

1 IN THE SENATE

BY SENATOR LOGAN

2 SENATE BILL NO. 95

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act describing bar and river pilotage  
7 grounds; creating Alaska Board of Pilot  
8 Commissioners; providing for its composition  
9 appointment and internal organization; pres-  
10 cribing its powers and duties; providing for  
11 the licensing of bar and river pilots and  
12 establishing fees therefor; and providing  
13 penalties for violation thereof."

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

15 Section 1. DEFINITIONS. As used in this Act, unless the  
16 context requires otherwise:

17 (1) "Board" means the Alaska Board of Pilot Com-  
18 missioners.

19 (2) "Secretary" means the secretary of the board.

20 (3) "Chairman" means the public member of the board.

21 Sec. 2. DESCRIPTION OF BAR AND RIVER PILOTAGE GROUNDS.

22 (1) Bar pilotage grounds:

23 (a) Southeastern Alaska from Dixon Entrance to and  
24 including Prince William Sound and Cook Inlet.

25 (b) Cook Inlet to Unimak Pass including Kodiak  
26 Island and all off-shore islands to Unimak Pass.

27 (c) Unimak Pass to Pribilof Island, Nunivak Island,  
28 St. Matthews Island, St. Lawrence Island and the Diomedes.

29 (d) Kuskokwim Bay north to and including Kotzebue

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Sound and the waters from Kotzebue to McKenzie Bar.

(e) Aleutian Islands from Dutch Harbor to Attu Island.

(2) River pilotage grounds:

- (a) Kuskokwim
- (b) Yukon
- (c) Tanana
- (d) Naknek
- (e) Kvichak.

Sec. 3. ALASKA BOARD OF PILOT COMMISSIONERS. (1) There is hereby created the Alaska Board of Pilot Commissioners. It shall consist of five members, each of which shall be appointed by the governor for a term of four years. One member, who shall be the public member and shall act as the chairman of the board, shall not, during his term have, or for three years prior to his appointment have had, any interest in the ownership, operation or management of any tugs, cargo or passenger vessels, or in the carriage of freight or passengers. The public member shall not, during his term be, or for three years prior to his appointment have been, a member of any association or organization composed of individuals engaged in the maritime industry in any capacity. The public member shall not hold, or have held, a pilot's license issued by any state or federal authority. One member shall be a bar pilot, and one member shall be a river pilot, licensed under this Act and during his term of office shall be actively engaged in piloting upon one of the pilotage grounds of this state. The river pilot shall be a resident of Alaska. The bar pilot shall be a resident of one of the areas in the state having a bar pilotage ground. Two members of the board shall, for at least three years

1 immediately preceding their appointment have been, and during  
2 their terms of office, be actively engaged in the ownership,  
3 operation or management of ocean-going vessels. All members shall  
4 be over 35 years of age at the time of appointment, shall have  
5 been residents of Alaska for at least five years prior to appoint-  
6 ment and shall be citizens of the United States.

7 (2) A member of the board may be removed at any time  
8 during his term of office at the pleasure of the governor.

9 (3) Three members shall constitute a quorum for the  
10 transaction of all business if at least one member is a pilot  
11 member and one member is a member engaged in the ownership, opera-  
12 tion or management of ocean-going vessels, except when the board  
13 fixes pilotage fees under subsection (6) of Sec. 4 a quorum shall  
14 consist of all five members.

15 (4) Each member shall receive no compensation for his  
16 services, but shall receive a per diem allowance of \$10 for each  
17 day in attendance upon his duties under this Act.

18 (5) Of the first five members appointed to the board,  
19 the chairman and one member shall be appointed to serve for a  
20 term of four years, and the other members shall be appointed for  
21 one, two or three-year terms as designated by the governor.  
22 Succeeding members shall be appointed for terms of four years.

23 Sec. 4. POWERS AND DUTIES OF BOARD. The board is authorized  
24 and directed to:

25 (1) Appoint a secretary and other personnel and fix  
26 their compensation;

27 (2) Fix the manner of calling and fix the places of  
28 meetings; provided that at least one meeting shall be held each  
29 calendar year;

1 (3) Provide for efficient and competent pilotage ser-  
2 vice on all pilotage grounds, and regulate and limit the number of  
3 pilots to be licensed under this Act, such number of pilots to be  
4 regulated and limited to the number found by the board to be re-  
5 quired to render efficient and competent pilotage services;

6 (4) Establish and fix the boundaries of pilotage grounds  
7 not described in Sec. 2 of this Act;

8 (5) Establish the qualifications of pilots, provide for  
9 their examinations, for the issuance of pilot's licenses and the  
10 suspension or the revocation thereof; provided, however, that  
11 any person who has been a resident of the state for at least five  
12 (5) years and actively engaged as a river or bar pilot on the date  
13 of the adoption of this Act who is otherwise qualified under the  
14 provisions of Section 8 hereof, shall be exempt from examination  
15 which may be prescribed by the board.

16 (6) Fix, at reasonable and just rates, pilotage fees,  
17 extra services, fees for a pilot being carried to sea unwillingly  
18 and reimbursement for his return to pilot station or for the de-  
19 tention of a pilot; except that pilotage fees shall not be less  
20 inbound or outbound on vessels, propelled in whole or in part by  
21 their own power, than the following: \$1.75 per nautical mile or  
22 \$35.00 whichever is greater. The charge for shifting vessels from  
23 one dock to another shall be \$35.00;

24 (7) In fixing fees pursuant to subsection (6) of this  
25 section, the board shall give due regard to the following factors:

26 (a) The length and net tonnage of the vessels to  
27 be piloted.

28 (b) The difficulty and inconvenience of the parti-  
29 cular service and the skill required to render it.

1 (c) The supply of and demand for pilotage services  
2 (d) The public interest in maintaining efficient,  
3 economical and reliable pilotage service.

4 (e) Other factors relevant to the determination of  
5 reasonable and just rates.

6 (8) Do all other things reasonable, necessary and ex-  
7 pedient to insure proper and safe pilotage and to facilitate  
8 the efficient administration of this Act.

9 Sec. 5. APPLICATION OF ADMINISTRATIVE PROCEDURES ACT. All  
10 of the provisions of the Administrative Procedures Act, are hereby  
11 made applicable to the Alaska Board of Pilot Commissioners.

12 Sec. 6. PILOTS: LICENSING: APPLICATION FOR PILOT'S LICENSE.  
13 An application for a pilot's license shall be made in writing to  
14 the board, stating such information as the board by rule and  
15 regulation may require.

16 Sec. 7. SAME: FORM OF LICENSE. A pilot license shall be  
17 issued in the name of the State of Alaska and contain a designa-  
18 tion of the pilot ground for which it is intended. The license  
19 must be signed by the chairman of the board.

20 Sec. 8. QUALIFICATIONS OF PILOTS. (1) No person shall be  
21 licensed as a pilot unless:

22 (a) He can meet the qualifications adopted by the  
23 board under rules and regulations except that any person who  
24 has been a resident of the state for at least five (5) years  
25 and actively engaged as a river or bar pilot on the date of  
26 adoption of this Act, shall be exempt from any examination  
27 which may be prescribed by the board;

28 (b) He is an American citizen of at least 21 years  
29 of age in the case of a river pilot and 35 years of age in

1 the case of a bar pilot;

2 (c) He is of temperate habits, good mental and  
3 physical health and good moral character; and

4 (d) He possesses the requisite skill and the ex-  
5 perience as a navigator and pilot, together with practical  
6 knowledge of the currents, tides, soundings, bearings and  
7 distances of the several shoals, rocks, bars, points of land-  
8 ings, lights and fog signals of or pertaining to the naviga-  
9 tion of the pilot ground for which he applies for a license  
10 to act as pilot.

11 (2) An applicant for a license over any river pilot  
12 ground must have at least one year's continuous experience pilot-  
13 ing ocean-going vessels in the domestic trade over the pilot ground  
14 for which he makes application, prior to making application for  
15 a license, and must have had the necessary experience in handling  
16 ocean-going vessels through bridges, under varying conditions  
17 with and without towboats.

18 (3) An applicant for a license on bar pilotage grounds  
19 shall satisfy the board that he has means available to him for  
20 boarding and leaving vessels which he may be called upon to pilot.

21 Sec. 9. APPLICATION FOR LICENSE FOLLOWING REJECTION. A  
22 person whose application for a pilot license has been refused may  
23 apply again after the expiration of six months, but not sooner.

24 Sec. 10. RENEWAL OF LICENSE: WITHHOLDING RENEWAL: HEARING.  
25 (1) A license granted to a pilot under this Act shall, as a  
26 matter of course, be annually renewed, unless the board determines  
27 that there is good cause for withholding such renewal, in which  
28 case it shall notify the pilot in writing, at least 60 days before  
29 the expiration of his license, of such determination and the cause

1       thereof.

2                   (2) The pilot may thereupon apply within 10 days for,  
3 a hearing in regard to such cause for withholding the license,  
4 which shall be granted. If, upon such hearing, it appears to the  
5 satisfaction of the board there there is not sufficient cause  
6 for withholding the license, it shall be renewed as a matter of  
7 course, and not otherwise.

8           Sec. 11. PILOT LICENSE FEES. Each pilot licensed under this  
9 Act shall pay to the board a license fee of \$150, and for each  
10 yearly renewal thereof, a fee of \$150.

11           Sec. 12. DISPOSITION AND USE OF MONEYS BY BOARD. The money  
12 received under this Act shall be paid into the state treasury and  
13 placed to the credit of the General Fund in the Pilot Account,  
14 which account hereby is established. Such moneys hereby are  
15 appropriated continuously to be used for the administration and  
16 enforcement of this Act. The Director of Finance is authorized to  
17 audit all claims approved by the board pursuant to such appropria-  
18 tion and draw his warrants therefor on the state treasurer, pay-  
19 able out of the Pilot Account in the General Fund.

20           Sec. 13. PILOTS MUST BE LICENSED: EXCEPTIONS. No person  
21 shall pilot any vessel upon any of the pilotage grounds established  
22 under Sec. 2 or Sec. 4 (4) without being a licensed pilot under  
23 this Act unless he is the master or owner of the vessel.

24           Sec. 14. PILOTS TO BE COMPENSATED AT RATE PROVIDED BY LAW.  
25 No pilot shall demand or receive any greater, lesser or different  
26 compensation for piloting a vessel upon any of the pilotage grounds  
27 than is allowed by law.

28           Sec. 15. AUTHORITY OF PILOTS GENERALLY. A pilot licensed  
29 under this Act may pilot any registered seagoing vessel anywhere

1 upon the pilot ground for which he is licensed, pilot her upon  
2 and over such ground, and demand and receive therefor the com-  
3 pensation allowed by law.

4 Sec. 16. DECLINING SERVICES OF PILOT. If the master or  
5 person in charge of any vessel declines to accept the services of  
6 a pilot upon any pilot ground, the vessel, her owners, operator  
7 and agents are not liable for pilotage.

8 Sec. 17. LIABILITY OF CERTAIN PERSONS FOR PILOT'S COMPENSA-  
9 TION. In addition to the lien of the pilot upon the vessel for  
10 any sum due him for piloting, the master, owner and consignee or  
11 agent are jointly and severally liable to him therefor.

12 Sec. 18. EXHIBITION OF LICENSE ON BOARDING VESSEL. On  
13 boarding a vessel and if required by the master thereof, a pilot  
14 shall exhibit his license before he is authorized to act as a  
15 pilot thereon.

16 Sec. 19. COMPLAINT AGAINST PILOT: FORM, VERIFICATION, SER-  
17 VICE: HEARING: APPLICATION OF SECTION. (1) A complaint against  
18 a pilot shall not be entertained by the board unless it is reduced  
19 to writing, and verified as a complaint in a civil action. When  
20 such complaint is filed with the board, the pilot thereby accused  
21 shall be forthwith served with a copy thereof, and required to  
22 appear and answer the complaint within 10 days after such service,  
23 whereupon the matter shall then be heard, or at a future day  
24 designated by the board.

25 (2) This section shall not apply to or control the pro-  
26 ceedings in any action taken against a pilot upon motion of the  
27 board.

28 Sec. 20. PENALTIES. Any person violating any of the pro-  
29 visions of this Act is punishable, upon conviction, by a fine not

1 to exceed \$500, or by imprisonment not to exceed six months, or  
2 both.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29