

Introduced: 2/13/69
Referred: Commerce

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 140

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pilotage."

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

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

9 CHAPTER 10. ALASKA PILOTAGE ACT.

10 Sec. 30.10.010. ALASKA PILOTAGE COMMISSION. There is estab-
11 lished an Alaska Pilotage Commission in the Department of Commerce.
12 The commission consists of the commissioner of commerce and four
13 members appointed by the governor, subject to confirmation by a major-
14 ity of the members of the legislature in joint session. The appointed
15 members shall be appointed without regard to political affiliation.

16 Sec. 30.10.020. QUALIFICATIONS OF MEMBERS. Two of the appointed
17 members shall be licensed pilots actively engaged in piloting on the
18 waters governed by this chapter for at least three years immediately
19 preceding their appointment. Two of the appointed members shall be
20 actively engaged in the ownership, operation or management of deep sea
21 cargo or passenger carrying vessels for at least three years immedi-
22 ately preceding their appointment.

23 Sec. 30.10.030. TERM OF OFFICE AND VACANCIES. The term of office
24 for the appointed members of the commission is four years. If a va-
25 cancy occurs, the governor shall fill it by appointment for the
26 unexpired term. The appointment shall be submitted to the legislature
27 for confirmation at the next regular or special session.

28 Sec. 30.10.040. QUORUM AND CHAIRMAN. (a) A majority of the
29 members constitute a quorum for the transaction of business and three

1 affirmative votes are required for final action.

2 (b) The commission shall annually designate a chairman and a
3 vice-chairman to serve for one year.

4 Sec. 30.10.050. EXPENSES AND PER DIEM. Members of the commission
5 receive no salary, but are entitled to per diem and travel expenses
6 authorized by law for other boards and commissions.

7 Sec. 30.10.060. REMOVAL. (a) A member of the commission may
8 be removed by the governor or the legislature only for cause, after
9 being given a copy of the charges against him and an opportunity to
10 be heard publicly before the governor and a legislative committee of
11 both houses. A copy of the charges and a transcript of the record of
12 the hearing shall be filed with the secretary of state.

(b) In this section "cause" means

15 (1) incompetency which is the inability or the unintentional
or intentional failure to perform the duties of a commissioner; or

16 (2) malfeasance or misfeasance in office.

17 Sec. 30.10.070. MEETINGS. Regular meetings, open to the public,
18 shall be held at the time and place fixed by the commission. Special
19 meetings may be held on the call of the chairman or on the written
20 request of two members.

21 Sec. 30.10.080. MINUTES OF MEETINGS. The commission shall keep
22 minutes of each meeting which shall be of public record and filed with
23 the Department of Commerce.

24 Sec. 30.10.090. POWERS AND DUTIES. (a) The commission shall
25 promulgate regulations not in conflict with this chapter:

26 (1) to establish the qualifications of pilots, provide for
27 their examination and the issuance of licenses to qualified persons
28 and to keep a register of licensed pilots and of vessels, operators
29 and agents;

1 (2) to provide for the maintenance of efficient and com-
2 petent pilotage service on all waters covered by this chapter;

3 (3) to fix the rates of pilotage for the waters covered by
4 this chapter.

5 (b) The Commission may, by regulation, make any other provisions
6 for proper and safe pilotage upon the waters covered by this chapter
7 and for the efficient administration of this chapter.

8 Sec. 30.10.100. INVESTIGATIONS AND HEARINGS. (a) The commis-
9 sion may conduct investigations, inquiries and hearings concerning
10 matters covered by the provisions of this chapter.

11 (b) The commission may administer oaths and affirmations, certi-
12 fy to all official acts, issue subpoenas, compel the attendance and
13 testimony of witnesses and the production of papers, books and docu-
14 ments.

15 (c) If a person fails to comply with a subpoena or order issued
16 under the authority of this chapter, the commission may invoke the
17 aid of any court in this state. The court may order that person to
18 comply with the requirements of the subpoena, or order of the commis-
19 sion, or to give evidence upon the matter in question. Failure to
20 obey the order of the court is punishable by the court as contempt.

21 Sec. 30.10.110. CHANGE OF PILOTAGE RATES; NOTICE. No pilotage
22 rate may be changed by the commission more than once in any 12 month
23 period. No rate may be changed without a public hearing of which due
24 notice by registered letter, mailed at least 15 days prior to the
25 date of hearing, shall have been served upon all pilots licensed under
26 this chapter to pilot vessels on the particular waters for which the
27 change of rate is proposed and upon all vessel operators and agents
28 who have registered with the commission. The notice shall specify
29 the waters for which the change of rate is sought and also the change

1 proposed.

2 Sec. 30.10.120. WATERS AFFECTED. This chapter applies to the
3 inland waters of the state, which include all of the inland waters of
4 Southeastern Alaska, Yakutat Bay, the inland waters of Prince William
5 Sound and Cook Inlet inside a line from Cape Douglas to Anchor Point,
6 the inland waters of Kodiak Island, the Alaska Peninsula and the
7 Aleutian Islands, and the Bering Sea coast and the Arctic Ocean coast
8 inside the three mile limit.

9 Sec. 30.10.130. MANDATORY EMPLOYMENT OF LICENSED PILOTS.

10 (a) Vessels under enrollment, vessels and tow boats engaged exclusive-
11 ly in the coastwise trade, fishing vessels registered on the west
12 coast of the United States, or in Alaska or British Columbia, Canadian
13 cruise vessels sailing in the coastwise trade or motorboats as defined
14 in sec. 1. of the federal Motor Boat Act of 1940 are exempt from the
15 provisions of this chapter, unless a pilot licensed under this chapter
16 is actually employed, in which case the pilotage rates provided for
17 under this chapter apply.

18 (b) A vessel, not exempt under (a) of this section, navigating
19 the inland waters of Alaska shall employ a pilot licensed under the
20 provisions of this chapter and shall be liable for and pay the pilot-
21 age rates established in accordance with the provisions of this
22 chapter.

23 Sec. 30.10.140. PILOT LICENSE AND FEE. (a) No person may
24 pilot a vessel subject to the provisions of this chapter on waters
25 covered by this chapter unless he is appointed and licensed to pilot
26 that vessel on those waters. A person is eligible to be appointed a
27 pilot if he:

- 28 (1) is a citizen of the United States;
29 (2) is over 25 years of age;

1 (3) has been a resident of the state for at least three
2 years prior to his appointment;

3 (4) has a practical knowledge of the navigation of vessels
4 and of the conditions of navigation in the waters for which he desires
5 to be licensed;

6 (5) is of good moral character and of temperate habit;

7 (6) possesses the skill and ability necessary to discharge
8 the duties of a pilot; and

9 (7) holds a first class United States government license
10 to pilot in all ports in the waters of the state.

11 (b) A pilot license issued under this chapter is valid for five
12 years from the date of issuance. A license may be renewed as a matter
13 of course, unless the commission withholds the license for good cause.

14 (c) The annual license fee is \$100 to be paid at the time and
15 in the manner specified by the commission.

16 Sec. 30.10.150. REVOCATION, SUSPENSION AND WITHHOLDING OF
17 LICENSE. (a) The commission may revoke, suspend or withhold a license
18 of a pilot for misconduct, incompetency, inattention to duty, intoxi-
19 cation on duty, failure to perform his duties under this chapter or
20 violation of any of the regulations provided by the commission for
21 the government of pilots.

22 (b) Hearings, inquiries and investigations held under this
23 section are subject to the provisions of the Administrative Procedure
24 Act (AS 44.62.330 - 630).

25 Sec. 30.10.160. FAILURE TO OBSERVE PILOTAGE RATE. (a) No
26 pilot may charge, collect or receive, and no person may pay, for
27 pilotage or other services performed under this chapter, at a differ-
28 ent rate than that prescribed by the commission under this chapter.

29 (b) A pilot or other person violating the provisions of (a) of

1 this section is guilty of a misdemeanor, and upon conviction is punish-
2 able by a fine of not less than \$100 nor more than \$1,000 or imprison-
3 ment for not less than 30 days nor more than six months, or by both.

4 Sec. 30.10.170. OPERATION OF VESSEL BY UNLICENSED PILOT. A
5 person not holding a license as a pilot under this chapter who pilots
6 a vessel required to employ a pilot on waters covered by this chapter
7 shall pay to the commission the pilotage rates which would have been
8 paid to a licensed pilot for the same service.

9 Sec. 30.10.180. REFUSAL TO EMPLOY LICENSED PILOT. A master or
10 owner of a vessel, when required by this chapter to employ a licensed
11 pilot, who refuses to do so when a licensed pilot is available, is
12 guilty of a misdemeanor and upon conviction is punishable by a fine of
13 not less than \$150 nor more than \$500 or imprisonment for not more
14 than six months, or by both.

15 Sec. 30.10.190. PILOT'S LIEN FOR COMPENSATION. Each vessel,
16 its tackle, apparel and furniture and the owner of the vessel are
17 jointly and severally liable for the compensation of a pilot employed
18 on the vessel and the pilot has a lien on the vessel, her tackle,
19 apparel and furniture for his compensation.

20 Sec. 30.10.200. GENERAL PENALTY. Where no other penalty is pre-
21 scribed in this chapter, a violation of a provision of the chapter or
22 of a regulation of the commission is punishable as a misdemeanor.

23 Sec. 30.10.210. SHORT TITLE. This chapter may be cited as the
24 "Alaska Pilotage Act".
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