

1 IN THE HOUSE

BY THE COMMITTEE ON RULES

BY REQUEST

2 HOUSE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to provide that the public service  
7 commission shall license, regulate, and fix  
8 the rates of ferrles operating within the  
9 state; repealing Chapter 4, Title 41, ACLA  
10 1949; and providing for an effective date."

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

12 Section 1. FERRY LICENSES. No person, firm or corporation  
13 shall operate any ferry or ferries upon the waters within the  
14 state without a license therefor issued by the public service  
15 commission as provided in this Act; provided, that nothing in  
16 this Act shall be so construed as to prevent any person from  
17 ferrying persons across a small stream in high water.

18 Sec. 2. SAME: ISSUANCE. The public service commission shall  
19 grant such licenses to operate ferries upon waters within this  
20 state as the commission deems necessary for the public convenience  
21 and necessity. Such licenses so granted shall be exclusive for  
22 the location approved by the commission and shall be for a period  
23 not in excess of ten years.

24 Sec. 3. SAME: RENEWAL. Upon the expiration of the period  
25 for which the ferry license was granted, it may be renewed upon  
26 application to the commission, which may, in its discretion,  
27 grant such renewal without notice or hearing.

28 Sec. 4. FEES, DISPOSITION THEREOF. The public service com-  
29 mission may prescribe license fees to be paid by the ferry

1 operators. The proceeds of such fees shall be covered into the  
2 general fund of the state.

3       Sec. 5. RATES. Any and all persons, firms and corporations  
4 licensed to operate ferries in waters within this state, shall  
5 make and file with the public service commission in such form  
6 and at such times as it shall prescribe, the schedules of rates,  
7 fares and charges for the performing of ferry services by such  
8 persons, firms or corporations; which said rates, fares and  
9 charges shall continue in force until superseded by other sche-  
10 dules, filed in the manner above prescribed, by said ferry  
11 operator, with the public service commission; provided, however,  
12 that the commission may, either upon request, or upon its own  
13 motion, suspend the operation of any rate, fare, charge, or  
14 tariff filed as aforesaid, for a period not exceeding thirty  
15 days; and in case any such rate, fare, charge, or tariff shall  
16 be suspended by said commission, it shall give the interested  
17 operator immediate notice thereof, and within .... days from the  
18 date of such suspension, shall fix a date of hearing, not more  
19 than .... days from the date of such suspension, and shall give  
20 notice thereof to said operator and to other parties in interest,  
21 who may be heard; and after hearing said commission shall fix  
22 the rate, fare, charge, or tariff in the matter complained of;  
23 and such rate, fare, charge, or tariff, when so fixed, shall  
24 continue to be the legal rate, fare, charge, or tariff in force  
25 until superseded as provided by law.

26       Sec. 6. SAME: AUDIT OF BOOKS BY COMMISSION: DUTY TO FURNISH  
27 DATA. The public service commission may examine any and all books,  
28 accounts, records, and papers of any ferry operators, and audit  
29 the same; and it shall be the duty of any such ferry operators,

1 to furnish to said commission, its proper officers, and em-  
2 ployees, any and all data in relation to its investment, income,  
3 operating expenses, and such other statistical data as it may  
4 require.

5       Sec. 7. SAME: INVESTIGATION, REGULATION OF SERVICE AND  
6 FIXING OF RATES. Whenever any complaint shall be made to said  
7 public service commission by any person, firm or corporation  
8 against any rate, fare, charge, or tariff of any ferry operator  
9 within this state, or against any rule, regulation, or service  
10 of such operator, or against the neglect, failure, or refusal of  
11 any such operator to make, observe or perform any rate, fare,  
12 charge, or tariff, or any rule, regulation, or service, said  
13 commission shall investigate the same, and it may regulate the  
14 performance or observance of any rate, fare, charge, or tariff,  
15 and any rule, regulation, or service, and may prescribe the same  
16 to be observed by such operator; provided, that such operator  
17 shall in all cases be entitled to reasonable notice and an  
18 opportunity to be heard on such investigation before any rate,  
19 fare, charge, or tariff, or any rule, regulation, or service shall  
20 be prescribed, established, or imposed by said commission, in  
21 accordance with the terms of this section, and when any rate,  
22 fare, charge, or tariff, or any rule, regulation, or service  
23 shall be prescribed, established, or imposed by said commission,  
24 it shall thereafter be the duty of said operator to observe and  
25 obey the same.

26       Sec. 8. RULES AND REGULATIONS. (1) The public service  
27 commission is hereby authorized, empowered and directed to make  
28 all needful rules and regulations governing the operation of  
29 licensed ferry operators of the state and its investigations of

1 the affairs of such operators. Such rules and regulations shall  
2 include but not be limited to the form of all reports required  
3 from such operators, the form and amount of bonds to be furnished  
4 by such operators, the procedures required for initial licensing  
5 and renewal thereof, the sale or transfer of such licenses, and  
6 the posting of the schedule of rates, fares, charges and tariffs  
7 of such operators.

8 (2) The procedures prescribed in the Administrative  
9 Procedures Act for the promulgation of rules and regulations and  
10 the conduct of administrative hearings, including appeals there-  
11 from, to the extent not inconsistent herewith, are hereby made  
12 specifically applicable to the promulgation of rules and regu-  
13 lations and the holding of hearings by the public service com-  
14 mission as authorized in this Act.

15 Sec. 9. PENALTY. Any person, firm, or corporation viola-  
16 ting any of the provisions of this Act, or any order of the public  
17 service commission made in pursuance thereof, shall be punishable  
18 by a fine not exceeding ..... dollars,  
19 (\$.....) for each violation, and any officer or director  
20 of any corporation violating the provisions of this Act, or any  
21 orders of the public service commission made in pursuance thereof,  
22 shall be punishable by a fine not exceeding .....  
23 .....dollars (\$.....) for each such violation, or  
24 by imprisonment for not more than .... months, or by both such  
25 fine and imprisonment, in the discretion of the court.

26 Sec. 10. TRANSITION. Within .... days of the effective  
27 date of this Act, every person, firm or corporation licensed to  
28 operate a ferry within the state under pre-existing law, shall,  
29 if desiring to remain a licensed ferry operator, transmit to the

1 public service commission a license application on forms pro-  
2 vided by the commission, together with a schedule of rates, fares,  
3 charges, and tariffs then in existence. The commission may,  
4 at its discretion, issue a license to such operator without  
5 notice or hearing. Thereafter the renewal of such license, or  
6 if the commission will not issue the license without notice and  
7 hearing thereon, the issuance thereof, and the fixing of such  
8 rates, fares, charges and tariffs shall be as prescribed in this  
9 Act or by rule or regulation of the commission issued in pursuance  
10 thereof.

11 Sec. 11. REPEAL. Chapter 4, Title 41, ACLA 1949, is hereby  
12 repealed.

13 Sec. 12. EFFECTIVE DATE. This Act shall take effect  
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