

Original Sponsor: State
Affairs Committee

Offered: 3/25/66
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 275

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Transporta-
7 tion Commission; defining its powers and
8 duties; and providing for an effective
9 date."

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

11 * Section 1. AS 42 is amended by adding a new chapter to
12 read:

13 CHAPTER 7. ALASKA TRANSPORTATION COMMISSION.

14 Sec. 42.07.010. CREATION. There is created within
15 the Department of Commerce the Alaska Transportation Com-
16 mission.

17 Sec. 42.07.020. COMPOSITION AND QUALIFICATIONS. (a)
18 The commission consists of three members.

19 (b) Two members of the commission are appointed by
20 the governor, serve at his pleasure, and must be confirmed
21 by a majority of the members of the legislature meeting in
22 joint session. One member shall be qualified by experience
23 or training in the field of air commerce and the other
24 member shall be qualified by experience or training in
25 surface transportation.

26 (c) The third member of the commission is the
27 commissioner of commerce.

28 Sec. 42.07.030. TERM OF OFFICE. The term of office
29 of each member appointed under sec. 20(b) of this chapter

1 is six years or until his successor is appointed and quali-
2 fies, except that the terms of the members initially appointed
3 under sec. 20(b) of this chapter are as follows: one
4 member for two years and one member for four years. For
5 purposes of determining the terms of the initial members,
6 the members shall be considered to have served the first
7 year of their term on February 1, 1967.

8 Sec. 42.07.040. CHAIRMAN OF THE COMMISSION. The
9 governor shall appoint the chairman of the commission from
10 the members appointed to the commission under sec. 20(b) of
11 this chapter. The chairman shall serve in that capacity for
12 a term of one year, but a member may be appointed for suc-
13 cessive terms as chairman. The term of the initial chairman
14 expires February 1, 1967.

15 Sec. 42.07.050. MEETINGS. The commission shall meet
16 at the call of the chair or upon a signed request to the
17 chairman from the other two members.

18 Sec. 42.07.060. RESTRICTIONS OF MEMBERS AND EMPLOYEES.
19 (a) No member or employee may act in any matter in which
20 his relationship or affiliation with an organization, company
21 or otherwise creates a conflict of interest or unfair advan-
22 tage between the member or employee and those subject to
23 regulation by the commission.

24 (b) A person who violates a provision of this section
25 is guilty of a misdemeanor and upon conviction is punishable
26 by imprisonment for not more than six months, or by a fine of
27 not more than \$500, or by both.

28 Sec. 42.07.070. OATH OF OFFICE. Each member of the
29 commission appointed under sec. 20(b) of this chapter

1 shall take and subscribe to the oath of office prescribed
2 for principal officers of the state.

3 Sec. 42.07.080. QUORUM, PRINCIPAL OFFICE, SEAL. (a)

4 Two members of the commission constitute a quorum for the
5 transaction of business.

6 (b) The commission shall establish a principal office.
7 If the inconvenience of the public or of parties may be
8 prevented, the commission may hold hearings or other pro-
9 ceedings at any other place.

10 (c) The commission shall have an official seal.

11 Sec. 42.07.090. COMPENSATION AND SERVICE OF MEMBERS.

12 (a) Members of the commission appointed under sec. 20(b) of
13 this chapter shall devote themselves to the work of the com-
14 mission on a full-time basis. The annual salary of a member
15 of the commission appointed under sec. 20(b) of this chapter
16 is \$17,500, except that the member serving as chairman of the
17 commission is entitled to an annual salary of \$18,000.

18 (b) The commissioner of commerce is not entitled to a
19 salary for his services as a member of the commission. The
20 commissioner of commerce is not required to serve as a member
21 of the commission on a full-time basis but shall perform
22 duties as a member of the commission in those circumstances
23 when his presence is required to constitute a quorum of the
24 commission, in which event he shall vote, and shall cast the
25 deciding vote in the event that there is not unanimity among
26 the other two members in regard to an official decision of
27 the commission.

28 (c) All members of the commission are entitled to the
29 per diem expenses and travel allowances established by law

1 for members of other boards and commissions.

2 Sec. 42.07.100. COMMISSION COUNSEL. The Department of
3 Law shall furnish legal counsel on a continuing basis. The
4 attorney general shall at the request of the commission
5 represent the commission in suits in which it is a party,
6 and may represent the public interest in any proceeding
7 before the commission.

8 Sec. 42.07.110. EMPLOYMENT OF PERSONNEL. (a) Officers,
9 employees and agents of the commission, other than the legal
10 counsel, are appointed to their positions in accordance with
11 AS 39.25.020(2) and are in the classified service under
12 AS 39.25.

13 (b) The commission may employ hearing officers as
14 required. Hearing officers shall be appropriately qualified
15 by experience or training in surface or air transportation.
16 The commission may employ temporary legal counsel whenever
17 the Department of Law is representing the public interest
18 or any other party before the commission and an apparent
19 conflict of interest has developed.

20 Sec. 42.07.120. DELEGATION OF FUNCTIONS. The commission
21 may delegate the performance of a function under this chapter
22 to any of its officers, employees, agents or administrative
23 units, except the promulgation of regulations and the final
24 determination of controversies.

25 Sec. 42.07.130. POWERS AND DUTIES. The commission
26 shall regulate transportation in the state as provided by
27 law.

28 Sec. 42.07.140. ANNUAL REPORT. The commission shall
29 publish an annual report reviewing its work and submit it to

1 the legislature by February 15 of each year. In addition,
2 the report shall contain information and data which bears
3 a significant relationship to the development and regulation
4 of transportation in the state.

5 Sec. 42.07.150. RULES AND REGULATIONS AND HEARING
6 PROCEDURES. (a) The Administrative Procedure Act (AS 44.62)
7 applies to regulations adopted by the commission.

8 (b) The commission shall by regulation establish rules
9 of practice and procedure, consistent with due process of
10 law, which govern the conduct of all investigations, hearings
11 and proceedings which it holds. The regulations shall
12 prescribe how complaints are filed, methods of service and
13 notice, the issuance of subpoenas, the taking of depositions,
14 evidentiary rules, the conduct of hearings and investigations,
15 procedures for continuances and reconsideration, the adminis-
16 tering of oaths, standards of impartiality for hearing
17 officers and commissioners, and those other provisions
18 necessary for administrative adjudication and investigation.
19 Technical rules of evidence need not apply to investigations,
20 hearings and proceedings before the commission. The com-
21 mission may issue subpoenas, subpoenas duces tecum and
22 process to compel testimony or the production of records,
23 papers and documents for the purpose of investigation or
24 adjudication. The commission may petition a court of this
25 state to enforce its subpoenas, subpoenas duces tecum or
26 process to compel testimony. A commissioner may not serve
27 as a hearing officer.

28 (c) Provisions in the Alaska Air Commerce Act of 1960
29 (AS 02.05), the Alaska Motor Freight Carrier Act (AS 42.10)

1 and AS 42.15 which apply the administrative adjudication
2 procedures of the Administrative Procedures Act (AS 44.62)
3 to hearings of the commission are void and the rules of
4 practice and procedure adopted by the commission under (b) of
5 this section shall apply, except that final administrative
6 determinations by the commission are subject to judicial
7 review as provided in AS 44.62.560 - 44.62.570.

8 * Sec. 2. AS 02.05.250(5) is amended to read:

9 (5) "commission" means the Alaska Transportation
10 [PUBLIC SERVICE] Commission or its designated representative.

11 * Sec. 3. AS 42.10.420(1) is amended to read:

12 (1) "commission" means the Alaska Transportation
13 [PUBLIC SERVICE] Commission or its designated representative;

14 * Sec. 4. AS 42.15.010 is amended to read:

15 Sec. 42.15.010. DUTIES OF COMMISSION. The Alaska
16 Transportation [PUBLIC SERVICE] Commission shall

17 (1) administer this chapter, and for that purpose
18 may adopt general or special rules and regulations and issue
19 orders;

20 (2) inquire into the management of the business of
21 common carrier bus transportation services and require from
22 carriers information it considers necessary to carry out this
23 chapter;

24 (3) establish reasonable classifications of groups
25 of carriers included in the term "common carrier by bus" as
26 the special nature of services performed requires, and adopt
27 such reasonable rules, regulations and requirements for the
28 carriers classified or grouped as the commission, after
29 hearing, considers necessary;

1 (4) investigate violations of this chapter and if,
2 after notice and hearing, the commission finds a violation,
3 issue an appropriate order to compel compliance;

4 (5) issue certificates of convenience and necessity;
5 this authority includes the discretion to issue exclusive
6 certificates on such routes and upon such conditions as the
7 commission considers necessary or advisable in the public
8 interest to secure continuous, efficient and dependable bus
9 service; a certificate of convenience and necessity for
10 routes partly inside and partly outside incorporated cities
11 is not final until the city council concurs by a majority vote
12 of the members;

13 (6) prescribe rates, fares or charges or the
14 maximum and minimum rates, fares or charges, or the regula-
15 tion, practice or classification thereafter to be made
16 effective; in establishing rates and allied prescriptions,
17 the commission shall evaluate the circumstances of the bus
18 transportation operation and set rates calculated to yield
19 the operating company a reasonable profit according to
20 established accounting procedures generally utilized in the
21 industry;

22 (7) prescribe a uniform system of accounts and
23 reporting, if it sees fit to do so, applicable to any class
24 of carrier.

25 * Sec. 5. The governor shall call a meeting of the commission
26 within 30 days after the effective date of this Act.

27 * Sec. 6. This Act takes effect July 1, 1966.
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