

SENATE BILL NO. 341

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR DUNCAN

Introduced: 1/13/92
Referred: TRA, CRA, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to establishment of a port authority by a municipality."

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

3 * Section 1. AS 29.35 is amended by adding new sections to read:

4 ARTICLE 9. PORT AUTHORITIES.

5 Sec. 29.35.600. ESTABLISHMENT OF AUTHORITY. (a) A municipality, other than
6 a second class city, may establish a port authority. The authority shall be a corporate public
7 body that may sue and be sued. The authority possesses all powers specified in the ordinance
8 under which it is formed in addition to those enumerated in AS 29.35.600 - 29.35.690.

9 (b) In a resolution proposing formation of a port authority, the governing body shall set
10 a date for the holding of a public hearing on the adoption of a proposed ordinance establishing
11 the authority and designating the powers of the authority. After the public hearing, if the
12 governing body intends to proceed with the establishment of the authority, it shall do so by
13 ordinance subject to voter approval. Amendments to the ordinance are also subject to voter
14 approval.

1 (c) At the time of adopting an ordinance proposing formation of a port authority, the
2 governing body shall issue a call for nomination of port commissioners, specifying the filing
3 deadline and procedure for making nominations. The election of the initial members of the port
4 commission shall take place at the same time as the election on the question of forming a port
5 authority. If at least one candidate for each of the three commission seats is not nominated, the
6 proposal to form a port authority is void and an election on the question may not be held.

7 Sec. 29.35.610. PORT COMMISSION. (a) A port authority shall be under the
8 supervision and control of a port commission consisting of three elected members. The term of
9 a member is six years, except that one initial member shall serve a term of four years and one
10 initial member shall serve a term of five years, to be determined by lot. Commission members
11 may be reelected.

12 (b) A vacancy on the commission shall be filled by appointment by the mayor. An
13 appointed member serves for the remainder of the term to which appointed. On notice and an
14 opportunity to be heard, a member of the commission may be removed for cause by the
15 governing body. Removal of a member is subject to review by the superior court.

16 (c) The commission shall adopt rules governing its procedure and the holding of regular
17 meetings. Special meetings may be held when called in the manner provided in the rules of the
18 commission.

19 Sec. 29.35.620. EXECUTIVE DIRECTOR AND EMPLOYEES. (a) The port
20 commission may employ and fix the compensation of a director, subject to the approval of the
21 governing body of the municipality. The director serves at the pleasure of the commission. A
22 member of the commission is not eligible to hold the position of director.

23 (b) The commission may retain legal counsel to advise the commission in the proper
24 performance of its duties. The legal counsel shall represent the commission in actions brought
25 by or against the commission.

26 (c) The commission may employ other personnel it considers necessary.

27 (d) The employees of the commission may participate in municipal retirement and
28 insurance programs of the municipality, as determined by the commission.

29 Sec. 29.35.630. POWERS. The port commission may

30 (1) study and analyze the effect of economic changes and growth on the
31 waterfront and waterways;

1 (2) acquire, construct, repair, renovate, and manage sea walls, jetties, piers,
2 wharves, docks, boat landings, moorages, harbors, marinas, warehouses, cold storage plants, grain
3 bins, bunkers, ferries, bridges, and other facilities for the handling, storing, and transporting of
4 freight and passengers, or the processing of seafood, agricultural products, or other goods;

5 (3) develop long-range plans, in cooperation with the governing body, designed
6 to promote the economic growth of the municipality;

7 (4) implement any plan of development in waterways or in the waterfront areas
8 in accordance with the powers of the port authority under AS 29.35.600 - 29.35.690 or the
9 ordinance under which the authority is established;

10 (5) make and enter into contracts necessary or incidental to the exercise of its
11 powers and the performance of its duties, including agreements with other port authorities
12 providing for shared development or management of facilities located within the jurisdiction of
13 any of the port authorities;

14 (6) acquire and convey, or otherwise dispose of, land and other property;

15 (7) fix and collect fees, rents, and charges for the use of a building or property
16 under its control or any part of it, or facility in it, and pledge the fees, rents, and charges for the
17 payment of revenue bonds issued by the authority;

18 (8) lease a building or property under its control;

19 (9) accept grants and donations from a public or private source.

20 Sec. 29.35.640. EMINENT DOMAIN. A municipality that establishes a port authority
21 may take private property under AS 09.55.420 - 09.55.460 for the purpose of transfer to the port
22 authority and may transfer the property to the authority on terms and conditions it considers
23 appropriate.

24 Sec. 29.35.650. FINANCING. (a) The activities of the port authority shall be financed
25 from one or more of the following sources:

26 (1) donations to the authority for the performance of its functions;

27 (2) money borrowed and to be repaid;

28 (3) revenue from any property, building, or facility owned, leased, licensed, or
29 operated by the authority or under its control, subject to the limitations imposed upon the
30 authority by trusts or other agreements;

31 (4) money obtained from other sources approved by the governing body of the

1 municipality.

2 (b) Upon approval of a development plan under AS 29.35.670, the authority may borrow
3 money and issue negotiable revenue bonds as provided for a municipality under AS 29.47.
4 Revenue bonds issued by the authority are not a debt of the municipality or the state.

5 Sec. 29.35.660. DEVELOPMENT PLAN. When the port commission decides to finance
6 a project in whole or in part by the use of revenue bonds, it shall prepare a development plan
7 for submission to the governing body. The development plan must contain

8 (1) the boundaries of the project area in relation to highways, streets, streams, or
9 otherwise and a legal description of the area;

10 (2) the location and extent of existing streets and other public and private
11 structures within the project area and a designation of the location, character, and extent of the
12 categories of public and private land uses proposed for the project area;

13 (3) a description of existing improvements in the project area to be demolished,
14 repaired, or altered, a description of any repairs and alterations, and an estimate of the time
15 required for completion;

16 (4) the location, extent, character, and estimated cost of the improvements
17 including rehabilitation contemplated for the project area and an estimate of the time required for
18 completion;

19 (5) a statement of the construction or stages of construction planned and the
20 estimated time of completion of each stage;

21 (6) a description of parts of the project area to be left as open space and the use
22 contemplated for the space;

23 (7) a description of portions of the project area that the commission intends to
24 sell, donate, exchange, or lease to or from the municipality and the proposed terms;

25 (8) a description of desired zoning changes and changes in streets, street levels,
26 intersections, and utilities;

27 (9) an estimate of the cost of the project and a statement of the proposed method
28 of financing the project and the ability of the authority to arrange the financing;

29 (10) designation of the person to whom all or a portion of the project is to be
30 leased, sold, or conveyed if that information is available to the commission.

31 Sec. 29.35.670. APPROVAL OF DEVELOPMENT PLAN. (a) Upon receipt of a

1 development plan from the port authority, the governing body shall hold a public hearing on the
2 plan. After the public hearing, the governing body shall by ordinance approve or reject the plan
3 or approve it with modification.

4 (b) Amendments to an approved development plan must be submitted by the authority
5 to the governing body for approval or rejection by ordinance.

6 Sec. 29.35.680. BUDGET. The director of the port authority shall prepare and submit
7 for the approval of the port commission a budget for the operation of the authority for the
8 ensuing fiscal year. The budget shall be prepared in the manner and contain the information
9 required of municipal departments. Before the budget may be adopted by the commission, it
10 must be approved by the governing body of the municipality. Money of the municipality that
11 is included in the budget of the authority must be authorized by the governing body of the
12 municipality for inclusion in the budget.

13 Sec. 29.35.690. DISSOLUTION. A port authority may be dissolved by ordinance
14 approved by the voters. The liabilities and assets of the authority remaining after the dissolution
15 shall be assumed by the municipality.