

SENATE BILL NO. 339

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR DUNCAN

Introduced: 1/13/92
Referred: Transportation, Finance

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 of the Alaska marine highway system; and
3 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 seven voting members appointed by the governor. The members of the commission must be state
12 residents who have a knowledge of the marine highway system and who have experience in
13 business management, finance, transportation services, tourism, or engineering. At least two
14 members must be residents of Southeast Alaska, one of whom shall be a resident of a rural
15 community in Southeast Alaska, and at least one member must be a resident of the Gulf of
16 Alaska area west of Icy Cape.

17 (b) The commissioner of transportation and public facilities is an ex officio nonvoting
18 member of the commission.

19 (c) Voting members serve at the pleasure of the governor for staggered five-year terms.

20 (d) Voting members shall comply with the requirements of AS 39.50 (conflict of
21 interest).

22 (e) A voting member holds office for the term of the appointment and until a successor
23 has been appointed and qualified. A voting member may be reappointed.

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

26 (g) A voting member, before serving on the commission, shall take and subscribe to an
27 oath to faithfully perform the duties of the office. A record of the oath shall be filed with the
28 Office of the Governor.

29 Sec. 19.65.140. COMPENSATION. The voting members of the commission serve
30 without compensation, but are entitled to per diem and travel expenses authorized for state boards
31 and commissions under AS 39.20.180.

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

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

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

10 **Sec. 19.65.160. DUTIES.** The commission shall

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

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

15 (A) schedules and tariffs;

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

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

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

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

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

24 (5) adopt rules of procedure; and

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

28 **Sec. 19.65.170. COMPREHENSIVE LONG-RANGE PLAN.** The commission, with the
29 cooperation of the Department of Transportation and Public Facilities, shall prepare a
30 comprehensive long-range plan for the development and improvement of the Alaska marine
31 highway system and shall revise and update the plan at least every five years. The comprehen-

1 sive long-range plan and revisions and updates of the plan are subject to legislative approval by
2 law.

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

4 (g) The Alaska Marine Highway Commission shall adopt policies to manage the
5 procurement of supplies, services, professional services, and construction for the repair,
6 maintenance, and reconstruction of vessels of the Alaska marine highway system. The policies
7 must be based on principles of competitive procurement consistent with this chapter to satisfy
8 the special requirements of the Alaska marine highway system as determined by the commission.

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

10 (1) "agency"

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

14 (B) does not include

15 (i) the University of Alaska;

16 (ii) the Alaska State Housing Authority;

17 (iii) the Alaska Railroad Corporation;

18 (iv) the Alaska Housing Finance Corporation;

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

21 (vi) the Alaska marine highway system, in regard to the repair,
22 maintenance, and reconstruction of vessels of the Alaska marine highway
23 system;

24 (vii) the Alaska Aerospace Development Corporation;

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

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

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

28 (b) The Alaska Marine Highway Commission shall

29 (1) appoint the director of the Alaska marine highway system;

30 (2) advise and make recommendations to the director of the Alaska marine
31 highway system regarding the operation of the marine highway system;

1 (3) establish policy for the Alaska marine highway system.

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

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

11 * Sec. 7. This Act takes effect January 1, 1993.