



LAWS OF ALASKA

1974

Source

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Chapter No.

85

AN ACT

Providing for state assistance in the construction of port facilities; and providing for an effective date.

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

* Section 1. AS 30 is amended by adding a new chapter to read:

TITLE 30. HARBORS, NAVIGATION AND SHIPPING.

CHAPTER 30. STATE PARTICIPATION IN
PORT FACILITIES AND DEVELOPMENT.

Sec. 30.30.010. STATE GRANTS FOR PORT FACILITIES CONSTRUCTION. To the extent funds are appropriated by the legislature, or from the proceeds from the sale of bonds, the state may make grants to municipalities to finance a portion of the cost of constructing local, regional or state port facilities. The state shall participate only in those projects approved by the governor on recommendation of the commissioner of public works.

Sec. 30.30.020. CRITERIA FOR ESTABLISHING ELIGIBILITY.

(a) Before a grant may be awarded under this chapter, the commissioner of public works shall determine that

(1) the grant is for a feasible project;

(2) the project is endorsed by resolution of the governing body of the sponsoring municipality on its own behalf, or on behalf of a service area in an organized borough if a service area is established to finance and construct port facilities and operate and maintain them once constructed; and

(3) the municipality can clearly demonstrate its ability to finance the local share of project costs.

(b) No grant may be awarded under this chapter for a port facility development project until a study of its feasibility is conducted and submitted with the application for the grant. The project also must be justifiable on the basis of public convenience and necessity. The study shall be conducted by consultants, engineers or other technical experts, who may be officers or employees of the municipality making application for a grant.

Sec. 30.30.030. LIMITATION ON GRANTS. Grants for the development of port facilities may not exceed

(1) 90 per cent of project costs for municipalities under 5,000 population;

(2) 80 per cent of project costs for municipalities 5,000 population and over.

Sec. 30.30.040. DISPOSITION OF STATE LAND FOR PORT FACILITIES DEVELOPMENT PROJECTS. The division of lands in the Department of Natural Resources, subject to the applicable provisions of AS 38.05 and 38.10, may convey title or other interests in state land, provide for the exchange of state land, or make other arrangements with respect to state land that may be necessary to complete a project for which a state grant is approved under this chapter.

Sec. 30.30.050. COMBINED PORT AND FERRY TERMINAL FACILITIES. A grant may be awarded under this chapter for a port facilities development project that includes, or combines, state ferry terminal facilities as a part of the project. However, the state shall pay the proportionate project costs attributable to the ferry terminal including but not limited to vehicle staging areas, transfer spans and aprons, passenger terminal facilities and offices, docks and other docking facilities for ferry vessels.

Sec. 30.30.060. REGULATIONS. The commissioner of public works shall promulgate regulations under the Administrative Procedure Act (AS 44.62) that he considers necessary to carry out the provisions of this chapter.

Sec. 30.30.070. DEFINITIONS. In this chapter

(1) "commissioner" means commissioner of public works;

(2) "department" means Department of Public Works;

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

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

(5) "project costs" means the cost of financing or borrowing, site acquisition and rights-of-way, planning, engineering and designing, construction, equipment acquisition and installation, but does not include the cost of operation or maintenance of the port facilities once constructed or the cost of feasibility studies required in making application for a grant under this chapter.

Sec. 30.30.080. SHORT TITLE. This chapter may be cited as the Port Facilities Development Act.

Sec. 2. This Act takes effect July 1, 1974.