is amended to read:

13 (1) "agency"

14 (A) means a department, institution, board, commission, division,
15 authority, public corporation, the Alaska Pioneers' Home, or other administrative unit of
16 the executive branch of state government;

17 (B) does not include

18 (i) the University of Alaska;

19 (ii) the Alaska State Housing Authority;

20 (iii) the Alaska Railroad Corporation;

21 (iv) the Alaska Housing Finance Corporation;

22 (v) a regional Native housing authority created under
23 AS 18.55.996, or a regional electrical authority created under AS 18.57.020;

24 (vi) the Alaska marine highway system, in regard to the repair,
25 maintenance, and reconstruction of vessels, docking facilities, and passenger
26 and vehicle transfer facilities of the Alaska marine highway system;

27 (vii) the Alaska Aerospace Development Corporation;

28 * Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:

29 (54) Alaska Marine Highway Commission (AS 19.65.110 - 19.65.170).

30 * Sec. 5. AS 44.42.040 is amended by adding a new subsection to read:

31 (b) The Alaska Marine Highway Commission shall

- 1 (1) appoint the director of the Alaska marine highway system;
- 2 (2) advise and make recommendations to the director of the Alaska marine
- 3 highway system regarding the operation of the marine highway system;
- 4 (3) establish policy for the Alaska marine highway system.

5 * Sec. 6. INITIAL APPOINTMENT OF MEMBERS OF THE ALASKA MARINE HIGHWAY
6 COMMISSION. Notwithstanding AS 19.65.130(b), enacted by sec. 1 of this Act, and AS 39.05.055,
7 the governor shall appoint the initially appointed members of the Alaska Marine Highway Commission
8 as follows:

- 9 (1) one member to a one-year term;
- 10 (2) one member to a two-year term;
- 11 (3) one member to a three-year term;
- 12 (4) one member to a four-year term; and
- 13 (5) two members to a five-year term.

14 * Sec. 7. AS 19.65.110, 19.65.120, 19.65.130, 19.65.140, 19.65.150, 19.65.160, 19.65.170,
15 AS 36.30.015(g), 36.30.990(1)(B)(vi), AS 39.50.200(b)(54), and AS 44.42.040(b) are repealed
16 December 31, 1995.

17 * Sec. 8. This Act takes effect January 1, 1993.