

1 IN THE HOUSE

BY MILLER AND GARDINER

2 HOUSE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transportation services and
7 planning."

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

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

10 CHAPTER 65. ALASKA MARINE HIGHWAY REVIEW COMMITTEE.

11 Sec. 19.65.010. DECLARATION OF POLICY. The state ferry system,
12 operated by the division of marine transportation in the Department of
13 Public Works, its management, officers, crews, vessels, terminals,
14 routes and other facilities and services is a moving highway commonly
15 known as the Alaska Marine Highway. It is a substitute for a network of
16 roads and highways along and through the maritime areas of the state
17 where geography makes the construction and maintenance of a traditional
18 highway system economically unfeasible, environmentally unsound, and
19 impractical from an engineering standpoint. It is the purpose of this
20 chapter to provide users of the state ferry system and the taxpayers of
21 the state with a ferry service operated and managed as a public service
22 for their benefit under a fair and reasonable tariff schedule, and to
23 ensure that marine transportation services will be rendered equitably,
24 economically and efficiently to all users. It is also the purpose of
25 this chapter to make certain that the state ferry system is properly
26 developed and improved, in coordination with other transportation modes
27 and services, to assure the traveling public complete and dependable
28 marine transportation services, and that the state ferry system is
29 operated in the public interest.

1 Sec. 19.65.020. REVIEW COMMITTEE CREATED; MEMBERSHIP. (a) There
2 is created in the Department of Public Works, division of marine trans-
3 portation, the Alaska Marine Highway Review Committee consisting of
4 members of the traveling public in Alaska, residents of the coastal
5 communities served, commercial users of the state ferry system, and
6 representatives of the tourism industry in the state.

7 (b) The committee consists of

8 (1) five persons appointed by the governor and confirmed by a
9 majority of the members of the legislature in joint session; one of the
10 appointees shall be a resident of a community not served by the state
11 ferry system;

12 (2) two members of the legislature, one each from the house
13 and senate appointed by the governor from a list of nominees provided by
14 the president of the senate and the speaker of the house of representa-
15 tives.

16 (c) The commissioner of public works, the director of the division
17 of marine transportation, and the director of the division of tourism in
18 the Department of Commerce and Economic Development, or their designees,
19 shall be ex officio members of the committee, but may not vote on
20 matters before the committee.

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

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

28 (c) Vacancies shall be filled in the same manner as original
29 appointment.

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

3 Sec. 19.65.050. MEETINGS; RULES OF PROCEDURE. (a) The committee
4 shall prescribe its own rules of procedure. The committee shall meet at
5 least once quarterly at a time and place determined by the chairman, or
6 at other times and places as the chairman or a majority of the members
7 of the committee consider necessary. A quorum is a majority of the
8 committee members. The votes of the committee members shall be re-
9 corded, and effective action requires the affirmative vote of a majority
10 of the committee members present. No committee member may vote for or
11 on behalf of another member of the committee.

12 (b) The committee shall meet either in the communities served by
13 the state ferry system, aboard the vessels of the state ferry system, or
14 at other places in the state to enable it to serve as an effective
15 communications link between the public and the division of marine trans-
16 portation, and affording the public an opportunity to express its views
17 concerning the planning, operation, management and expansion of state
18 ferry services.

19 Sec. 19.65.060. FUNCTIONS OF THE COMMITTEE. The committee shall
20 review and make recommendations

21 (1) concerning the program budget for the operation of the
22 division;

23 (2) concerning the schedule of tariffs and other charges for
24 services provided by the division;

25 (3) relating to the policies, operation, and management of
26 the state ferry system, including but not limited to

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

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

3 (C) the relationship of state ferry services to other
4 transportation services provided by the state or the publicly
5 regulated private sector of the transportation industry;

6 (4) concerning capital improvement projects and the means of
7 managing and financing them, including both vessels and shore facili-
8 ties, and their relationship to other transportation services and
9 facilities; and

10 (5) concerning the naming of ferry vessels.

11 Sec. 19.65.070. TARIFF SCHEDULE; NOTICE AND PUBLIC HEARING. (a)
12 After public notice, hearing, and receipt of the recommendations of the
13 committee and the director of the division of marine transportation, the
14 commissioner of public works shall establish a tariff schedule and
15 charges for other services rendered by the state ferry system. For the
16 purpose of fixing the tariff schedule, vehicular and passenger traffic
17 may be classified in an appropriate, reasonable manner. The tariff
18 schedule and other charges shall be just and reasonable and may not be
19 unduly or improperly discriminatory or preferential.

20 (b) No change may be made by the department in the tariff sched-
21 ule, or in the classification of traffic for this purpose, or in the
22 charges for other services rendered by the state ferry system except
23 after notice to the public and public hearing. Public hearings con-
24 cerning the changes shall be conducted by the committee in all or a
25 representative number of the communities served by the state ferry
26 system, and elsewhere in the state, at times and at places convenient to
27 the public, in the manner the committee considers appropriate.

28 (c) The committee shall make its findings and recommendations
29 public and shall present them to the director and to the commissioner.

1 Sec. 19.65.080. REGULATIONS. Subject to the Administrative Pro-
2 cedure Act (AS 44.62), the department may promulgate regulations to
3 carry out the provisions of this chapter.

4 Sec. 19.65.090. ANNUAL REPORT. The committee shall make an annual
5 report to the governor, commissioner, director and to the legislature
6 and the public concerning its activities, findings and recommendations.
7 The report shall be submitted not later than the convening of each
8 regular session of the legislature.

9 Sec. 19.65.100. COMPENSATION. Members of the committee serve
10 without compensation but are entitled to per diem and travel expenses as
11 may be authorized by law for boards and commissions.

12 Sec. 19.65.110. CONFLICT OF INTEREST REPORTS. Members of the
13 committee are subject to AS 39.50 (conflict of interest).

14 Sec. 19.65.120. DEFINITIONS. In this chapter

15 (1) "review committee" or "committee" means the Alaska Marine
16 Highway Review Committee created under sec. 20 of this chapter;

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;

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

26 * Sec. 2. AS 39.50.200(9) is amended by adding a new subparagraph to
27 read:

28 (MM) Alaska Marine Highway Review Committee (AS 19.-
29 65.010)

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