

Original sponsor: Commerce Committee

Offered: 4/26/79
Referred: Judiciary and
Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 236 am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Alaska Trans-
7 portation Commission and amending laws relating to
8 the commission; and providing for an effective
9 date."

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

11 * Section 1. AS 44.66.010(2) is amended to read:

12 (2) Alaska Transportation Commission (AS 42.07.011) --
13 June 30, 1981 [1979];

14 * Sec. 2. AS 02.05 is amended by adding a new section to read:

15 Sec. 02.05.035. EXEMPT AIR CARRIERS. This chapter applies to all
16 air carriers unless specifically exempted by this section. This chap-
17 ter, except when specifically otherwise provided, does not apply to

18 (1) the operation of rotary-wing aircraft (helicopters) by an
19 air carrier;

20 (2) the operation of unscheduled, single-engine, fixed-wing
21 aircraft with a certified gross takeoff weight of 5,500 pounds or less
22 by an air carrier.

23 * Sec. 3. AS 39.25.120 is amended by adding a new paragraph to read:

24 (12) the director, deputy director, and staff legal counsel of
25 the Alaska Transportation Commission.

26 * Sec. 4. AS 42.07.101 is repealed and re-enacted to read:

27 Sec. 42.07.101. EMPLOYMENT OF COMMISSION PERSONNEL. (a) The
28 commission may employ an executive director who shall have had at least
29 five years of experience in public transportation management or

1 regulation, law, accounting, or an allied field. The executive director
2 may be a member of the commission. The commission may employ engineers,
3 hearing officers, staff legal counsel, experts, clerks, accountants, and
4 other agents and assistants it considers necessary. The executive
5 director, if not a member of the commission, his deputy and staff legal
6 counsel to the commission are in the partially exempt service under
7 AS 39.25.120. All other employees and agents of the commission are in
8 the classified service under AS 39.25.100. The salary of an executive
9 director who is a member of the commission may not exceed that of a
10 superior court judge.

11 (b) In addition to its staff of regular employees, the commission
12 may contract for and engage the services of consultants and experts the
13 commission considers necessary.

14 * Sec. 5. AS 42.07.121 is amended to read:

15 Sec. 42.07.121. GENERAL POWERS AND DUTIES. The Alaska Transporta-
16 tion Commission shall supervise and regulate transportation in the state
17 as provided in this chapter and in AS 02.05 and AS 42.10 [, AS 42.15,
18 AS 42.25], and may do all things, whether specifically designated in
19 this chapter or in AS 02.05 or AS 42.10 [, AS 42.15, AS 42.25], or in
20 addition thereto, which are necessary or convenient in the exercise of
21 this power and jurisdiction.

22 * Sec. 6. AS 42.07 is amended by adding a new section to read:

23 Sec. 42.07.126. EXEMPT TRANSPORTATION CARRIERS. The jurisdiction
24 of the commission does not extend to the regulation of carriers by bus
25 or to the regulation of ferry transportation.

26 * Sec. 7. AS 42.07.131 is amended to read:

27 Sec. 42.07.131. AUTHORITY LIMITED BY FEDERAL LAW. The provisions
28 of this chapter and AS 02.05 and AS 42.10 [AND AS 42.15] apply to trans-
29 portation carriers engaged in foreign commerce and interstate commerce

1 to the extent permitted by the constitution and laws of the United
2 States.

3 * Sec. 8. AS 42.07 is amended by adding a new section to read:

4 Sec. 42.07.136. INSURANCE OR DEPOSIT OF SECURITY ON EXEMPT
5 CARRIERS. The commission shall require carriers exempted under
6 AS 02.05.035, AS 42.07.126, and AS 42.10.020 to procure and maintain
7 bodily injury and property damage liability insurance from a company
8 licensed to write insurance in the state or deposit security for the
9 limits of liability and upon the terms and conditions the commission
10 determines necessary for the reasonable protection of the public against
11 damage and injury for which the carrier may be liable by reason of its
12 operation. Evidence of the required insurance shall be filed with the
13 commission.

14 * Sec. 9. AS 42.10.020 is amended by adding a new paragraph to read:

15 (5) motor vehicles operated as tow trucks.

16 * Sec. 10. AS 42.10.090(2) is amended to read:

17 (2) require every private carrier and every exempt carrier
18 except as provided in AS 42.10.020(4) and (5) to file information re-
19 quired by the commission to carry out this chapter, and supervise and
20 regulate each private carrier in all other matters affecting its rela-
21 tionship with the shipping and the general public.

22 * Sec. 11. AS 39.23.060 is amended to read:

23 Sec. 39.23.060. REVIEW OF COMPENSATION AND BENEFITS; OFFICERS
24 COVERED. The commission shall conduct an on-going review of compensa-
25 tion and retirement benefits for members of the legislature; the gover-
26 nor; the lieutenant governor; commissioners, deputy commissioners, and
27 division directors of each executive department; members of the Alaska
28 Public Utilities Commission; members of the Alaska Pipeline Commission;
29 members of the Alaska Transportation Commission; members of the Alaska

1 Commercial Fisheries Entry Commission; and the judiciary, to determine
2 the appropriateness of compensation and benefits.

3 * Sec. 12. AS 39.27.011(b) is amended to read:

4 (b) The salary schedule set out in (a) of this section has no
5 effect upon other provisions of law specifying the salary of the gover-
6 nor, lieutenant governor, legislators, judicial officers as defined in
7 AS 22.20.010, department heads, and members of the Alaska Public Utili-
8 ties Commission, the Alaska Transportation Commission, the Alaska Pipe-
9 line Commission, or the Alaska Commercial Fisheries Entry Commission.

10 * Sec. 13. AS 42.07.071 is amended to read:

11 Sec. 42.07.071. COMPENSATION OF MEMBERS OF THE ALASKA TRANSPORTA-
12 TION COMMISSION. The Commissioners are in the exempt service under
13 AS 39.25 and shall receive an annual salary as established under AS 39.23
14 [SET BY AS 39.27.011(a) FOR RANGE 27, STEP C OF THE STATE PAY PLAN].

15 * Sec. 14. AS 42.15 and AS 42.25 are repealed.

16 * Sec. 15. AS 02.05.035(2), as added by sec. 2 of this Act, takes effect
17 July 1, 1980. Sections 1 and 3 - 10 and 14 of this Act take effect July 1,
18 1979. Section 11 of this Act takes effect immediately in accordance with
19 AS 01.10.070(c). Sections 12 and 13 of this Act take effect on the effective
20 date of the next recommendation submitted to and accepted by the legislature
21 under AS 39.23.080(c) following the effective date of sec. 11 of this Act.
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