

COMMITTEE REPORT

HOUSE

Mr. Speaker:

Date _____

The Committee on _____ has had _____

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ Chairman

Original sponsors: Miller, Gardiner
and Specking

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 OFFICES; 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 certify. 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.

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

Sec. 19.65.090. DEFINITIONS. In this chapter

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

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

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

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

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

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

CHAPTER 70. ALASKA MARINE HIGHWAY TARIFF SCHEDULE.

Sec. 19.70.010. DECLARATION OF POLICY. The state ferry system, operated by the division of marine transportation in the Department of Public Works, its management, officers, crews, vessels, terminals, routes and other facilities and services, is a moving highway, commonly known as the Alaska Marine Highway. As such, it is a substitute for a network of roads and highways along and through the maritime areas of the state where geography makes the construction and maintenance of that network economically unfeasible, environmentally unsound, and impractical from the standpoint of engineering. It is the purpose of this chapter to provide passengers, shippers, and other users of the state ferry system, as well as the taxpayers of the state, with a stable ferry service operated and managed for their benefit under a fair, just and reasonable tariff schedule and to ensure that marine transportation services will be rendered equitably, economically and efficiently to all users and to the residents and communities of the state dependent on or 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 44.52), 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 19.05.010;

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 01.16.-
20 070(c).

FORM 02-0018C
FOR BRIEF COMMUNICATIONS
MAY BE HANDWRITTEN

MEMORANDUM

State of Alaska

TO: Legislative Affairs

DEPT. _____
DIV. _____
SEC. _____

DATE : March 12, 1976

FROM: Rebecca Engen, Secretary
House Finance Committee

SUBJECT: HB 538

I'm sorry we have to ask for a rework of this committee substitute. The changes are made in ink. Rep. Malone asks a question on page 4 of the bill.

Should be returned to me in Room 411 by Monday.

Thanks.

changed [unclear] to [unclear]

FORM 02-001BC

FOR BRIEF COMMUNICATIONS

MAY BE HANDWRITTEN

MEMORANDUM

TO: Legislative Affairs

State of Alaska

DEPT. _____

DIV. _____

SEC. _____

DATE : March 12, 1976

FROM: Rebecca Lugen, Secretary
House Finance Committee

SUBJECT: HB 528

Please prepare a Finance Committee Substitute for
HB 528 and have it returned to me in Room 411 by
Monday morning.

Thank you.

Original sponsors: Miller, Gardiner
and Specking

Offered: 2/5/76
Referred: Finance

1 IN THE HOUSE

FINANCE
BY THE STATE-APPAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 528

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 ADVISORY COMMITTEE.

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

18 Sec. 19.65.020. MEMBERSHIP. (a) The committee consists of
19 ^{five} and confirmed by a
20 majority of the members of the legislature in joint session.
21 ~~representative of the traveling public in the state and the residents of~~
22 ~~the communities served by the state ferry system;~~

23 ~~(2) two persons appointed by the governor who are shippers~~
24 ~~aboard or commercial users of state ferry services; including one repre-~~
25 ~~sentative of the tourism industry in the state;~~

26 ⁽²⁾ two members of the legislature, ^{one each from the house & senate} one each appointed by the
27 ^{legislative} president of the senate and the speaker of the house of representatives. TH

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
the Department of Commerce and Economic Development, or their designees,

1 shall be ex'officio members of the committee, but without a vote.

2 Sec. 19.65.030. TERM OF OFFICE; VACANCIES. (a) The members of
3 except legislative members
4 the committee ~~/appointed by the governor~~ shall serve at his pleasure for
5 four-year staggered terms, or until their successors are appointed and
6 qualify. One initial gubernatorial appointee shall serve for one year,
7 one for two years, ^{two} ~~one~~ for three years, and ^{one} ~~two~~ for four years; however,
8 ~~one four-year term shall be assigned to a public member and one to a~~

9 ~~commercial user member.~~ (b) Legislative members shall serve two year terms ending on
10 the 31st of January of each odd numbered year.

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

13 Sec. 19.65.040. OFFICERS. The chairman and vice-chairman of the
14 committee shall be elected ^{by} ~~from among~~ the members of the committee
15 ~~appointed by the governor.~~

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

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

1 ferry services.

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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 and 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. 19.65.090. DEFINITIONS. In this chapter

7 (1) "advisory committee" or "committee" means the Alaska
8 Marine Highway Advisory Committee created under sec. 10 of this chapter;

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; and

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

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

15 CHAPTER 70. ALASKA MARINE HIGHWAY TARIFF SCHEDULE.

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

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

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

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

28 (b) Notice shall be given by filing with the committee and keeping
29 open for public inspection the proposed or revised tariff schedule,

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

9 (c) The committee may prescribe additional means of giving notice.
10 Upon approval of the committee
11 / ~~It may, for good cause shown, permit~~ changes in the tariff schedule,
12 traffic classification, or charges for other services/^{may} take effect on
13 less than 90 days notice ~~under those conditions the committee may pre-~~
14 ~~scribe by regulation.~~

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,
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21 state ferry system. The committee shall make its findings and recom-
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23 commissioner.

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26 greater or lesser rate for a service provided or to be provided by it,
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28 passenger traffic over the terminals, for transportation aboard the
29 vessels between the ports served, or for other services rendered by
the state ferry system other than those specified in the tariff schedule

1 or traffic classification and filed in the manner prescribed in this
2 chapter. The tariff schedule, traffic classification, and charges for
3 other services rendered by the state ferry system are the lawful tariffs,
4 classifications and charges until changed in the manner prescribed in
5 this chapter.

6 Sec. 19.70.050. REGULATIONS. Subject to the Administrative Pro-
7 cedure Act (AS 44.62) ~~and the approval of the committee~~, the department
8 may promulgate regulations to carry out the provisions of this chapter.

9 Sec. 19.70.060. DEFINITIONS. In this chapter

10 (1) "committee" means the Alaska Marine Highway Advisory
11 Committee created under AS 19.65.010;

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

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

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

16 (5) "division" means the division of marine transportation in
17 the Department of Public Works;

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

22 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

23 070(c).

Original sponsors: Miller, Gardiner
and Specking

Offered: 2/5/76
Referred: Finance

1 IN THE HOUSE

FINANCE
BY THE STATE-APPAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 528

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16 well as commercial users of the state ferry system and representatives
17 of the tourism industry in the state.

18 Sec. 19.65.020. MEMBERSHIP. (a) The committee consists of
19 ^{five} ~~three~~ persons appointed by the governor, ^{and confirmed by a} ~~who are broadly~~
20 majority of the members of the legislature in joint session.
21 ~~representative of the traveling public in the state and the residents of~~
22 ~~the communities served by the state ferry system;~~

23 ~~(2) -- two persons appointed by the governor who are shippers~~
24 ~~aboard or commercial users of state ferry services; including one repre-~~
25 ~~sentative of the tourism industry in the state;~~

26 ⁽²⁾ ~~two~~ members of the legislature, ^{one each from the House and} ~~one each~~ appointed by the
27 ~~governor from a list of nominees provided by the~~ president of the senate and the speaker of the house of representatives.
28 ^{The legislative members may not be of the same political party.}

29 (b) The commissioner of public works, the director of the division
of marine transportation, and the director of the division of tourism in
the Department of Commerce and Economic Development, or their designees,

1 shall be ex'officio members of the committee, but without a vote.

2 Sec. 19.65.030. TERM OF OFFICE; VACANCIES. (a) The members of
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4 the committee ~~/appointed by the governor~~ shall serve ~~at his pleasure for~~
5 four-year staggered terms, or until their successors are appointed and
6 qualify. One initial gubernatorial appointee shall serve for one year,
7 one for two years, one for three years, and two for ³four years; ~~however,~~
8 ~~one four-year term shall be assigned to a public member and one to a~~

9 ~~commercial-use member.~~ (b) Legislative members shall serve two year terms ending on
10 the 31st of January of each odd numbered year.

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

13 Sec. 19.65.040. OFFICERS. The chairman and vice-chairman of the
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15 ~~appointed by the governor.~~

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22 corded, and effective action requires the affirmative vote of a majority
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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. 19.65.090. DEFINITIONS. In this chapter

7 (1) "advisory committee" or "committee" means the Alaska
8 Marine Highway Advisory Committee created under sec. 10 of this chapter;

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; and

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

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

15 CHAPTER 70. ALASKA MARINE HIGHWAY TARIFF SCHEDULE.

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

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

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

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

28 (b) Notice shall be given by filing with the committee and keeping
29 open for public inspection the proposed or revised tariff schedule,

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

9 (c) The committee may prescribe additional means of giving notice.
10 Upon approval of the committee
11 / ~~it may, for good cause shown, permit~~ changes in the tariff schedule,
12 traffic classification, or charges for other services ^{may} take effect on
13 less than 90 days notice ~~under those conditions the committee may pre-~~
14 ~~scribe by regulation.~~

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

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

1 or traffic classification and filed in the manner prescribed in this
2 chapter. The tariff schedule, traffic classification, and charges for
3 other services rendered by the state ferry system are the lawful tariffs,
4 classifications and charges until changed in the manner prescribed in
5 this chapter.

6 Sec. 19.70.050. REGULATIONS. Subject to the Administrative Pro-
7 cedure Act (AS 44.62) and the approval of the committee, the department
8 may promulgate regulations to carry out the provisions of this chapter.

9 Sec. 19.70.060. DEFINITIONS. In this chapter

10 (1) "committee" means the Alaska Marine Highway Advisory
11 Committee created under AS 19.65.010;

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

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

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

16 (5) "division" means the division of marine transportation in
17 the Department of Public Works;

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

22 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
23 070(c).

Introduced: 5/28/75
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY MILLER, GARDINER AND SPECKING

2 HOUSE BILL NO. 528

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating advisory committees to the division of
7 marine transportation in the Department of Public Works;
8 and providing 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 ADVISORY COMMITTEES.

12 Sec. 19.65.010. ADVISORY COMMITTEES CREATED. (a) There are
13 created in the Department of Public Works, division of marine transporta-
14 tion, advisory committees consisting of members of the traveling public
15 in Alaska and residents of the communities served, as well as commercial
16 users of the state ferry system and representatives of the tourism
17 industry in the state.

18 (b) There is an Alaska Marine Highway Advisory Committee for South-
19 eastern Alaska and an Alaska Marine Highway Advisory Committee for South-
20 central Alaska (Prince William Sound-Cook Inlet-Kodiak). When state
21 ferry services are extended to western Alaska, the Aleutian Islands, or
22 along the river basin system of interior Alaska, an advisory committee
23 or committees shall be established by the department in those areas and
24 the members shall be appointed in the manner prescribed in sec. 20 of
25 this chapter.

26 Sec. 19.65.020. MEMBERSHIP. (a) Each advisory committee consists
27 of

28 (1) three persons appointed by the governor who are broadly
29 representative of the traveling public in the state and the residents of

1 the communities served by the state ferry system;

2 (2) two persons appointed by the governor who are shippers
3 aboard or commercial users of state ferry services, including one repre-
4 sentative of the tourism industry in the state;

5 (3) two members of the legislature, one each appointed by the
6 president of the senate and the speaker of the house of representatives.

7 (b) The commissioner of public works, the director of the division
8 of marine transportation, and the director of the division of tourism
9 in the Department of Economic Development or a comparable agency located
10 elsewhere in the executive branch of state government, or their
11 designees, shall be ex officio members of each advisory committee, but
12 without a vote.

13 Sec. 19.65.030. TERM OF OFFICE; VACANCIES. (a) The members of
14 each advisory committee appointed by the governor shall serve at his
15 pleasure for four-year staggered terms, or until their successors are
16 appointed and qualify. One initial gubernatorial appointee shall serve
17 for one year, one for two years, one for three years and two for four
18 years; however, one four-year term shall be assigned to a public member
19 and one to a commercial user member.

20 (b) Vacancies shall be filled in the same manner as original
21 appointment.

22 Sec. 19.65.040. OFFICERS. The chairman and vice chairman of each
23 advisory committee shall be elected from among the members of the commit-
24 tee appointed by the governor.

25 Sec. 19.65.050. MEETINGS; RULES OF PROCEDURE. (a) Each advisory
26 committee shall prescribe its own rules of procedure. The committee
27 shall meet at least once quarterly at a time and place determined by the
28 chairman, or at other times and places as the chairman or a majority of
29 the members of the committee consider necessary. A quorum is a majority

1 of the committee members. The votes of the committee members shall be
2 recorded, and effective action requires the affirmative vote of a major-
3 ity of the committee members present. No committee member may, with
4 respect to a matter before the committee, vote for or on behalf of, or in
5 any way exercise the vote of, another member of the committee.

6 (b) The committees shall meet either in the communities served by
7 the state ferry system, aboard the vessels of the state ferry system, or
8 at other places in the state to enable them to serve as an effective
9 communications link between the public and the division of marine trans-
10 portation, affording that public an opportunity to express its views con-
11 cerning the planning, operation, management and expansion of state ferry
12 services.

13 Sec. 19.55.060. FUNCTIONS OF THE ADVISORY COMMITTEES. An advisory
14 committee shall review and make recommendations

15 (1) concerning the program budget for the operation of the
16 division in the area served by the advisory committee for each fiscal
17 year before it is submitted to the department or to the governor under
18 the Executive Budget Act (AS 37.07);

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

21 (3) relating to the policies, practices, procedures, general
22 operation and management of the state ferry system, including but not
23 limited to

24 (A) planning for, and review of, the routes, types of
25 services and facilities the division should provide to meet the
26 needs of the traveling or using public;

27 (B) the level of staffing and funding for these programs
28 activities, services or facilities;

29 (C) the relationship of state ferry services to tourism

1 in the state and to other transportation services provided by the
2 state or the publicly regulated private sector of the transporta-
3 tion industry;

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

8 (5) concerning the naming of ferry vessels.

9 Sec. 19.65.070. ANNUAL REPORT. Each advisory committee shall make
10 an annual report to the governor, commissioner, director and to the
11 legislature and the public concerning its activities, findings and re-
12 commendations. The report shall be submitted not later than 10 days
13 after the convening of each regular session of the legislature.

14 Sec. 19.65.080. COMPENSATION. Members of each advisory committee
15 serve without compensation but are entitled to per diem and travel
16 expenses as may be authorized by law for boards and commissions.

17 Sec. 19.65.090. DEFINITIONS. In this chapter

18 (1) "advisory committee" or "committee" means an Alaska Marine
19 Highway Advisory Committee created under sec. 10 of this chapter;

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

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

22 (4) "director" means the director of the division of marine
23 transportation; and

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

25 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

for future work by

subcommittee

3-9-76

Chairman Malone

- Buckholdt