

Original sponsors: Miller, Gardiner
and Specking

Offered: 3/15/76
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 528 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the division of marine transporta-
7 tion in the Department of Public Works; and providing
8 for an effective date."

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

10 * Section 1. AS 19 is amended by adding a new chapter to read:

11 CHAPTER 65. ALASKA MARINE HIGHWAY REVIEW COMMITTEE.

12 Sec. 19.65.010. REVIEW COMMITTEE CREATED. There is created in
13 the Department of Public Works, division of marine transportation, the
14 Alaska Marine Highway Review Committee consisting of members of the
15 traveling public in Alaska and residents of the coastal communities
16 served, as well as commercial users of the state ferry system and
17 representatives of the tourism industry in the state.

18 Sec. 19.65.020. MEMBERSHIP. (a) The committee consists of

19 (1) five persons appointed by the governor and confirmed by a
20 majority of the members of the legislature in joint session;

21 (2) two members of the legislature, one each from the house
22 and senate appointed by the governor from a list of nominees provided by
23 the president of the senate and the speaker of the house of represen-
24 tatives; the legislative members shall not be members of the same
25 political party.

26 (b) The commissioner of public works, the director of the division
27 of marine transportation, and the director of the division of tourism in
28 the Department of Commerce and Economic Development, or their designees,
29 shall be ex officio members of the committee, but without a vote.

1 Sec. 19.65.030. TERM OF OFFICE; VACANCIES. (a) The members of
2 the committee except legislative members shall serve four-year staggered
3 terms, or until their successors are appointed and qualify. One initial
4 gubernatorial appointee shall serve for one year, one for two years, two
5 for three years, and one for four years.

6 (b) Legislative members shall serve two-year terms ending on
7 January 31 of each odd-numbered year.

8 (c) Vacancies shall be filled in the same manner as original
9 appointment.

10 Sec. 19.65.040. OFFICERS. The chairman and vice-chairman of the
11 committee shall be elected by the members of the committee.

12 Sec. 19.65.050. MEETINGS; RULES OF PROCEDURE. (a) The committee
13 shall prescribe its own rules of procedure. The committee shall meet at
14 least once quarterly at a time and place determined by the chairman, or
15 at other times and places as the chairman or a majority of the members
16 of the committee consider necessary. A quorum is a majority of the
17 committee members. The votes of the committee members shall be re-
18 corded, and effective action requires the affirmative vote of a majority
19 of the committee members present. No committee member may, with respect
20 to a matter before the committee, vote for or on behalf of, or in any
21 way exercise the vote of, another member of the committee.

22 (b) The committee shall meet either in the communities served by
23 the state ferry system, aboard the vessels of the state ferry system, or
24 at other places in the state to enable it to serve as an effective
25 communications link between the public and the division of marine trans-
26 portation, affording that public an opportunity to express its views
27 concerning the planning, operation, management and expansion of state
28 ferry services.

29 Sec. 19.65.060. FUNCTIONS OF THE COMMITTEE. The committee shall

1 review and make recommendations

2 (1) concerning the program budget for the operation of the
3 division for each fiscal year before it is submitted to the department
4 or to the governor under the Executive Budget Act (AS 37.07);

5 (2) concerning the schedule of tariffs and other charges for
6 services provided by the division in accordance with ch. 70 of this
7 title;

8 (3) relating to the policies, practices, procedures, general
9 operation and management of the state ferry system, including but not
10 limited to

11 (A) planning for, and review of, the routes, vessel
12 schedules, types of services and facilities the division should
13 provide to meet the needs of the traveling or using public;

14 (B) the level of staffing and funding for these pro-
15 grams, activities, services or facilities;

16 (C) the relationship of state ferry services to tourism
17 in the state and to other transportation services provided by the
18 state or the publicly regulated private sector of the transporta-
19 tion industry;

20 (4) concerning capital improvement projects and the means of
21 managing and financing them, including both vessels and shore facili-
22 ties, and their relationship to other transportation services and
23 facilities; and

24 (5) concerning the naming of ferry vessels.

25 Sec. 19.65.070. ANNUAL REPORT. The committee shall make an annual
26 report to the governor, commissioner, director and to the legislature
27 and the public concerning its activities, findings and recommendations.
28 The report shall be submitted not later than 10 days after the convening
29 of each regular session of the legislature.

1 Sec. 19.65.080. COMPENSATION. Members of the committee serve
2 without compensation but are entitled to per diem and travel expenses as
3 may be authorized by law for boards and commissions.

4 Sec. 19.65.090. DEFINITIONS. In this chapter

5 (1) "review committee" or "committee" means the Alaska
6 Marine Highway Review Committee created under sec. 10 of this chapter;

7 (2) "commissioner" means the commissioner of public works;

8 (3) "department" means the Department of Public Works;

9 (4) "director" means the director of the division of marine
10 transportation; and

11 (5) "division" means the division of marine transportation.

12 * Sec. 2. AS 19 is amended by adding a new chapter to read:

13 CHAPTER 70. ALASKA MARINE HIGHWAY TARIFF SCHEDULE.

14 Sec. 19.70.010. DECLARATION OF POLICY. The state ferry system,
15 operated by the division of marine transportation in the Department of
16 Public Works, its management, officers, crews, vessels, terminals,
17 routes and other facilities and services, is a moving highway, commonly
18 known as the Alaska Marine Highway. As such, it is a substitute for a
19 network of roads and highways along and through the maritime areas of
20 the state where geography makes the construction and maintenance of that
21 network economically unfeasible, environmentally unsound, and impractical
22 from the standpoint of engineering. It is the purpose of this
23 chapter to provide passengers, shippers, and other users of the state
24 ferry system, as well as the taxpayers of the state, with a stable ferry
25 service operated and managed for their benefit under a fair, just and
26 reasonable tariff schedule and to ensure that marine transportation
27 services will be rendered equitably, economically and efficiently to all
28 users and to the residents and communities of the state dependent on or
29 desiring them, without unjust discrimination or undue preferences or

1 advantages. It is also the purpose of this chapter to make certain that
2 the state ferry system is properly developed and improved, in coordina-
3 tion with other transportation modes and services, and to assure the
4 traveling and using public of adequate, complete and dependable marine
5 transportation services in all aspects. Thus, the state ferry system is
6 uniquely affected with, and shall be managed and operated in, the public
7 interest.

8 Sec. 19.70.020. AUTHORITY TO ESTABLISH TARIFF SCHEDULE. After
9 public notice, hearing, and receipt of the recommendations of the Alaska
10 Marine Highway Review Committee and the director of the division of
11 marine transportation, the commissioner of public works shall establish
12 a tariff schedule and charges for other services rendered by the state
13 ferry system. For the purpose of fixing the tariff schedule, vehicular
14 and passenger traffic may be classified in an appropriate, reasonable
15 manner. The tariff schedule and other charges shall be just and reason-
16 able and may not be unduly or improperly discriminatory or preferential.

17 Sec. 19.70.030. NOTICE AND PUBLIC HEARING. (a) No change may be
18 made by the department in the tariff schedule, or in the classification
19 of traffic for this purpose, or in the charges for other services
20 rendered by the state ferry system except after at least 90 days notice
21 to the public. Public hearings concerning the changes shall be con-
22 ducted by the committee in all or a representative number of the com-
23 munities served by the state ferry system, and elsewhere in the state,
24 at times and at places convenient to the public, in the manner the
25 committee considers appropriate.

26 (b) Notice shall be given by filing with the committee and keeping
27 open for public inspection the proposed or revised tariff schedule,
28 classification of traffic, and charges for other services at the offices
29 and terminals of the state ferry system and at other locations in the

1 state prescribed by the committee. Notice also shall be given of the
2 changes in the tariff schedule, traffic classification or charges for
3 other services, and the time and location of the public hearing or hear-
4 ings concerning them by the placement of appropriate advertisements in
5 the news media throughout the state plainly indicating the changes to be
6 made and when they will go into effect.

7 (c) The committee may prescribe additional means of giving notice.
8 Upon approval of the committee, changes in the tariff schedule, traffic
9 classification, or charges for other services may take effect on less
10 than 90 days notice.

11 (d) Upon the filing of a change in the tariff schedule, traffic
12 classification, and charges for other services or upon complaint or its
13 own motion, the committee may conduct an investigation or hearing, or
14 both, into the justness, reasonableness and appropriateness of the
15 change in, or the administration of, the existing tariff schedule,
16 traffic classification, or charges for other services rendered by the
17 state ferry system. The committee shall make its findings and recom-
18 mendations public and shall present them to the director and to the
19 commissioner.

20 Sec. 19.70.040. ADHERENCE TO TARIFF SCHEDULE. The department or
21 the division may not, directly or indirectly, demand or receive a
22 greater or lesser rate for a service provided or to be provided by it,
23 or extend privileges or facilities for the movement of vehicular or
24 passenger traffic over the terminals, for transportation aboard the
25 vessels between the ports served, or for other services rendered by
26 the state ferry system other than those specified in the tariff schedule
27 or traffic classification and filed in the manner prescribed in this
28 chapter. The tariff schedule, traffic classification, and charges for
29 other services rendered by the state ferry system are the lawful tariffs,

1 classifications and charges until changed in the manner prescribed in
2 this chapter.

3 Sec. 19.70.050. REGULATIONS. Subject to the Administrative Pro-
4 cedure Act (AS 44.62), the department may promulgate regulations to
5 carry out the provisions of this chapter.

6 Sec. 19.70.060. DEFINITIONS. In this chapter

7 (1) "committee" means the Alaska Marine Highway Review
8 Committee created under AS 19.65.010;

9 (2) "commissioner" means the commissioner of public works;

10 (3) "department" means the Department of Public Works;

11 (4) "director" means the director of the division of marine
12 transportation;

13 (5) "division" means the division of marine transportation in
14 the Department of Public Works;

15 (6) "tariff" means a schedule of fares, rates, fees or other
16 charges for the movement of vehicular and passenger traffic over the
17 terminals and aboard the vessels between all ports served, and for all
18 other services rendered or provided by the state ferry system.

19 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).