

Introduced: 1/18/83
Referred: Labor and Commerce and
Finance

1 IN THE SENATE

BY V.FISCHER

2

SENATE BILL NO. 35

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to transportation; merging the
7 Alaska Transportation Commission with the Alaska
8 Public Utilities Commission; and providing for an
9 effective date."

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

11 * Section 1. AS 02.05.075(a) is amended to read:

12 (a) The following fees shall be paid at the time of application
13 including transfers, amendments, leases, and applications for tempo-
14 rary exemption:

15 (1) Applications involving aircraft weight of 12,500 pounds
16 gross take off weight or less.....\$150 [\$100]

17 (2) Applications involving aircraft weight of 12,501 pounds
18 gross take off weight or over.....\$300 [\$200]

19 * Sec. 2. AS 02.05.090(f) is amended to read:

20 (f) Except as provided in (g) of this section, each aircraft
21 owned or leased by any person subject to the provisions of this chap-
22 ter shall be registered with the commission before the aircraft is
23 used in air commerce. Certificates of registration for each aircraft
24 shall be issued by the commission. These certificates are valid for a
25 period of 12 months from the date of registration and are renewed at
26 the expiration of each 12 month period. The fees for registration of
27 aircraft are as follows:

28 (1) Aircraft weighing 4,000 pounds gross
29 weight or less\$ 37.50 [\$ 25]

| | | | |
|----|--|-------|-------|
| 1 | (2) Aircraft weighing over 4,000 pounds but | | |
| 2 | less than 7,900 pounds gross weight..... | \$ 75 | [50] |
| 3 | (3) Aircraft weighing 7,900 pounds but less | | |
| 4 | than 12,500 pounds gross weight..... | \$150 | [100] |
| 5 | (4) Aircraft weighing 12,500 pounds but less | | |
| 6 | than 27,000 pounds gross weight..... | \$225 | [150] |
| 7 | (5) Aircraft weighing 27,000 pounds but less | | |
| 8 | than 50,000 pounds gross weight..... | \$450 | [300] |
| 9 | (6) Aircraft weighing 50,000 pounds but less | | |
| 10 | than 75,000 pounds gross weight..... | \$600 | [400] |
| 11 | (7) Aircraft weighing 75,000 pounds gross | | |
| 12 | weight or more | \$900 | [600] |

13 * Sec. 3. AS 02.05.250(5) is amended to read:

14 (5) "commission" means the Alaska Public Utilities [TRANS-
15 PORTATION] Commission or its designated representative;

16 * Sec. 4. AS 19.40.100(b)(3) is amended to read:

17 (3) motor carriers engaged in commerce which are common
18 carriers or contract carriers regulated by the Alaska Public Utilities
19 [TRANSPORTATION] Commission under AS 42.10.

20 * Sec. 5. AS 28.10.502(b) is amended to read:

21 (b) A lien under this section is limited to towing and storage
22 charges assessed according to the tariff filed by the carrier with the
23 Alaska Public Utilities [TRANSPORTATION] Commission; however, in the
24 absence of a filed tariff, the towing or storage charge shall be the
25 same as the lowest similar charge in the other filed tariffs covering
26 the same service or route. Storage charges cease to be part of the
27 lien after 60 days unless the registered owner or primary lienholder,
28 if any, has been given actual notice of the possessory lien within
29 that time or unless a certified letter has been mailed within that

1 time to the owner and primary lienholder, if any, at their addresses
2 of record with the Department of Public Safety or the corresponding
3 office in another jurisdiction in which the title to the motor vehicle
4 and the lien on it are recorded.

5 * Sec. 6. AS 29.48.030(b) is amended to read:

6 (b) First and second class boroughs may exercise the powers
7 conferred by (a) of this section or AS 29.48.033(a) only after they
8 have been assumed in the manner required under AS 29.33.250 - 29.33.-
9 290 for areawide exercise or in the manner required under AS 29.38.-
10 010 - 29.38.050 for exercise in the borough area outside cities, or
11 are conferred by AS 29.48.020 for exercise in the borough area outside
12 cities. However, as to powers conferred under (a) (12) of this sec-
13 tion, exercise of the powers areawide or in the borough area outside
14 cities is at the option of the borough and is not subject to those
15 restrictions on acquisition of additional borough powers. With res-
16 spect only to boroughs which on September 10, 1972 are not exercising
17 powers conferred under (a) (12) of this section on an areawide basis,
18 objection which a city may raise to areawide exercise of the powers by
19 a borough shall be reviewed by the Alaska Public Utilities [TRANSPOR-
20 TATION] Commission. The commission shall decide whether exercise of
21 the powers exclusively by the borough areawide is to be approved as in
22 the public interest under the particular facts and circumstances at
23 issue.

24 * Sec. 7. AS 39.25.120(c)(6) is amended to read:

25 (6) the executive director, deputy director, hearing offi-
26 cers, staff legal counsel, and administrative law judges of the Alaska
27 Public Utilities Commission;

28 * Sec. 8. AS 42.07.191 is amended to read:

29 CHAPTER 07. [ALASKA] TRANSPORTATION [COMMISSION] ACT.

1 Sec. 42.07.191. DEFINITION. In this chapter, "commission" means
2 the Alaska Public Utilities [TRANSPORTATION] Commission.

3 * Sec. 9. AS 42.10.160 is amended to read:

4 Sec. 42.10.160. FEES. (a) A filing fee of \$75 [\$50] shall be
5 paid with each application for a permit, temporary permit, or for
6 extension or transfer of a permit requesting authority to transport
7 property for compensation by motor vehicle moving in intrastate com-
8 merce in this state.

9 (b) A filing fee of \$37.50 [\$25] shall be paid for filing an
10 initial registration of authority authorizing a motor carrier to
11 engage in the transportation of property for compensation by motor
12 vehicle in interstate or foreign commerce in the state.

13 (c) A filing fee of \$15 [\$10] shall be paid with each annual
14 renewal application for the registration of authority to engage in the
15 transportation of property for compensation by motor vehicle moving in
16 interstate or foreign commerce in the state.

17 * Sec. 10. AS 42.10.240(a)(1) is amended to read:

18 (1) motor vehicles of private carriers and exempt carriers
19 as described in AS 42.10.020(4), except those of persons who rent,
20 lease or otherwise provide a motor vehicle for use of motor carriers,
21 weighing over 4,000 pounds..... \$ 37.50 [\$25]

22 * Sec. 11. AS 42.10.240(a)(2) is amended to read:

23 (2) motor vehicles of common carriers, contract carriers
24 and of private carriers excepted in (1) of this subsection weighing:
25 (A) 12,000 pounds or less..... \$ 52.50 [\$35]
26 (B) 12,001 - 18,000 pounds..... \$ 82.50 [55]
27 (C) over 18,000 pounds..... \$ 112.50 [75]

28 * Sec. 12. AS 39.25.120(c)(7); AS 39.50.200(b)(30); AS 42.07.011 - 42.-
29 07.111; and AS 44.66.010(a)(2) are repealed.

1 * Sec. 13. TRANSITION. (a) All orders, determinations, regulations,
2 contracts, certificates, decisions, and privileges that have been issued,
3 made, adopted, granted, or allowed to become effective by the Alaska Trans-
4 portation Commission or by a court, in the performance of functions or in
5 the conduct of proceedings that are transferred by this Act, continue in
6 effect according to their terms until modified, terminated, superseded, set
7 aside, or revoked in accordance with law by the Alaska Public Utilities
8 Commission or other authorized officials, a court, or by operation of law.

9 (b) The provisions of this Act do not affect a rate classification or
10 other proceeding or an application for a certificate that is pending before
11 the Alaska Transportation Commission on the effective date of this Act, but
12 these proceedings and the processing of applications continue under the
13 Alaska Public Utilities Commission. Orders shall be issued in these pro-
14 ceedings, and appeals may be taken from them, as if this Act had not been
15 enacted; and orders issued in these proceedings continue in effect until
16 modified, terminated, superseded, or revoked by an authorized official, or
17 by a court of competent jurisdiction or by operation by law. Nothing in
18 this subsection prohibits the discontinuance or modification of these
19 proceedings under the same terms and conditions and to the same extent that
20 these proceedings could have been discontinued or modified if this Act had
21 not been enacted.

22 (c) The Alaska Public Utilities Commission, with the advice of the
23 Alaska Transportation Commission, shall provide for the orderly transfer of
24 proceedings from the Alaska Transportation Commission to the Alaska Public
25 Utilities Commission.

26 (d) Except as provided in this subsection, the personnel employed in
27 connection with, and the personnel positions, assets, liabilities, con-
28 tracts, property, records, and unexpended balances of appropriations,
29 authorizations, allocations, and other funds employed, held, used, arising

1 from, available to or to be made available with, the functions and programs
2 transferred by this Act are transferred from the Alaska Transportation
3 Commission to the Alaska Public Utilities Commission for appropriate allo-
4 cation in accordance with law. The positions of commissioner and of execu-
5 tive director of the Alaska Transportation Commission are abolished.

6 * Sec. 14. REFERENCES TO TRANSPORTATION COMMISSION. All other refer-
7 ences in the Alaska Statutes to the Alaska Transportation Commission, or to
8 the commissioners of the Alaska Transportation Commission, not expressly
9 amended by or referred to in this Act shall be read as the Alaska Public
10 Utilities Commission, or the commissioners of the Alaska Public Utilities
11 Commission, respectively, in order to implement this Act.

12 * Sec. 15. This Act takes effect July 1, 1983.