

COMMITTEE REPORT

SENATE

Mr. President:

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

Offered: 5/29/76  
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR 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 transportation services and plan-  
7 ning; and providing for an effective date."

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 represen-  
15 tatives; the legislative members may not be members of the same poli-  
16 tical party.

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

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

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

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

1 appointment.

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

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

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

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

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

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

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

29 (A) planning for, and review of, the routes, vessel

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schedules, types of services and facilities the division should provide to meet the needs of the traveling or using public;

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

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

(4) concerning capital improvement projects and the means of managing and financing them, including both vessels and shore facilities, and their relationship to other transportation services and facilities; and

(5) concerning the naming of ferry vessels.

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

(b) No change may be made by the department in the tariff schedule, or in the classification of traffic for this purpose, or in the charges for other services rendered by the state ferry system except after notice to the public and public hearing. Public hearings concerning the changes shall be conducted by the committee in all or a representative number of the communities served by the state ferry system, and elsewhere in the state, at times and at places convenient to the public, in the manner the committee considers appropriate.

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

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

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

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

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

16 Sec. 19.65.120. DEFINITIONS. In this chapter

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

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

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

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

23 (5) "division" means the division of marine transportation;

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

28 \* Sec. 2. AS 39.50.200(9) is amended by adding a new subpar graph to  
29 read:

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

2 # Sec. 3. AS 19 is amended by adding a new chapter to read:

3 CHAPTER 50. TRANSPORTATION PLANNING.

4 Sec. 19.50.010. FINDINGS AND PURPOSE. The legislature finds that  
5 the diverse transportation needs of the state would best be served by  
6 the development of an integrated intermodal state transportation plan.  
7 The purpose of this plan is to coordinate and interrelate all state  
8 transportation needs, modes, and systems, relying on analysis of the  
9 relative advantages of different modes and systems and considering their  
10 social, economic, and environmental consequences.

11 Sec. 19.50.020. STATE TRANSPORTATION PLAN. (a) The commissioner  
12 shall develop a comprehensive, intermodal, long-range transportation  
13 plan for the state. In developing and revising the state plan, he shall  
14 consider means and costs of improving existing modes and facilities,  
15 state and federal subsidies, and the costs and benefits of new trans-  
16 portation modes and facilities. The plan shall be submitted to the  
17 governor for his review and approval and submitted by the governor to  
18 the legislature.

19 (b) In developing and revising the plan, the commissioner shall  
20 seek public review and evaluation by any reasonable means and way

21 (1) consult and cooperate with officials and representatives  
22 of the federal government, other governments, interstate commissions and  
23 authorities, local agencies and authorities, interested corporations and  
24 other organizations concerning problems affecting transportation in the  
25 state; and

26 (2) request from an agency or other unit of the state govern-  
27 ment or of a political subdivision of it, or from a public authority,  
28 the assistance and data that may be necessary to enable the commissioner  
29 to carry out his responsibilities under this section; every such entity

1 shall provide the assistance and data requested.

2  
3 (c) Copies of the plan, as revised, shall be kept on file as a  
4 public document in the office of the commissioner and at each regional  
5 office of the department.

6 (d) The plan shall include a description of projects planned for  
7 design and construction for the following two years. The description  
8 shall include an itemization of the estimated cost for each project and  
9 the total cost of all projects. The commissioner shall propose and  
10 forward to the governor for his review and approval and inclusion, as  
11 approved, in the capital budget a construction program which includes  
12 the projects to be undertaken during the following two years, including  
13 recommended project priorities. Appropriations for transportation  
14 construction projects shall be included annually in the general appro-  
15 priations Act.

16 Sec. 19.50.030. PUBLIC HEARINGS AND SURVEYS. (a) When a major  
17 new state transportation facility or a significant extension or altera-  
18 tion of an existing system or facility is proposed, the department shall  
19 give notice of the proposal and of the opportunity to request a public  
20 hearing to the governing body of an affected municipality and residents  
21 of each affected community. The purpose of this notice is to provide  
22 information to the governing body and those residents and provide an  
23 opportunity for informed public review of a proposal from the earliest  
24 time practicable.

25 (b) Before a final decision is made regarding a proposal, the  
26 department shall give a second notice and opportunity for public hear-  
27 ing.

28 (c) A notice given under this section shall describe the project,  
29 invite written comments regarding the proposal, inform that all current  
and relevant information regarding the proposal will be made available

1 in at least one designated location within the affected community, and  
2 inform that basic information regarding the proposal will be provided  
3 upon the request of any person. The notice shall also inform that a  
4 public hearing will be held upon the written request of the governing  
5 body of an affected municipality or of at least 20 interested residents  
6 of an affected community.

7 (d) If the governing body of an affected municipality requests a  
8 hearing, the hearing shall be conducted by and may take place before  
9 that governing body. Otherwise the public hearing may be held by the  
10 department at any convenient location. If a public hearing is held, the  
11 deadline for written comment may be not earlier than 30 days after the  
12 hearing.

13 (e) At a public hearing held under (a) of this section, the  
14 department shall describe the proposal, identify the essential considera-  
15 tions in favor of and against it, and receive comments and answer  
16 questions from an interested person. In addition, at a hearing, the  
17 department shall present its recommendations, to the extent they have  
18 been developed, regarding the proposal, its costs and benefits, its  
19 environmental and social effects, and the alternatives which have been  
20 considered, including the alternative of not constructing a facility.

21 (f) The department may use other means of enabling the residents  
22 of each affected community to express opinions regarding the proposal.

23 (g) Within 90 days after a hearing, the department shall prepare  
24 and mail to the governing body of an affected municipality and to each  
25 person known to be interested a report which summarizes the oral testi-  
26 mony and written comments received and the results of surveys and other  
27 relevant data and which informs whether and to what extent the proposal  
28 has been modified as a result of public comments, surveys and other  
29 relevant data.

1 (h) This section does not apply to improvements or modifications  
2 to existing facilities which do not significantly affect the environment  
3 nor to actions and repairs which may be necessary to meet a disaster or  
4 emergency which threatens human lives.

5 (1) For the purposes of this section

6 (1) "affected community" means a municipality or an unincor-  
7 porated village of 25 or more persons which is directly served by an  
8 existing facility, or where an existing facility is actually located or  
9 in which a proposed facility would actually be located, or which would  
10 be directly served by a proposed facility;

11 (2) "municipality" means a home rule or general law borough  
12 or city, and includes a municipality unified under AS 29.68.

13 Sec. 19.50.040. GRANTS TO THE DEPARTMENT. The commissioner may  
14 apply for and accept, on behalf of the state, grants from the federal  
15 government or an agency of it, or from another state, a foundation, or  
16 any person, for any of the functions or purposes of this chapter.

17 Sec. 19.50.050. LIMITATION ON TRANSPORTATION FACILITIES. (a) The  
18 department shall consult with the appropriate officials of other depart-  
19 ments regarding environmental risks and economic and social considera-  
20 tions that may arise by reason of the location, design, construction, or  
21 reconstruction of a transportation facility.

22 (b) No highway, transit line, highway interchange, airport or  
23 other transportation corridor or facility may be built or expanded in  
24 such a way as to use land from a recreation area, wildlife or waterfowl  
25 refuge, historic site, forest land, wetland, game land, wilderness area,  
26 public park, or a critical habitat area designated as such by federal,  
27 state or local government unless

28 (1) there is no feasible and prudent alternative to the use  
29 of that land; and

1 (2) the corridor or facility is planned and constructed so as  
2 to minimize harm to the land.

3 Sec. 19.50.060. REGULATIONS. The department may adopt regulations  
4 under the Administrative Procedure Act (AS 44.62) to implement, inter-  
5 pret, or make more specific its powers and duties under this chapter.

6 Sec. 19.50.070. DEFINITIONS. In this chapter, unless the context  
7 requires otherwise,

8 (1) "commissioner" means the commissioner of highways;

9 (2) "department" means the Department of Highways;

10 (3) "transportation" or "transportation mode" includes, but  
11 is not limited to, the following means of conveyance or travel, includ-  
12 ing their related or auxiliary structures, facilities or services: air,  
13 rail, water, highway, and pipeline; these terms

14 (A) include port facilities development projects under  
15 AS 30.15;

16 (B) do not include small boat harbor projects under  
17 AS 35.10.090 - 35.10.120.

18 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-  
19 070(c).  
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*File*

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE  
Second Session - Ninth Legislature

I. REQUEST  
Bill No. CS for House Bill No. 528  
Title: An Act Relating to the Division of Marine Transportation  
Requested by: House Finance Date: 3-10-76  
Return Date Requested: 3-15-76  
Agency: Public Works Program: Marine Transportation

II. FISCAL DETAIL  
Budget Request Unit(s) Affected: New Unit

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		20.3	22.3	24.5	26.9	29.6
200 TRAVEL		26.4	29.0	31.9	35.0	38.5
300 CONTRACTUAL		3.0	3.3	3.6	4.0	4.4
400 COMMODITIES		.5	.6	.7	.8	1.0
500 EQUIPMENT		1.5	.7	.5	.5	1.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	51.7	55.9	61.2	67.2	74.5

B. FUNDING: (Thousands of dollars)

GENERAL FUND		51.7	55.9	61.2	67.2	74.5
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	1 /	1 /	1 /	1 /	1 /
MAN MONTHS (P./T.)	/	12 /	12 /	12 /	12 /	12 /

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)  
The advisory committee consists of seven (7) members plus three (3) ex officia members for a total of ten (10). Members will receive no compensation but are allowed per diem and travel expenses. The committee is to meet at least once quarterly, for a minimum of four (4) each fiscal year. Due to the nature of the subjects the committee will review, it will require a minimum of two (2) staff members attend each meeting as advisors.

The committee has authority to issue public notices and hold public hearings regarding tariff schedules and charges for other services rendered by the ferry system.

IV. ATTACHMENTS

Continuation sheet of above analysis

V. DATE: 3/11/76 PREPARED BY: *Frank Cashen*  
Frank P. Cashen, Administrative Officer

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

The committee is also required to issue an annual report concerning its activities, findings and recommendations.

Per diem for twelve (12) people attending four (4) meetings for four (4) days at \$40.00 per days -  $12 \times 4 \times 4 \times \$40.00 = \$7,680.$

Per diem for average two (2) committee members holding public hearings for one (1) day at average wage four (4) places each quarter -  $2 \times 1 \times 4 \times 4 \times \$40.00 = \$1,280.$

Travel expenses for each person average estimated at \$200. Committee meetings - Twelve (12) people times four (4) meetings  $\times \$200.00 = \$9,600.00.$  Public hearings - average two (2) members four (4) times four (4) quarters  $\times \$200.00 = \$6,400.$

The extra work created by the committee will require another position either working directly for the Chairman of the committee or attached to the Division or Department and assigned to activities for the Committee. This should be a responsible position, an Administrative Assistant or Executive Secretary, about Range 14 (\$1,407.  $\times 12 = \$16,884$  plus 20% benefits \$3,377). This person should be at all meetings so more per diem and travel expenses required. Four (4) meetings at four (4) days at \$40.00 plus four (4) trips at \$200. (per diem \$640. plus travel \$800.)

A new position will require desk, chair, typewriter, adding machine and other miscellaneous items, approximately \$1,500.

Contractual services will be needed for printing annual report and renting meeting space in some communities. Allow \$3,000.

Office supplies and stationary will be needed for the committee, allow \$500.

Costs are estimated to increase at about 10% each year.

File

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OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	1 /	1 /	1 /	1 /	1 /
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The committee has authority to issue public notices and hold public hearings regarding tariff schedules and charges for other services rendered by the ferry system.

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Continuation sheet of above analysis

V. DATE: 3/11/76 PREPARED BY: Frank P. Cashen  
Frank P. Cashen, Administrative Officer

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

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Costs are estimated to increase at about 10% each year.

March 15, 1976

Mr. Jay Hogan, Director  
Legislative Finance Division  
Pouch WF, State Capitol  
Room 409  
Juneau, AK 99811

Dear Mr. Hogan:

In reply to your request, enclosed is the fiscal note  
for CS for House Bill 528.

Sincerely,

Donald Harris  
Commissioner

TDK:hn

Enclosure

cc: Representative Mike Miller, Sponsor, w/fiscal note  
Budget & Management w/fiscal notes (2)

File

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE

Second Session - Ninth Legislature

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OTHER						

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PREPARED BY:

Frank P. Cashen

Frank P. Cashen, Administrative Officer

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Per diem for average two (2) committee members holding public hearings for one (1) day at average wage four (4) places each quarter -  $2 \times 1 \times 4 \times 4 \times \$40.00 = \$1,280.$

Travel expenses for each person average estimated at \$200. Committee meetings - Twelve (12) people times four (4) meetings  $\times \$200.00 = \$9,600.00.$  Public hearings - average two (2) members four (4) times four (4) quarters  $\times \$200.00 = \$6,400.$

The extra work created by the committee will require another position either working directly for the Chairman of the committee or attached to the Division or Department and assigned to activities for the Committee. This should be a responsible position, an Administrative Assistant or Executive Secretary, about range 14 (\$1,407.  $\times 12 = \$16,884$  plus 20% benefits \$3,377). This person should be at all meetings so more per diem and travel expenses required. Four (4) meetings at four (4) days at \$40.00 plus four (4) trips at \$200. (per diem \$640. plus travel \$800.)

A new position will require desk, chair, typewriter, adding machine and other miscellaneous items, approximately \$1,500.

Contractual services will be needed for printing annual report and renting meeting space in some communities. Allow \$3,000.

Office supplies and stationary will be needed for the committee, allow \$500.

Costs are estimated to increase at about 10% each year.

Original sponsors: Miller, Gardiner  
and Specking

Offered: 5/27/76  
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 SENATE CS FOR 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 state ferry system; and pro-  
7 viding for an effective date."

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 a ferry service operated and managed for their benefit under a  
22 fair and reasonable tariff schedule, and to ensure that marine trans-  
23 portation services will be rendered equitably, economically and effi-  
24 ciently to all users. It is also the purpose of this chapter to make  
25 certain that the state ferry system is properly developed and improved,  
26 in coordination with other transportation modes and services, to assure  
27 the traveling public complete and dependable marine transportation, and  
28 that the state ferry system is operated in the public interest.

29 Sec. 19.65.020. REVIEW COMMITTEE CREATED, MEMBERSHIP. (a) There

1 is created in the Department of Public Works, division of marine trans-  
2 portation, the Alaska Marine Highway Review Committee consisting of  
3 members of the traveling public in Alaska, residents of the coastal  
4 communities served, commercial users of the state ferry system, and  
5 representatives of the tourism industry in the state.

6 (b) The committee consists of

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

11 2) two members of the legislature, one each from the house  
12 and senate appointed by the governor from a list of nominees provided by  
13 the president of the senate and the speaker of the house of represen-  
14 tatives; the legislative members may not be members of the same poli-  
15 tical party.

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. ~~11~~ A 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 for each fiscal year before it is submitted to the department  
23 or to the governor under the Executive Budget Act (AS 37.07);

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

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

28           (A) planning for, and review of, the routes, vessel  
29 schedules, types of services and facilities the division should

1 provide to meet the needs of the traveling or using public;

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

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

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

11 (5) concerning the naming of ferry vessels.

12 Sec. 19.65.070. ANNUAL REPORT. The committee shall make an annual  
13 report to the governor, commissioner, director and to the legislature  
14 and the public concerning its activities, findings and recommendations.  
15 The report shall be submitted not later than 10 days after the convening  
16 of each regular session of the legislature.

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

20 Sec. 19.65.090. CONFLICT OF INTEREST REPORTS. Members of the  
21 committee are subject to AS 39.50.

22 Sec. 19.65.100. DEFINITIONS. In this chapter

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

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

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

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

29 (5) "division" means the division of marine transportation;

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

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

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

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

#

Original sponsors: Miller, Gardiner  
and Specking

Offered: 2/5/76  
Referred: Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS 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 members of the  
15 traveling public in Alaska and residents of the 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 (1) three persons appointed by the governor who are broadly  
20 representative of the traveling public in the state and the residents of  
21 the communities served by the state ferry system;

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

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

27 (b) The commissioner of public works, the director of the division  
28 of marine transportation, and the director of the division of tourism in  
29 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 the committee appointed by the governor shall serve at his pleasure for  
4 four-year staggered terms, or until their successors are appointed and  
5 qualify. One initial gubernatorial appointee shall serve for one year,  
6 one for two years, one for three years, and two for four years; however,  
7 one four-year term shall be assigned to a public member and one to a  
8 commercial user member.

9       (b) Vacancies shall be filled in the same manner as original  
10 appointment.

11       Sec. 19.65.040. OFFICERS. The chairman and vice-chairman of the  
12 committee shall be elected from among the members of the committee  
13 appointed by the governor.

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. 19.65.090. 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 It may, for good cause shown, permit changes in the tariff schedule,  
11 traffic classification, or charges for other services to take effect on  
12 less than 50 days notice under those conditions the committee may pre-  
13 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. 19.65.060. 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).