

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) am re-engrossed
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. One member shall
18 be a resident of a community not served by the Alaska Marine Highway
19 System.

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

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

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

28 (b) The commissioner of public works, the director of the division
29 of marine transportation, and the director of the division of tourism in

1 the Department of Commerce and Economic Development, or their designees,
2 shall be ex officio members of the committee, but without a vote.

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

8 (b) Legislative members shall serve two-year terms ending on
9 the convening of the legislature on each odd year.

10 (c) Vacancies shall be filled in the same manner as original
11 appointment.

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

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

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

1 ferry services.

2 Sec. 19.65.060. FUNCTIONS OF THE COMMITTEE. The committee shall
3 review and make recommendations

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

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

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

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

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

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

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

26 (5) concerning the naming of ferry vessels.

27 Sec. 19.65.070. ANNUAL REPORT. The committee shall make an annual
28 report to the governor, commissioner, director and to the legislature
29 and the public concerning its activities, findings and recommendations.

1 The report shall be submitted not later than 10 days after the convening
2 of each regular session of the legislature.

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

6 Sec. 19.65.075. CONFLICT OF INTEREST REPORTS. Members of the
7 committee shall be subject to AS 39.50.

8 Sec. 19.65.090. DEFINITIONS. In this chapter

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

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

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

13 (4) "director" means the director of the division of marine
14 transportation; and

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

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

17 CHAPTER 70. ALASKA MARINE HIGHWAY TARIFF SCHEDULE.

18 Sec. 19.70.010. DECLARATION OF POLICY. The state ferry system,
19 operated by the division of marine transportation in the Department of
20 Public Works, its management, officers, crews, vessels, terminals,
21 routes and other facilities and services, is a moving highway, commonly
22 known as the Alaska Marine Highway. As such, it is a substitute for a
23 network of roads and highways along and through the maritime areas of
24 the state where geography makes the construction and maintenance of that
25 network economically unfeasible, environmentally unsound, and impracti-
26 cal from the standpoint of engineering. It is the purpose of this
27 chapter to provide passengers, shippers, and other users of the state
28 ferry system, as well as the taxpayers of the state, with a stable ferry
29 service operated and managed for their benefit under a fair, just and

1 reasonable tariff schedule and to ensure that marine transportation
2 services will be rendered equitably, economically and efficiently to all
3 users and to the residents and communities of the state dependent on or
4 desiring them, without unjust discrimination or undue preferences or
5 advantages. It is also the purpose of this chapter to make certain that
6 the state ferry system is properly developed and improved, in coordina-
7 tion with other transportation modes and services, and to assure the
8 traveling and using public of adequate, complete and dependable marine
9 transportation services in all aspects. Thus, the state ferry system is
10 uniquely affected with, and shall be managed and operated in, the public
11 interest.

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

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

1 (b) Notice shall be given by filing with the committee and keeping
2 open for public inspection the proposed or revised tariff schedule,
3 classification of traffic, and charges for other services at the offices
4 and terminals of the state ferry system and at other locations in the
5 state prescribed by the committee. Notice also shall be given of the
6 changes in the tariff schedule, traffic classification or charges for
7 other services, and the time and location of the public hearing or hear-
8 ings concerning them by the placement of appropriate advertisements in
9 the news media throughout the state plainly indicating the changes to be
10 made and when they will go into effect.

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

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

24 Sec. 19.70.040. ADHERENCE TO TARIFF SCHEDULE. The department or
25 the division may not, directly or indirectly, demand or receive a
26 greater or lesser rate for a service provided or to be provided by it,
27 or extend privileges or facilities for the movement of vehicular or
28 passenger traffic over the terminals, for transportation aboard the
29 vessels between the ports served, or for other services rendered by

1 the state ferry system other than those specified in the tariff schedule
2 or traffic classification and filed in the manner prescribed in this
3 chapter. The tariff schedule, traffic classification, and charges for
4 other services rendered by the state ferry system are the lawful tariffs,
5 classifications and charges until changed in the manner prescribed in
6 this chapter. Notwithstanding other provisions of this section, the
7 commissioner may permit special reduced fares or passage for elderly
8 or youth groups recognized by legislative resolution and may permit
9 special reduced fares or passage for groups or individuals which the
10 commissioner determines may benefit the State of Alaska.

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

14 Sec. 19.70.060. DEFINITIONS. In this chapter

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

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

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

19 (4) "director" means the director of the division of marine
20 transportation;

21 (5) "division" means the division of marine transportation in
22 the Department of Public Works;

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

27 * Sec. 3. AS 39.50.200(9) is amended by adding a new subparagraph to read:

28 (LL) Alaska Marine Highway Review Committee (AS 19.65.010)

29 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-

070(c).

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