



***Anchorage Port Commission:***

Captain Ron Ward, Chair  
Mr. Aves Thompson, Vice-Chair  
Ms. Peggy Rotan, Commissioner  
Mr. Chris Manculich, Commissioner  
Mr. Scott Selzer, Commissioner

Mr. Mike Robbins, Commissioner  
Mr. Simon Lisiecki, Commissioner  
Ms. Stephanie Kesler, Commissioner  
Mr. Dick Traini, Commissioner

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**Anchorage Port Commission Meeting Agenda**

Date: March 20, 2024

Time: 12pm – 2pm

*NOTE: Port Commission meetings are hybrid meetings. Commissioners and Port staff will appear in person, if available. Other attendees will be given a Microsoft Teams link to use to participate.*

- I. Call to Order and Roll Call**
- II. Pledge of Allegiance**
- III. Port Safety Minute** (Paul Rotkis) [Note: This will be Paul's last meeting]
- IV. Approval of Agenda**
- V. Approval of Meeting Minutes from January 24, 2024**
- VI. Port Director Comments** (Jim Jager in Steve Ribuffo's absence)
- VII. Staff Reports:**
  - A. Operations & Maintenance** (Ronnie Poole)
  - B. Engineering** (Mike Rhodes)
  - C. PAMP** (John Daley)
  - D. Finance** (Cheryl Beckham)
  - E. Security & Business Development** (Jim Jager)
- VIII. Old Business** - None
- IX. Correspondence Received by the Commission** - None
- X. New Business** - None
- XI. Public Comments**
- XII. Port Director's Closing Comments**
- XIII. Commissioner Comments**
- XIV. Next Meeting Date**
- XV. Adjourn**

**Port of Alaska**  
**Budget to YTD Actual Comparison - Unaudited**  
**1/31/2024**



	2024 Budget	2024 Actuals	2024 Budget vs Actual % 8%
<b>Revenues</b>			
Cruise Ship Head Tax	-	-	-
Reimbursed Cost	20,000	2,743	14%
Dockage	1,110,413	121,145	11%
Wharfage, Bulk Dry	109,710	-	0%
Wharfage, Bulk Dry - Surcharge	18,542	-	0%
Wharfage, Bulk Liquid	1,893,143	277,983	15%
Wharfage Bulk Liquid - Surcharge	325,959	28,785	9%
Wharfage, General Cargo	5,531,278	710,950	13%
Wharfage, Surcharge	509,743	73,238	14%
Miscellaneous	233,025	35,690	15%
Office Rental	40,000	5,334	13%
Utilities, Water	44,704	-	0%
Crane Rental	56,500	18,651	33%
Pipe ROW Fee	173,000	14,986	9%
POL Value Yard Fee	291,696	32,191	11%
Security Fees	1,477,975	128,580	9%
Industrial Park Lease	4,273,135	406,387	10%
Ind Park Rental/Storage	697,781	37,344	5%
Gains & Losses on Investments	100,000	-	0%
Cash Pools Short-Term Int	627,000	-	0%
<b>Total Revenue (Operating/NonOperating):</b>	<b>17,533,603</b>	<b>1,894,006</b>	<b>11%</b>
<b>Expenses</b>			
Personnel Services	3,029,557	186,423	6%
Non-Labor	4,540,877	202,019	4%
<b>Total Operating Expenses:</b>	<b>7,570,434</b>	<b>388,442</b>	<b>5%</b>
Legal Services - General (PIEP Litigation)	375,000	-	0%
MESA & Dividend payments	2,155,355	-	0%
Debt Service	4,681,012	132,844	3%
Depreciation and Amortization	13,837,791	1,153,149	8%
<b>Total Non-Operating Expenses:</b>	<b>21,049,158</b>	<b>1,285,994</b>	<b>6%</b>
Charges from Depts (IGC)	1,423,321	118,610	8%
<b>Total Operating/Non-Operating Expenses:</b>	<b>30,042,913</b>	<b>1,793,046</b>	<b>6%</b>
*Net Income:		100,959	
Depreciation - Non Cash Item (Add back):		1,153,149	
*Available Cash Flow @ 1/31/24		1,254,109	

(\* Unaudited)

<b>Miscellaneous Revenue Detail</b>	
Equipment Rental (Crane, Yokohama Fenders, Manbasket, Dumpster):	2,816
Sanding & Snow Removal Services:	17,874
Annual Fees (ORL & FTZ Annual Fee):	15,000
	35,690

**TONNAGE REPORT - Annual Comparison @ 1/31/2024**

**Commodity Classification**

Freight NOS  
Vans/Flats/Containers  
Petroleum, Shoreside  
Petroleum, Bulk - Docksides

**Total Tonnage:**

2024	2023	2022	2021
1	-	-	-
124,147	121,711	115,606	126,897
77,864	97,460	77,337	106,773
142,024	118,380	167,952	74,467
344,036	337,551	360,895	308,137

## Chapter 11.50 - PORT OF ALASKA<sup>[1]</sup>

### Footnotes:

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**Editor's note**— AO No. [2017-122\(S\)](#), § 3, effective October 24, 2017, amended Chapter 11.50 title to read as herein set out. Formerly, such chapter pertained to Port of Anchorage.

**Cross reference**— Personnel rules, ch. 3.30; exemptions from disclosure of certain public records, § 3.90.040; port commission, § 4.40.020; economic expansion fund, ch. 6.120; prohibited noise practices, § 15.70.060; smoking in municipal structures restricted, § 16.90.010.

**State Law reference**— Port authorities, AS 29.35.600 et seq.; navigation, harbors and shipping, AS 30.05.

### 11.50.030 - Port commission.

#### A. Membership.

1. The port commission shall consist of nine members appointed by the mayor and confirmed by the assembly; and
2. Notwithstanding the qualifications of board and commission members set out in subsections 4.05.035A. and B., up to two members of the port commission may be Alaskan citizens who are not residents of the municipality.
3. Notwithstanding the physical presence attendance requirements set out in subsection 4.05.060.F., members of the port commission may attend and participate in meetings using telephonic or video conferencing equipment or facilities, provided a member's attendance in such manner is disclosed on the record.

#### Anchorage Port Commissioners

**Seat 1: Dick Traini, Commissioner** (term expires Jan. 24, 2026)

Wasilla, AK

**Seat 2: Simon Lisiecki, Commissioner** (term expires Oct. 14, 2026)

Anchorage, AK

**Seat 3: Christopher Manculich, Commissioner** (term expires Oct. 14, 2023)

Wasilla, AK

**Seat 4: Mike Robbins, Commissioner** (term expires Oct. 14, 2025)

Anchorage, AK

**Seat 5: Peggy Jean Rotan, Commissioner** (term expires Oct. 14, 2023)

Anchorage, AK

**Seat 6: Scott Selzer, Commissioner** (term expires October 14, 2024)

Anchorage AK

**Seat 7: Aves Thompson, Vice Chair** (term expires October 14, 2024)

Anchorage, AK

**Seat 8: Ron Ward, Chair** (term expires October 14, 2026)

Anchorage, AK

**Seat 9: Stephanie Kesler, Commissioner** (term expires October 14, 2025)

Anchorage, AK

**HOUSE BILL NO. 255**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE MCCABE**

**Introduced: 1/16/24**

**Referred: Transportation, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to the Port of Southcentral Alaska; establishing the Port of**  
2   **Southcentral Alaska Authority to manage and operate the Port of Southcentral Alaska;**  
3   **and providing for an effective date."**

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

5       \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6   to read:

7           LEGISLATIVE FINDINGS AND INTENT. The legislature finds that it is in the best  
8   interests of the state to create an authority with the powers, duties, and functions needed to  
9   operate the Port of Southcentral Alaska in Anchorage and manage its seaport, industrial, and  
10   other properties in the best interests of the people of the state and to ensure that the authority  
11   is exclusively responsible for managing the financial and legal obligations of the Port of  
12   Southcentral Alaska. The legislature considers the continued operation of the Port of  
13   Southcentral Alaska by the authority as provided in this Act an essential government function  
14   of the state.

\* **Sec. 2.** AS 30 is amended by adding a new chapter to read:

**Chapter 19. Port of Southcentral Alaska Authority.**

**Article 1. Establishment and Organization.**

**Sec. 30.19.010. Creation of authority.** The Port of Southcentral Alaska Authority is created. The authority is a public corporation of the state and a body corporate and is an instrumentality of the Department of Commerce, Community, and Economic Development, but with separate and independent legal existence.

**Sec. 30.19.020. Board of directors.** (a) The powers of the authority are vested in the board of directors. The board consists of

(1) the commissioner of commerce, community, and economic development;

(2) the commissioner of transportation and public facilities; and

(3) seven public members appointed as follows:

(A) one member who has experience as an executive official of an entity that is deemed a citizen of the United States under 46 U.S.C. 50501 (sec. 2, Shipping Act, 1916) engaged in the transport of merchandise in the United States coastwise trade and who is a resident of the state, appointed by the governor;

(B) one member appointed by the speaker of the house of representatives;

(C) one member appointed by the president of the senate;

(D) one member appointed by the mayor of the Municipality of Anchorage;

(E) one member appointed by the Anchorage Assembly;

(F) one member appointed by the mayor of the Matanuska-Susitna Borough;

(G) one member appointed by the Matanuska-Susitna Borough Assembly.

(b) The board members appointed under (a)(3) of this section must have the following qualifications:

(1) one member must have at least five years of experience in port

1 management; a person who is not a resident of the state may be appointed under this  
2 paragraph;

3 (2) either the member appointed under (a)(3)(B) of this section or the  
4 member appointed under (a)(3)(C) of this section must have at least five years of  
5 experience as an owner or manager of a business in the state.

6 (c) The public members of the board appointed under (a)(3)(A) - (C) of this  
7 section serve three-year terms.

8 (d) If a vacancy occurs in the membership of the board, the appointing  
9 authority shall appoint a member for the unexpired portion of the term.

10 (e) The board shall create staggered terms for members in its first organizing  
11 meeting.

## 12 **Article 2. Management.**

13 **Sec. 30.19.100. Management by board.** The board is responsible for the  
14 management of the authority but shall delegate certain powers and duties to the chief  
15 executive officer under AS 30.19.120. In managing the authority, the board shall

16 (1) manage the financial and legal obligations of the authority;

17 (2) generally manage the authority on a self-sustaining basis;

18 (3) apply to the legislature for an appropriation with the concurrence of  
19 the governor to be used to provide a particular service or project that is not otherwise  
20 self-sustaining if a subsidy is required to maintain that service or project;

21 (4) provide for safe, efficient, and economical transportation to meet  
22 the overall needs of the state;

23 (5) raise needed capital by issuing revenue bonds of the authority upon  
24 approval by the legislature while ensuring that borrowing by the authority does not  
25 directly or indirectly endanger the state's own borrowing capacity;

26 (6) ensure that the procurement procedures of the authority meet  
27 accepted industry standards;

28 (7) ensure that the accounting procedures of the authority meet  
29 generally accepted accounting principles consistent with industry standards for  
30 comparable authorities;

31 (8) consider the effect on port users and shippers and make good faith

1 efforts to reach a consensus among affected port users before implementing a funding  
 2 plan for a physical change, improvement, or modification to the port that requires  
 3 funding, in whole or in part, from affected port users; a change, improvement, or  
 4 modification under this paragraph must be made with the expectation, consistent with  
 5 precedent, that the funding be borne solely by the port users whose operations directly  
 6 benefit from the change, improvement, or modification;

7 (9) approve any tariff, surcharge, or fee assessed against a user of the  
 8 port.

9 **Sec. 30.19.110. Executive officer.** The board shall appoint a chief executive  
 10 officer of the authority who serves at the pleasure of the board. The board shall set  
 11 compensation for the chief executive officer.

12 **Sec. 30.19.120. Delegation.** The board shall by rule delegate powers and  
 13 duties to the chief executive officer.

### 14 **Article 3. Administrative Provisions.**

15 **Sec. 30.19.150. Meetings of board.** (a) The chair of the board shall call  
 16 meetings of the board. The chair shall preside at meetings.

17 (b) Except for executive sessions, the meetings of the board are public. The  
 18 board shall provide by rule for a method of providing reasonable notice to the public  
 19 of its meetings.

20 (c) The board shall keep minutes of each meeting.

21 **Sec. 30.19.160. Quorum and voting.** (a) Four members of the board constitute  
 22 a quorum for the transaction of business.

23 (b) Four affirmative votes are required for board action. The board shall  
 24 provide by rule for the manner of voting. The rules may provide for voting and  
 25 conferring by electronic media. A meeting held by electronic media has the same legal  
 26 effect as a meeting in person.

27 **Sec. 30.19.170. Executive sessions.** The question of whether to hold an  
 28 executive session shall require a quorum and at least four affirmative votes. The board  
 29 shall set by rule the actions that may be taken at executive session.

30 **Sec. 30.19.180. Rules.** (a) The board shall adopt rules to carry out its functions  
 31 and the purposes of this chapter.

1 (b) The board shall establish in the bylaws of the authority a procedure for the  
2 adoption of a rule on an emergency basis.

3 (c) Adoption of a rule is not subject to (a) or (b) of this section if the rule  
4 (1) relates only to the internal management of the authority;  
5 (2) relates to a specific rate, tariff, division, or contract rate agreement;  
6 (3) is directed to a specifically named person or group of persons and  
7 does not apply to the general public; or

8 (4) relates to the use of public works under the jurisdiction of the  
9 authority and the effect of the rule is indicated to the public by means of signs or  
10 signals.

11 (d) The board shall adopt rules relating to conflicts of interest.

#### 12 **Article 4. Powers and Duties.**

13 **Sec. 30.19.200. General powers.** In addition to the exercise of other powers  
14 authorized by law, the authority may

15 (1) adopt a seal;  
16 (2) adopt bylaws governing the business of the authority;  
17 (3) sue and be sued;  
18 (4) appoint trustees and agents of the authority and prescribe the  
19 powers and duties of a trustee or agent;

20 (5) hire legal counsel to represent the authority;  
21 (6) make contracts and execute instruments necessary or convenient in  
22 the exercise of its powers and duties;

23 (7) acquire by purchase, lease, bequest, devise, gift, exchange, the  
24 satisfaction of debts, the foreclosure of mortgages, or otherwise, personal property,  
25 rights, rights-of-way, franchises, easements, and other interests in land, and acquire by  
26 appropriation water rights that are located in the state, taking title to the property in the  
27 name of the authority;

28 (8) hold, maintain, use, operate, improve, lease, exchange, donate,  
29 convey, alienate, encumber, or otherwise grant a security interest in, or authorize use  
30 or dispose of, land or personal property, subject to other provisions of this chapter;

31 (9) contract with and accept transfers, gifts, grants, or loans of funds or



1 property from the United States and the state or its political subdivisions, subject to  
 2 other provisions of federal or state law or municipal ordinances;

3 (10) undertake and provide for the management, operation,  
 4 maintenance, use, and control of all property of the authority;

5 (11) recommend to the legislature and the governor any tax, financing,  
 6 or financial arrangement the authority considers appropriate for expansion or  
 7 extension and operation of the port;

8 (12) maintain offices and facilities at places the authority designates;

9 (13) apply to the state, the United States, and other proper agencies for  
 10 a permit, license, right-of-way, or approval necessary to construct, maintain, and  
 11 operate port services, and obtain, hold, and reuse a license or permit in the same  
 12 manner as other ports;

13 (14) prescribe rates to be charged for services and establish port tariffs;

14 (15) enter into contracts, leases, and other agreements concerning the  
 15 services, activities, operations, property, and facilities of the authority;

16 (16) plan for and undertake replacement of port and rail facilities;

17 (17) hire and discharge personnel and determine benefits and other  
 18 terms and conditions of employment;

19 (18) assume all rights, liabilities, and obligations of the port as the port  
 20 previously existed as an enterprise of the Municipality of Anchorage;

21 (19) maintain a security force to enforce municipal ordinances, state  
 22 laws, and the authority's rules with respect to violations that occur on or to property  
 23 owned or managed by the authority;

24 (20) upon approval by the legislature under AS 30.19.230, issue  
 25 revenue bonds and provide for and secure payment of bonds, provide for the rights of  
 26 bondholders, hold or dispose of bonds, purchase the authority's bonds at a price not  
 27 more than the principal amount of a bond plus interest, cancel bonds of the authority  
 28 purchased by the authority, or secure the payment of its bonds by pledge, mortgage, or  
 29 other lien on its contracts, revenue, income, or property;

30 (21) consent to the modification of the rate of interest, time of payment  
 31 of an installment of principal or interest, or other term of a loan, contract, or

1 agreement to which the authority is a party;

2 (22) borrow money, including the amounts necessary to establish  
3 reasonable reserves, and pay financing charges and interest on bonds for a reasonable  
4 period after which the authority estimates other money will be available to pay the  
5 interest, consultant, advisory, and legal fees, and other expenses necessary or incident  
6 to borrowing;

7 (23) acquire, hold, and dispose of stocks, memberships, contracts,  
8 bonds, general or limited partnership interests, or other interests in another  
9 corporation, association, partnership, joint venture, or other legal entity, and exercise  
10 the powers or rights in connection with these interests that are provided in contracts or  
11 agreements and that are allowed by law concerning the satisfaction of debts;

12 (24) undertake and provide for the acquisition, construction,  
13 maintenance, equipping, and operation of port and rail facilities;

14 (25) enter into agreements with a state agency or other instrumentality  
15 or political subdivision of the state;

16 (26) apply for and receive grant funding; and

17 (27) do all things necessary or desirable to carry out the powers and  
18 duties of the authority granted or necessarily implied in this chapter or other laws of  
19 the state or the laws or regulations of the federal government.

20 **Sec. 30.19.210. Annual report.** Following the fiscal year of the authority, the  
21 board shall deliver a report describing the operations and financial condition of the  
22 authority during the preceding fiscal year to the governor and to the senate secretary  
23 and chief clerk of the house of representatives and notify the legislature that the report  
24 is available.

25 **Sec. 30.19.220. Audits.** The board shall have the financial records of the  
26 authority audited annually.

27 **Sec. 30.19.230. Legislative approval required.** Unless the legislature  
28 approves the action by law, the authority may not

29 (1) exchange, donate, sell, or otherwise convey its entire interest in  
30 land;

31 (2) issue bonds; or

(3) lease land for a period of more than 35 years; this paragraph does not apply if the lease agreement reserves the right of the authority to terminate the lease should the land become needed for authority purposes.

**Sec. 30.19.240. Long-range capital improvement and program plan.** The authority shall prepare, and the board shall adopt, an annual long-range capital improvement and program plan.

**Sec. 30.19.250. Use of authority assets.** The authority shall apply all money, property, other assets, and credit of the authority toward activities authorized by this chapter.

**Sec. 30.19.260. Indemnification.** (a) The authority may defend and indemnify a current or former member of the board, employee, or agent of the authority against all costs, expenses, judgments, and liabilities, including attorney fees, incurred by or imposed on that person in connection with a civil or criminal action in which the person is involved by affiliation with the authority, if the person acted in good faith on behalf of the authority and within the scope of official duties or powers.

(b) The authority may purchase insurance to protect and hold personally harmless its employees, agents, and board members.

## **Article 5. Authority Property.**

**Sec. 30.19.300. Land, facilities, and other property.** (a) The Municipality of Anchorage shall transfer to the authority, and the authority shall take in its own name, title to property owned and managed by, or under the control of, the Port of Alaska as it was structured on the effective date of this Act, as an enterprise of the Municipality of Anchorage. The property transferred under this subsection includes

(1) the port property as defined by Tracts H and I, Port of Anchorage Subdivision, Addition 1 (Plat No. 2015-122, Anchorage Recording District), and Tract J, Port of Anchorage Subdivision, Addition No. 2 (Plat No. 2012-19, Anchorage Recording District);

(2) tidelands that have been transferred to the municipality and tidal waters within the corporate limits of the municipality, except areas within the exclusive jurisdiction of either the state or the United States.

(b) The Matanuska-Susitna Borough shall transfer to the authority, and the

authority shall take in its own name, title to the following real property owned by the borough:

(1) Township 14 North, Range 4 West, Seward Meridian

Sections 10 and 11: All

Section 12: Government Lots 3 and 4, W1/2 W1/2

Section 13: Government Lot 1, except lands leased by the Chugach Electric Association, Government Lots 2 and 3, W1/2 W1/2

Sections 14 and 15: All

Sections 20 - 23: All

Section 24: Government Lots 2 - 4, SW1/4 NW1/4, SE1/4 NW1/4 NW1/4, W1/2 NW1/4 NW1/4

Section 25: Government Lots 1 - 4, and Alaska Tideland Survey No. 1440

Sections 26 - 28: All

Section 29: E1/2, N1/2 SW1/4, NW1/4

Section 33: N1/2 NE1/4

Section 34: NE1/4, N1/2 SE1/4, N1/2 NW1/4

Section 35: W1/2 NW1/4 SW1/4, W1/2 NW1/4;

(2) Township 14 North, Range 3 West, Seward Meridian

Section 30 (protracted): all tide and submerged land lying northwesterly of the southeasterly boundary of the Matanuska-Susitna Borough;

(3) Township 14 North, Range 4 West, Seward Meridian

Section 24 (protracted): all tide and submerged land of the S1/2

Section 25 (protracted): all tide and submerged land easterly of Alaska Tideland Survey No. 1440

Section 36 (protracted): all tide and submerged land of the N1/2 lying northwesterly of the southeasterly boundary of the Matanuska-Susitna Borough.

(c) The authority may, subject to AS 30.19.230 and (d) of this section, lease,

1 grant easements in or permits for, or otherwise authorize use of land.

2 (d) A lease or disposal of land approved by the legislature under AS 30.19.230  
3 by the authority to a party other than the state shall be made at fair market value, as  
4 determined by a qualified appraiser, or by competitive bid.

5 **Sec. 30.19.310. Eminent domain.** The authority may exercise the power of  
6 eminent domain under AS 09.55.240 - 09.55.460 to acquire land for port purposes  
7 consistent with this chapter.

8 **Sec. 30.19.320. Land use rules.** The board may adopt exclusive rules  
9 governing land use by persons having interest in or permits for land owned or  
10 managed by the authority.

11 **Sec. 30.19.330. Vacating easements.** The authority may vacate an easement  
12 acquired under this chapter by executing and filing a deed in the appropriate recording  
13 district.

14 **Sec. 30.19.340. Public use of land.** Upon request of a municipality or the  
15 state, the authority may authorize use of land for public purposes.

16 **Sec. 30.19.350. Acquisition of governmental property.** The authority, as an  
17 instrumentality of the state, may acquire in its own name from the United States under  
18 40 U.S.C. 545 note (Surplus Property Act of 1944), 40 U.S.C. 471 - 544 (Federal  
19 Property and Administrative Services Act of 1949), or other law, property under the  
20 control of a federal department or agency that is useful for the authority's purposes.  
21 The authority may acquire from the Department of Administration property of the  
22 state made available under AS 44.68.110 - 44.68.140.

23 **Sec. 30.19.360. Adverse possession.** No prescription or statute of limitations  
24 runs against the title or interest of the authority to or in land owned by the authority or  
25 under its jurisdiction. Title to or interest in land owned by the authority or under its  
26 jurisdiction may not be acquired by adverse possession or prescription, or in any other  
27 manner except by conveyance from or formal vacation by the authority.

## 28 **Article 6. Financial Provisions.**

29 **Sec. 30.19.400. Limitation of liability.** A liability incurred by the authority  
30 shall be satisfied exclusively from the assets or revenue of the authority and no  
31 creditor or other person has a right of action against the state because of a debt,

1 obligation, or liability of the authority.

2 **Sec. 30.19.410. Fidelity bond.** The authority shall obtain a fidelity bond in an  
3 amount determined by the board for board members and each executive officer  
4 responsible for accounts and finances.

5 **Sec. 30.19.420. Insurance.** The authority shall protect its assets, services, and  
6 employees by purchasing insurance or providing for certain self-insurance retentions.  
7 The authority shall also maintain casualty, property, business interruption, marine,  
8 boiler and machinery, pollution liability, and other insurance in amounts reasonably  
9 calculated.

10 **Sec. 30.19.430. Revenue.** Revenue generated by or appropriated to the  
11 authority shall be retained and managed by the authority for port and related purposes.

12 **Sec. 30.19.440. Appropriations.** The authority may request, with the  
13 concurrence of the governor, a direct appropriation or grant from the legislature to  
14 assist in carrying out the provisions of this chapter.

#### 15 **Article 7. Revenue Bonds.**

16 **Sec. 30.19.600. General bond provisions.** (a) Upon receiving legislative  
17 approval under AS 30.19.230, the authority may issue revenue bonds by resolution to  
18 provide money to carry out its purposes.

19 (b) Bonds may be issued in one or more series as provided by the resolution of  
20 the board.

21 **Sec. 30.19.610. Payment of bonds.** The principal of and interest on bonds of  
22 the authority is payable from authority money or assets. Bonds may be additionally  
23 secured by a pledge of a grant or contribution from the federal or state government, a  
24 municipality, a corporation, an association, an institution or a person, or a pledge of  
25 money, income, or revenue of the authority from any source.

26 **Sec. 30.19.620. Security for bonds.** In the discretion of the board, an issue of  
27 bonds may be secured by a trust indenture.

28 **Sec. 30.19.630. Validity of signatures.** If an officer of the authority whose  
29 signature or electronic signature appears on a bond, or coupon attached to a bond, is  
30 no longer an officer at the time of delivery of the bond or coupon, the signature or  
31 electronic signature is valid the same as if the person had remained in office until

1 delivery.

2 **Sec. 30.19.640. Validity of pledge.** (a) The pledge of assets or revenue of the  
3 authority to the payment of the principal or interest on bonds of the authority is valid  
4 and binding from the time the pledge is made, and the assets or revenue are  
5 immediately subject to the lien of the pledge without physical delivery or further act.

6 (b) Nothing in this section prohibits the authority from selling assets subject to  
7 a pledge, except that a sale may be restricted by the trust agreement or resolution  
8 providing for the issuance of the bonds.

9 **Sec. 30.19.650. State pledge.** The state pledges to and agrees with the holders  
10 of bonds issued under this chapter, and with the federal agency that loans or  
11 contributes funds in respect to a project, that the state will not limit or alter the rights  
12 and powers vested in the authority by this chapter to fulfill the terms of a contract  
13 made by the authority with the holders or federal agency, or in any way impair the  
14 rights and remedies of the holders until the bonds, together with the interest on the  
15 bonds, including interest on unpaid installments of interest, and all costs and expenses  
16 in connection with an action or proceeding by or on behalf of the holders, are fully met  
17 and discharged. The authority may include this pledge and agreement of the state,  
18 insofar as it refers to holders of bonds of the authority, in a contract with the holders,  
19 and insofar as it relates to a federal agency, in a contract with the federal agency.

20 **Sec. 30.19.660. Remedies.** The board shall develop by resolution remedies for  
21 bondholders for nonpayment.

22 **Sec. 30.19.670. Credit of state not pledged.** The state and its political  
23 subdivisions are not liable for the debts of the authority.

## 24 **Article 8. Personnel and Labor Relations.**

25 **Sec. 30.19.700. Political activities.** Money, assets, or property of the authority  
26 may not be used for political activities. However, board members and employees may  
27 communicate with and appear before committees of the United States Congress, the  
28 state legislature, and municipal governing bodies in connection with matters directly  
29 affecting the authority.

30 **Sec. 30.19.710. Authority employees.** Employees of the port are employees of  
31 the authority and not of the state. The provisions of AS 39 do not apply to employees

1 of the authority.

2 **Sec. 30.19.720. Collective bargaining rights.** The provisions of AS 23.40.070  
3 - 23.40.260 (Public Employment Relations Act) do not apply to the authority or to its  
4 employees. However, employees who are not executive officers may organize and  
5 form, join, or assist an organization to engage in collective bargaining through  
6 representatives of the employees' choosing and engage in concerted activities for the  
7 purpose of collective bargaining or other mutual aid or protection.

## 8 **Article 9. General Provisions.**

9 **Sec. 30.19.900. Claims.** (a) All claims and lawsuits involving activities of the  
10 authority, including suits in contract, quasi-contract, or tort, shall be brought against  
11 the authority and not against the state.

12 (b) Claims against the authority are not subject to the provisions of AS 44.77  
13 regarding claims against the state.

14 (c) The authority is not subject to the provisions of AS 44.80.010 regarding  
15 the state as a party to an action.

16 **Sec. 30.19.910. Exemption from taxation.** (a) The exercise of the powers  
17 granted by this chapter shall be in all respects for the benefit of the people of the state,  
18 for the well-being and prosperity of the people, and for the improvement of people's  
19 social and economic conditions. Subject to (b) of this section, the real and personal  
20 property of the authority and its assets, income, and receipts are exempt from all taxes  
21 and special assessments of the state or a political subdivision of the state.

22 (b) Bonds and notes issued under this chapter are issued by a body corporate  
23 and public of the state and for an essential public and governmental purpose.  
24 Therefore, the bonds and notes, the interest and income from the bonds and notes, and  
25 all fees, charges, funds, revenue, income, and other money pledged or available to pay  
26 or secure the payment of the bonds and notes, or interest on the bonds and notes, are  
27 exempt from taxation, except for inheritance, transfer, and estate taxes.

28 (c) This section does not affect or limit an exemption from license fees,  
29 property taxes, or excise, income, or other taxes provided under any other law, nor  
30 does this section create a tax exemption with respect to the interest of any business  
31 enterprise or other person, other than the authority.



1           **Sec. 30.19.920. Application of existing laws.** Unless specifically provided  
 2 otherwise in this chapter, the following laws do not apply to the operations of the  
 3 authority:

- 4                   (1) AS 19;
- 5                   (2) AS 30.15;
- 6                   (3) AS 35;
- 7                   (4) AS 37.05;
- 8                   (5) AS 37.07;
- 9                   (6) AS 37.10.010 - 37.10.060;
- 10                  (7) AS 37.10.085;
- 11                  (8) AS 37.20;
- 12                  (9) AS 37.25;
- 13                  (10) AS 38;
- 14                  (11) AS 44.62.040 - 44.62.320.

15           **Sec. 30.19.930. Conflicting laws inapplicable.** If provisions of this chapter  
 16 conflict with the provisions of other state law, the provisions of this chapter prevail.

17           **Sec. 30.19.990. Definitions.** In this chapter, unless the context otherwise  
 18 requires,

- 19                   (1) "authority" means the Port of Southcentral Alaska Authority  
 20 created by this chapter;
- 21                   (2) "board" means the board of directors of the authority;
- 22                   (3) "bond" means a bond, bond anticipation note, note, refunding bond,  
 23 or other obligation;
- 24                   (4) "collective bargaining" means the performance of the mutual  
 25 obligation of the authority or its designated representatives and the representatives of  
 26 the employees to meet at reasonable times, including meetings in advance of the  
 27 budget making process, and negotiating in good faith with respect to wages, hours,  
 28 and other terms and conditions of employment, or the negotiation of an agreement, or  
 29 negotiation of a question arising under an agreement and the execution of a written  
 30 contract incorporating an agreement reached if requested by either party, but these  
 31 obligations do not compel either party to agree to a proposal or require the making of a

1 concession;

2 (5) "employee" means a person employed by the authority, including  
3 an executive officer;

4 (6) "executive officer" means the authority's chief executive officer;

5 (7) "land" means any interest in real property, including tide and  
6 submerged land, and any right appurtenant to the interest;

7 (8) "port" means the Port of Southcentral Alaska in Anchorage;

8 (9) "rule" means a standard of general application or the amendment,  
9 supplement, revision, or repeal of a standard adopted by the authority to implement,  
10 interpret, or make specific the law enforced or administered by the authority or to  
11 govern its procedure;

12 (10) "terms and conditions of employment" means the hours of  
13 employment, the compensation and fringe benefits, and the employer's personnel  
14 policies affecting the working conditions of the employees, but does not mean the  
15 general policies describing the function and purposes of an employer.

16 **Sec. 30.19.995. Short title.** This chapter may be referred to as the Port of  
17 Southcentral Alaska Authority Act.

18 \* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to  
19 read:

20 TRANSITIONAL PROVISIONS. (a) Not later than 180 days after the effective date  
21 of this Act, the Municipality of Anchorage shall by ordinance enumerate and transfer to the  
22 Port of Southcentral Alaska Authority property and funds owned and managed by, or under  
23 the control of, the Port of Alaska as it is structured as an enterprise of the municipality on the  
24 effective date of this Act. The property described in this subsection includes

25 (1) the port property as defined by Tracts H and I, Port of Anchorage  
26 Subdivision, Addition 1 (Plat No. 2015-122, Anchorage Recording District), and Tract J, Port  
27 of Anchorage Subdivision, Addition No. 2 (Plat No. 2012-19, Anchorage Recording District);  
28 and

29 (2) tidelands that have been transferred to the municipality and tidal waters  
30 within the corporate limits of the municipality, except areas within the exclusive jurisdiction  
31 of either the state or the United States.

(b) Not later than 180 days after the effective date of this Act, the Matanuska-Susitna Borough shall by ordinance transfer to the Port of Southcentral Alaska Authority the following real property owned by the borough:

(1) Township 14 North, Range 4 West, Seward Meridian

Sections 10 and 11: All

Section 12: Government Lots 3 and 4, W1/2 W1/2

Section 13: Government Lot 1, except lands leased by the Chugach Electric Association, Government Lots 2 and 3, W1/2 W1/2

Sections 14 and 15: All

Sections 20 - 23: All

Section 24: Government Lots 2 - 4, SW1/4 NW1/4, SE1/4 NW1/4 NW1/4, W1/2 NW1/4 NW1/4

Section 25: Government Lots 1 - 4, and Alaska Tideland Survey No. 1440

Sections 26 - 28: All

Section 29: E1/2, N1/2 SW1/4, NW1/4

Section 33: N1/2 NE1/4

Section 34: NE1/4, N1/2 SE1/4, N1/2 NW1/4

Section 35: W1/2 NW1/4 SW1/4, W1/2 NW1/4;

(2) Township 14 North, Range 3 West, Seward Meridian

Section 30 (protracted): all tide and submerged land lying northwesterly of the southeasterly boundary of the Matanuska-Susitna Borough;

(3) Township 14 North, Range 4 West, Seward Meridian

Section 24 (protracted): all tide and submerged land of the S1/2

Section 25 (protracted): all tide and submerged land easterly of Alaska Tideland Survey No. 1440

Section 36 (protracted): all tide and submerged land of the N1/2 lying northwesterly of the southeasterly boundary of the Matanuska-Susitna Borough.

(c) As of the effective date of the ordinance described in (a) of this section, the Port of

1 Southcentral Alaska Authority shall fund litigation related to proceedings for Anchorage, a  
2 Municipal Corporation v. United States, Case No. 14-166C, United States Court of Federal  
3 Claims, and the ordinance must obligate the Municipality of Anchorage to transfer to the  
4 authority funds received resulting from the litigation. The ordinance must also obligate the  
5 municipality to transfer to the authority all funds not yet expended that were granted to the  
6 municipality, and that have been or will be received by the municipality, for a component of  
7 the Port of Anchorage Intermodal Expansion Project or the Port of Alaska Modernization  
8 Project. Notwithstanding any other provision of law, the Municipality of Anchorage is not  
9 required to conduct a termination cost study under AS 39.35, or make a payment under  
10 AS 39.35.625 for any department, group, or classification of employees that, after the date of  
11 transfer and as a result of this Act, no longer participate in a plan under AS 39.35.

12 (d) As soon as practicable after the transfer of the Port of Alaska to the Port of  
13 Southcentral Alaska Authority, the Port of Southcentral Alaska and its employees shall adopt  
14 collective bargaining agreements that continue the provisions of the agreements in effect  
15 between the Port of Alaska and its employees on the date of the transfer.

16 (e) The board of directors of the Port of Southcentral Alaska Authority may provide  
17 by resolution that rules and orders in effect on the date of transfer remain in effect until  
18 amended or repealed by the board.

19 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

**SENATE BILL NO. 155**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 5/17/23

Referred: Transportation, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to the Port of Alaska; establishing the Port of Alaska Authority to**  
2   **manage and operate the Port of Alaska; and providing for an effective date."**

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

4       \* **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section  
5   to read:

6       LEGISLATIVE FINDINGS AND INTENT. The legislature finds that it is in the best  
7   interests of the state to create an authority with the powers, duties, and functions needed to  
8   operate the Port of Alaska in Anchorage and manage its seaport, rail, industrial, and other  
9   properties in the best interests of the people of the state and to ensure that the authority is  
10  exclusively responsible for managing the financial and legal obligations of the Port of Alaska.  
11  The legislature considers the continued operation of the Port of Alaska by the authority as  
12  provided in this Act an essential government function of the state.

13       \* **Sec. 2.** AS 30 is amended by adding a new chapter to read:

14                   **Chapter 19. Port of Alaska Authority.**

**Article 1. Establishment and Organization.**

**Sec. 30.19.010. Creation of authority.** The Port of Alaska Authority is created. The authority is a public corporation of the state and a body corporate and is an instrumentality of the Department of Commerce, Community, and Economic Development, but with separate and independent legal existence.

**Sec. 30.19.020. Board of directors.** (a) The powers of the authority are vested in the board of directors. The board consists of

(1) the commissioner of commerce, community, and economic development;

(2) the commissioner of transportation and public facilities; and

(3) seven public members appointed as follows:

(A) one member appointed by the governor;

(B) one member appointed by the speaker of the house of representatives;

(C) one member appointed by the president of the senate;

(D) one member appointed by the mayor of the Municipality of Anchorage;

(E) three members appointed by the Anchorage Assembly.

(b) The board members appointed under (a) of this section must have the following qualifications:

(1) one member must have at least five years of experience in port management; a person who is not a resident of the state may be appointed under this paragraph;

(2) the member appointed under (a)(3)(A) of this section must be from a judicial district, other than the Third Judicial District, directly served by the port;

(3) either the member appointed under (a)(3)(B) of this section or the member appointed under (a)(3)(C) of this section must have at least five years of experience as an owner or manager of a business in the state and be from a judicial district directly served by the port;

(4) of the members appointed under (a)(3)(E) of this section,

(A) one member must be a member of a bargaining unit

1 representing employees of the authority; and

2 (B) one member must have current or former experience as an  
3 executive official of an entity that is deemed a citizen of the United States  
4 under 46 U.S.C. 50501 (sec. 2 of the Shipping Act, 1916) engaged in the  
5 transport of merchandise in the United States domestic coastwise trade; a  
6 person who is not a resident of the state is qualified under this subparagraph.

7 (c) If a member described in (a)(1) or (2) of this section is unable to attend a  
8 meeting of the authority, the member may, by an instrument in writing filed with the  
9 authority, designate a deputy or assistant to act in the member's place at the meeting.  
10 For purposes of this chapter, the designee is a member of the board at the meeting.

11 (d) The public members of the board appointed under (a)(3)(A), (B), and (C)  
12 of this section and the member qualified under (b)(4)(B) of this section serve three-  
13 year terms.

14 (e) If a vacancy occurs in the membership of the board, the appointing  
15 authority shall appoint a member for the unexpired portion of the term.

16 (f) The board shall create staggered terms for members in its first organizing  
17 meeting.

## 18 **Article 2. Management.**

19 **Sec. 30.19.100. Management by board.** The board is responsible for the  
20 management of the authority but shall delegate certain powers and duties to the chief  
21 executive officer under AS 30.19.120. In managing the authority, the board shall

22 (1) manage the financial and legal obligations of the authority;

23 (2) generally manage the authority on a self-sustaining basis;

24 (3) apply to the legislature for an appropriation with the concurrence of  
25 the governor to be used to provide a particular service or project that is not otherwise  
26 self-sustaining if a subsidy is required to maintain that service or project;

27 (4) provide for safe, efficient, and economical transportation to meet  
28 the overall needs of the state;

29 (5) raise needed capital by issuing revenue bonds of the authority upon  
30 approval by the legislature while ensuring that borrowing by the authority does not  
31 directly or indirectly endanger the state's own borrowing capacity;

1 (6) ensure that the procurement procedures of the authority meet  
2 accepted industry standards;

3 (7) ensure that the accounting procedures of the authority meet  
4 generally accepted accounting principles consistent with industry standards for  
5 comparable authorities;

6 (8) consider the effect on port users and shippers and make good faith  
7 efforts to reach a consensus among affected port users before implementing a funding  
8 plan for a physical change, improvement, or modification to the port that requires  
9 funding, in whole or in part, from affected port users; a change, improvement, or  
10 modification under this paragraph must be made with the expectation, consistent with  
11 precedent, that the funding be borne solely by the port users whose operations directly  
12 benefit from the change, improvement, or modification;

13 (9) approve any tariff, surcharge, or fee assessed against a user of the  
14 port.

15 **Sec. 30.19.110. Executive officer.** The board shall appoint a chief executive  
16 officer of the authority who serves at the pleasure of the board. The board shall set  
17 compensation for the chief executive officer.

18 **Sec. 30.19.120. Delegation.** The board shall by rule delegate powers and  
19 duties to the chief executive officer.

### 20 **Article 3. Administrative Provisions.**

21 **Sec. 30.19.150. Meetings of board.** (a) The chair of the board shall call  
22 meetings of the board. The chair shall preside at meetings.

23 (b) Except for executive sessions, the meetings of the board are public. The  
24 board shall provide by rule for a method of providing reasonable notice to the public  
25 of its meetings.

26 (c) The board shall keep minutes of each meeting.

27 **Sec. 30.19.160. Quorum and voting.** (a) Four members of the board constitute  
28 a quorum for the transaction of business.

29 (b) Four affirmative votes are required for board action. The board shall  
30 provide by rule for the manner of voting. The rules may provide for voting and  
31 conferring by electronic media.



1           **Sec. 30.19.170. Executive sessions.** The board shall determine in accordance  
 2 with AS 30.19.160 the question of whether to hold an executive session. The board  
 3 shall set by rule the actions that may be taken at executive session.

4           **Sec. 30.19.180. Rules.** (a) The board shall adopt rules to carry out its functions  
 5 and the purposes of this chapter. A meeting held by electronic media has the same  
 6 legal effect as a meeting in person.

7           (b) The board shall establish in the bylaws of the authority a procedure for the  
 8 adoption of a rule on an emergency basis.

9           (c) Adoption of a rule is not subject to (a) or (b) of this section if the rule  
 10           (1) relates only to the internal management of the authority;  
 11           (2) relates to a specific rate, tariff, division, or contract rate agreement;  
 12           (3) is directed to a specifically named person or group of persons and  
 13 does not apply to the general public; or  
 14           (4) relates to the use of public works under the jurisdiction of the  
 15 authority and the effect of the rule is indicated to the public by means of signs or  
 16 signals.

17           (d) The board shall establish rules relating to conflicts of interest.

#### 18                           **Article 4. Powers and Duties.**

19           **Sec. 30.19.200. General powers.** In addition to the exercise of other powers  
 20 authorized by law, the authority may

21           (1) adopt a seal;  
 22           (2) adopt bylaws governing the business of the authority;  
 23           (3) sue and be sued;  
 24           (4) appoint trustees and agents of the authority and prescribe the  
 25 powers and duties of a trustee or agent;  
 26           (5) hire legal counsel to represent the authority;  
 27           (6) make contracts and execute instruments necessary or convenient in  
 28 the exercise of its powers and duties;  
 29           (7) acquire by purchase, lease, bequest, devise, gift, exchange, the  
 30 satisfaction of debts, the foreclosure of mortgages, or otherwise, personal property,  
 31 rights, rights-of-way, franchises, easements, and other interests in land, and acquire by

1 appropriation water rights that are located in the state, taking title to the property in the  
2 name of the authority;

3 (8) hold, maintain, use, operate, improve, lease, exchange, donate,  
4 convey, alienate, encumber, or otherwise grant a security interest in, or authorize use  
5 or dispose of, land or personal property, subject to other provisions of this chapter;

6 (9) contract with and accept transfers, gifts, grants, or loans of funds or  
7 property from the United States and the state or its political subdivisions, subject to  
8 other provisions of federal or state law or municipal ordinances;

9 (10) undertake and provide for the management, operation,  
10 maintenance, use, and control of all property of the authority;

11 (11) recommend to the legislature and the governor any tax, financing,  
12 or financial arrangement the authority considers appropriate for expansion or  
13 extension and operation of the port;

14 (12) maintain offices and facilities at places the authority designates;

15 (13) apply to the state, the United States, and other proper agencies for  
16 a permit, license, right-of-way, or approval necessary to construct, maintain, and  
17 operate port services, and obtain, hold, and reuse a license or permit in the same  
18 manner as other ports;

19 (14) prescribe rates to be charged for services and establish port tariffs;

20 (15) enter into contracts, leases, and other agreements concerning the  
21 services, activities, operations, property, and facilities of the authority;

22 (16) plan for and undertake replacement of port facilities;

23 (17) hire and discharge personnel and determine benefits and other  
24 terms and conditions of employment;

25 (18) assume all rights, liabilities, and obligations of the port as the port  
26 previously existed as an enterprise of the Municipality of Anchorage;

27 (19) maintain a security force to enforce municipal ordinances, state  
28 laws, and the authority's rules with respect to violations that occur on or to property  
29 owned or managed by the authority;

30 (20) upon approval by the legislature under AS 30.19.230, issue  
31 revenue bonds and provide for and secure payment of bonds, provide for the rights of

1 bondholders, hold or dispose of bonds, purchase the authority's bonds at a price not  
 2 more than the principal amount of a bond plus interest, cancel bonds of the authority  
 3 purchased by the authority, or secure the payment of its bonds by pledge, mortgage, or  
 4 other lien on its contracts, revenue, income, or property;

5 (21) consent to the modification of the rate of interest, time of payment  
 6 of an installment of principal or interest, or other term of a loan, contract, or  
 7 agreement to which the authority is a party;

8 (22) borrow money, including the amounts necessary to establish  
 9 reasonable reserves, and pay financing charges and interest on bonds for a reasonable  
 10 period after which the authority estimates other money will be available to pay the  
 11 interest, consultant, advisory, and legal fees, and other expenses necessary or incident  
 12 to borrowing;

13 (23) acquire, hold, and dispose of stocks, memberships, contracts,  
 14 bonds, general or limited partnership interests, or other interests in another  
 15 corporation, association, partnership, joint venture, or other legal entity, and exercise  
 16 the powers or rights in connection with these interests that are provided in contracts or  
 17 agreements and that are allowed by law concerning the satisfaction of debts;

18 (24) undertake and provide for the acquisition, construction,  
 19 maintenance, equipping, and operation of port facilities;

20 (25) enter into agreements with a state agency or other instrumentality  
 21 or political subdivision of the state;

22 (26) apply for and receive grant funding; and

23 (27) do all things necessary or desirable to carry out the powers and  
 24 duties of the authority granted or necessarily implied in this chapter or other laws of  
 25 the state or the laws or regulations of the federal government.

26 **Sec. 30.19.210. Annual report.** Following the fiscal year of the authority, the  
 27 board shall deliver a report describing the operations and financial condition of the  
 28 authority during the preceding fiscal year to the governor and to the senate secretary  
 29 and chief clerk of the house of representatives and notify the legislature that the report  
 30 is available.

31 **Sec. 30.19.220. Audits.** The board shall have the financial records of the

1 authority audited annually.

2 **Sec. 30.19.230. Legislative approval required.** Unless the legislature  
3 approves the action by law, the authority may not

4 (1) exchange, donate, sell, or otherwise convey its entire interest in  
5 land;

6 (2) issue bonds; or

7 (3) lease land for a period of more than 35 years; this paragraph does  
8 not apply if the lease agreement reserves the right of the authority to terminate the  
9 lease should the land become needed for authority purposes.

10 **Sec. 30.19.240. Long-range capital improvement and program plan.** The  
11 authority shall prepare, and the board shall adopt, an annual long-range capital  
12 improvement and program plan.

13 **Sec. 30.19.250. Use of authority assets.** The authority shall apply all money,  
14 property, other assets, and credit of the authority toward activities authorized by this  
15 chapter.

16 **Sec. 30.19.260. Indemnification.** (a) The authority may defend and indemnify  
17 a current or former member of the board, employee, or agent of the authority against  
18 all costs, expenses, judgments, and liabilities, including attorney fees, incurred by or  
19 imposed on that person in connection with a civil or criminal action in which the  
20 person is involved by affiliation with the authority, if the person acted in good faith on  
21 behalf of the authority and within the scope of official duties or powers.

22 (b) The authority may purchase insurance to protect and hold personally  
23 harmless its employees, agents, and board members.

#### 24 **Article 5. Authority Property.**

25 **Sec. 30.19.300. Land, facilities, and other property.** (a) The Municipality of  
26 Anchorage shall transfer to the authority, and the authority shall take in its own name,  
27 title to property owned and managed by, or under the control of, the Port of Alaska as  
28 it was structured on the effective date of this Act, as an enterprise of the Municipality  
29 of Anchorage. The property transferred under this subsection includes

30 (1) the port property as defined by Tracts H and I, Port of Anchorage  
31 Subdivision, Addition 1 (Plat No. 2015-122, Anchorage Recording District), and Tract

1 J, Port of Anchorage Subdivision, Addition No. 2 (Plat No. 2012-19, Anchorage  
2 Recording District); and

3 (2) tidelands that have been transferred to the municipality and tidal  
4 waters within the corporate limits of the municipality, except areas within the  
5 exclusive jurisdiction of either the state or the United States.

6 (b) The authority may, subject to AS 30.19.230 and (c) of this section, lease,  
7 grant easements in or permits for, or otherwise authorize use of land.

8 (c) A lease or disposal of land approved by the legislature under AS 30.19.230  
9 by the authority to a party other than the state shall be made at fair market value, as  
10 determined by a qualified appraiser, or by competitive bid.

11 **Sec. 30.19.310. Eminent domain.** The authority may exercise the power of  
12 eminent domain under AS 09.55.240 - 09.55.460 to acquire land for port purposes  
13 consistent with this chapter.

14 **Sec. 30.19.320. Land use rules.** The board may adopt exclusive rules  
15 governing land use by persons having interest in or permits for land owned or  
16 managed by the authority.

17 **Sec. 30.19.330. Vacating easements.** The authority may vacate an easement  
18 acquired under this chapter by executing and filing a deed in the appropriate recording  
19 district.

20 **Sec. 30.19.340. Public use of land.** Upon request of a municipality or the  
21 state, the authority may authorize use of land for public purposes.

22 **Sec. 30.19.350. Acquisition of governmental property.** The authority, as an  
23 instrumentality of the state, may acquire in its own name from the United States under  
24 40 U.S.C. 545 note (Surplus Property Act of 1944), 40 U.S.C. 471 et seq. (Federal  
25 Property and Administrative Services Act of 1949), or other law, property under the  
26 control of a federal department or agency that is useful for the authority's purposes.  
27 The authority may acquire from the Department of Administration property of the  
28 state made available under AS 44.68.110 - 44.68.140.

29 **Sec. 30.19.360. Adverse possession.** No prescription or statute of limitations  
30 runs against the title or interest of the authority to or in land owned by the authority or  
31 under its jurisdiction. Title to or interest in land owned by the authority or under its

jurisdiction may not be acquired by adverse possession or prescription, or in any other manner except by conveyance from or formal vacation by the authority.

### **Article 6. Financial Provisions.**

**Sec. 30.19.400. Limitation of liability.** A liability incurred by the authority shall be satisfied exclusively from the assets or revenue of the authority and no creditor or other person has a right of action against the state because of a debt, obligation, or liability of the authority.

**Sec. 30.19.410. Fidelity bond.** The authority shall obtain a fidelity bond in an amount determined by the board for board members and each executive officer responsible for accounts and finances.

**Sec. 30.19.420. Insurance.** The authority shall protect its assets, services, and employees by purchasing insurance or providing for certain self-insurance retentions. The authority shall also maintain casualty, property, business interruption, marine, boiler and machinery, pollution liability, and other insurance in amounts reasonably calculated.

**Sec. 30.19.430. Revenue.** Revenue generated by or appropriated to the authority shall be retained and managed by the authority for port and related purposes.

**Sec. 30.19.440. Appropriations.** The authority may request, with the concurrence of the governor, a direct appropriation or grant from the legislature to assist in carrying out the provisions of this chapter.

### **Article 7. Revenue Bonds.**

**Sec. 30.19.600. General bond provisions.** (a) Upon receiving legislative approval under AS 30.19.230, the authority may issue revenue bonds by resolution to provide money to carry out its purposes.

(b) Bonds may be issued in one or more series as provided by the resolution of the board.

**Sec. 30.19.610. Payment of bonds.** The principal of and interest on bonds of the authority is payable from authority money or assets. Bonds may be additionally secured by a pledge of a grant or contribution from the federal or state government, a municipality, a corporation, an association, an institution or a person, or a pledge of money, income, or revenue of the authority from any source.

1           **Sec. 30.19.620. Security for bonds.** In the discretion of the board, an issue of  
2 bonds may be secured by a trust indenture.

3           **Sec. 30.19.630. Validity of signatures.** If an officer of the authority whose  
4 signature or electronic signature appears on a bond, or coupon attached to a bond, is  
5 no longer an officer at the time of delivery of the bond or coupon, the signature or  
6 electronic signature is valid the same as if the person had remained in office until  
7 delivery.

8           **Sec. 30.19.640. Validity of pledge.** (a) The pledge of assets or revenue of the  
9 authority to the payment of the principal or interest on bonds of the authority is valid  
10 and binding from the time the pledge is made, and the assets or revenue are  
11 immediately subject to the lien of the pledge without physical delivery or further act.

12           (b) Nothing in this section prohibits the authority from selling assets subject to  
13 a pledge, except that a sale may be restricted by the trust agreement or resolution  
14 providing for the issuance of the bonds.

15           **Sec. 30.19.650. State pledge.** The state pledges to and agrees with the holders  
16 of bonds issued under this chapter, and with the federal agency that loans or  
17 contributes funds in respect to a project, that the state will not limit or alter the rights  
18 and powers vested in the authority by this chapter to fulfill the terms of a contract  
19 made by the authority with the holders or federal agency, or in any way impair the  
20 rights and remedies of the holders until the bonds, together with the interest on the  
21 bonds, including interest on unpaid installments of interest, and all costs and expenses  
22 in connection with an action or proceeding by or on behalf of the holders, are fully met  
23 and discharged. The authority may include this pledge and agreement of the state,  
24 insofar as it refers to holders of bonds of the authority, in a contract with the holders,  
25 and insofar as it relates to a federal agency, in a contract with the federal agency.

26           **Sec. 30.19.660. Remedies.** The board shall develop by resolution remedies for  
27 bondholders for nonpayment.

28           **Sec. 30.19.670. Credit of state not pledged.** The state and its political  
29 subdivisions are not liable for the debts of the authority.

## 30           **Article 8. Personnel and Labor Relations.**

31           **Sec. 30.19.700. Political activities.** Money, assets, or property of the authority

1 may not be used for political activities. However, board members and employees may  
 2 communicate with and appear before committees of the United States Congress, the  
 3 state legislature, and municipal governing bodies in connection with matters directly  
 4 affecting the authority.

5 **Sec. 30.19.710. Authority employees.** Employees of the port are employees of  
 6 the authority and not of the state. The provisions of AS 39 do not apply to employees  
 7 of the authority.

8 **Sec. 30.19.720. Collective bargaining rights.** The provisions of AS 23.40.070  
 9 - 23.40.260 (Public Employment Relations Act) do not apply to the authority or to its  
 10 employees. However, employees who are not executive officers may organize and  
 11 form, join, or assist an organization to engage in collective bargaining through  
 12 representatives of the employees' choosing and engage in concerted activities for the  
 13 purpose of collective bargaining or other mutual aid or protection.

#### 14 **Article 9. General Provisions.**

15 **Sec. 30.19.900. Claims.** (a) All claims and lawsuits involving activities of the  
 16 authority, including suits in contract, quasi-contract, or tort, shall be brought against  
 17 the authority and not against the state.

18 (b) Claims against the authority are not subject to the provisions of AS 44.77  
 19 regarding claims against the state.

20 (c) The authority is not subject to the provisions of AS 44.80.010 regarding  
 21 the state as a party to an action.

22 **Sec. 30.19.910. Exemption from taxation.** (a) The exercise of the powers  
 23 granted by this chapter shall be in all respects for the benefit of the people of the state,  
 24 for the well-being and prosperity of the people, and for the improvement of people's  
 25 social and economic conditions. Subject to (b) of this section, the real and personal  
 26 property of the authority and its assets, income, and receipts are exempt from all taxes  
 27 and special assessments of the state or a political subdivision of the state, except that  
 28 the Municipality of Anchorage may by ordinance obligate the authority to make a  
 29 payment in lieu of taxes, which shall be calculated substantially as the authority's  
 30 adjusted plant in service located within the municipality, multiplied by the applicable  
 31 annual mill rate. In this subsection,



(1) "adjusted plant in service" means the final, year-end, audited net classified noncontributed plant in service value, less exclusions specified in this subsection, for the calendar year preceding the mill rate year;

(2) "applicable annual mill rate" means the aggregate of general property tax mill rates that the Municipality of Anchorage levied against taxable property in the authority's taxing district in the calendar year preceding the payment for payment in lieu of taxes, including all areawide general property tax mill rates and general property tax mill rates levied in service areas within which the authority is located;

(3) "net" means plant values that are net of accumulated depreciation and amortization;

(4) "noncontributed" means that portion of a capital improvement funded directly with authority funds.

(b) Bonds and notes issued under this chapter are issued by a body corporate and public of the state and for an essential public and governmental purpose. Therefore, the bonds and notes, the interest and income from the bonds and notes, and all fees, charges, funds, revenue, income, and other money pledged or available to pay or secure the payment of the bonds and notes, or interest on the bonds and notes, are exempt from taxation, except for inheritance, transfer, and estate taxes.

(c) This section does not affect or limit an exemption from license fees, property taxes, or excise, income, or other taxes provided under any other law, nor does this section create a tax exemption with respect to the interest of any business enterprise or other person, other than the authority.

**Sec. 30.19.920. Application of existing laws.** Unless specifically provided otherwise in this chapter, the following laws do not apply to the operations of the authority:

(1) AS 19;

(2) AS 30.15;

(3) AS 35;

(4) AS 37.05;

(5) AS 37.07;

(6) AS 37.10.010 - 37.10.060;

(7) AS 37.10.085;

(8) AS 37.20;

(9) AS 37.25;

(10) AS 38;

(11) AS 44.62.040 - 44.62.320.

**Sec. 30.19.930. Conflicting laws inapplicable.** If provisions of this chapter conflict with the provisions of other state law, the provisions of this chapter prevail.

**Sec. 30.19.990. Definitions.** In this chapter, unless the context otherwise requires,

(1) "authority" means the Port of Alaska Authority created by this chapter;

(2) "board" means the board of directors of the authority;

(3) "bond" means a bond, bond anticipation note, note, refunding bond, or other obligation;

(4) "collective bargaining" means the performance of the mutual obligation of the authority or its designated representatives and the representatives of the employees to meet at reasonable times, including meetings in advance of the budget making process, and negotiating in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or negotiation of a question arising under an agreement and the execution of a written contract incorporating an agreement reached if requested by either party, but these obligations do not compel either party to agree to a proposal or require the making of a concession;

(5) "date of transfer" means the date on which the transfer of substantially all of the land, facilities, and assets owned and managed by, or under the control of, the Port of Alaska as it existed while an enterprise of the Municipality of Anchorage are transferred to the authority by duly enacted ordinance of the Municipality of Anchorage;

(6) "employee" means a person employed by the authority, including an executive officer;

(7) "executive officer" means the authority's chief executive officer;

(8) "land" means any interest in real property, including tide and submerged land, and any right appurtenant to the interest;

(9) "port" means the Port of Alaska in Anchorage;

(10) "rule" means a standard of general application or the amendment, supplement, revision, or repeal of a standard adopted by the authority to implement, interpret, or make specific the law enforced or administered by the authority or to govern its procedure;

(11) "terms and conditions of employment" means the hours of employment, the compensation and fringe benefits, and the employer's personnel policies affecting the working conditions of the employees, but does not mean the general policies describing the function and purposes of an employer.

**Sec. 30.19.995. Short title.** This chapter may be referred to as the Port of Alaska Authority Act.

\* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS. (a) Not later than 180 days after the effective date of this Act, the Municipality of Anchorage shall by ordinance enumerate and transfer to the authority property and funds presently owned and managed by, or under the control of, the Port of Alaska as it is presently structured as an enterprise of the municipality. The property described in this subsection includes

(1) the port property as defined by Tracts H and I, Port of Anchorage Subdivision, Addition 1 (Plat No. 2015-122, Anchorage Recording District), and Tract J, Port of Anchorage Subdivision, Addition No. 2 (Plat No. 2012-19, Anchorage Recording District); and

(2) tidelands that have been transferred to the municipality and tidal waters within the corporate limits of the municipality, except areas within the exclusive jurisdiction of either the state or the United States.

(b) As of the effective date of the ordinance described in (a) of this section, the authority shall fund litigation related to proceedings for Anchorage, a Municipal Corporation v. United States, Case No. 14-166C, United States Court of Federal Claims, and the ordinance

1 must obligate the Municipality of Anchorage to transfer to the authority funds received  
2 resulting from the litigation. The ordinance must also obligate the municipality to transfer to  
3 the authority all funds not yet expended that were granted to the municipality, and that have  
4 been or will be received by the municipality, for a component of the Port of Anchorage  
5 Intermodal Expansion Project or the Port of Alaska Modernization Project. Notwithstanding  
6 any other provision of law, the Municipality of Anchorage is not required to conduct a  
7 termination cost study under AS 39.35, or make a payment under AS 39.35.625 for any  
8 department, group, or classification of employees that, after the date of transfer and as a result  
9 of this Act, no longer participate in a plan under AS 39.35.

10 (c) As soon as practicable after the transfer of the Port of Alaska to the Port of Alaska  
11 Authority, the Port of Alaska and its employees shall adopt collective bargaining agreements  
12 that continue the provisions of the agreements in effect between the Port of Alaska and its  
13 employees on the date of the transfer.

14 (d) The board of directors of the Port of Alaska Authority may provide by resolution  
15 that rules and orders in effect on the date of transfer remain in effect until amended or  
16 repealed by the board.

17 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).