



LAWS OF ALASKA

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Chapter No.:

139

AN ACT

Establishing the Alaska Transportation Commission; defining its powers and duties; and providing for an effective date.

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

* Section 1. AS 42 is amended by adding a new chapter to read:

CHAPTER 7. ALASKA TRANSPORTATION COMMISSION.

Sec. 42.07.010. CREATION. There is created within the Department of Commerce the Alaska Transportation Commission.

Sec. 42.07.020. COMPOSITION AND QUALIFICATIONS. (a) The commission consists of three members.

(b) Two members of the commission are appointed by the governor, serve at his pleasure, and must be confirmed by a majority of the members of the legislature meeting in joint session. One member shall be qualified by experience or training in the field of air commerce and the other member shall be qualified by experience or training in surface transportation.

(c) The third member of the commission is the

commissioner of commerce.

Sec. 42.07.030. TERM OF OFFICE. The term of office of each member appointed under sec. 20(b) of this chapter is six years or until his successor is appointed and qualifies, except that the terms of the members initially appointed under sec. 20(b) of this chapter are as follows: one member for two years and one member for four years. For purposes of determining the terms of the initial members, the members shall be considered to have served the first year of their term on February 1, 1967.

Sec. 42.07.040. CHAIRMAN OF THE COMMISSION. The governor shall appoint the chairman of the commission from the members appointed to the commission under sec. 20(b) of this chapter. The chairman shall serve in that capacity for a term of one year, but a member may be appointed for successive terms as chairman. The term of the initial chairman expires February 1, 1967.

Sec. 42.07.050. MEETINGS. The commission shall meet at the call of the chair or upon a signed request to the chairman from the other two members.

Sec. 42.07.060. RESTRICTIONS OF MEMBERS AND EMPLOYEES.
(a) No member or employee may act in any matter in which his relationship or affiliation with an organization, company or otherwise creates a conflict of interest or unfair advantage between the member or employee and those subject to regulation by the commission.

(b) A person who violates a provision of this section is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than six months, or by a fine of

not more than \$500, or by both.

Sec. 42.07.070. OATH OF OFFICE. Each member of the commission appointed under sec. 20(b) of this chapter shall take and subscribe to the oath of office prescribed for principal officers of the state.

Sec. 42.07.080. QUORUM, PRINCIPAL OFFICE, SEAL. (a) Two members of the commission constitute a quorum for the transaction of business.

(b) The commission shall establish a principal office. If the inconvenience of the public or of parties may be prevented, the commission may hold hearings or other proceedings at any other place.

(c) The commission shall have an official seal.

Sec. 42.07.090. COMPENSATION AND SERVICE OF MEMBERS.

(a) Members of the commission appointed under sec. 20(b) of this chapter shall devote themselves to the work of the commission on a full-time basis. The annual salary of a member of the commission appointed under sec. 20(b) of this chapter is \$17,500, except that the member serving as chairman of the commission is entitled to an annual salary of \$18,000.

(b) The commissioner of commerce is not entitled to a salary for his services as a member of the commission. The commissioner of commerce is not required to serve as a member of the commission on a full-time basis but shall perform duties as a member of the commission in those circumstances when his presence is required to constitute a quorum of the commission, in which event he shall vote, and shall cast the deciding vote in the event that there is not unanimity among

the other two members in regard to an official decision of the commission.

(c) All members of the commission are entitled to the per diem expenses and travel allowances established by law for members of other boards and commissions.

Sec. 42.07.100. COMMISSION COUNSEL. The Department of Law shall furnish legal counsel on a continuing basis. The attorney general shall at the request of the commission represent the commission in suits in which it is a party, and may represent the public interest in any proceeding before the commission.

Sec. 42.07.110. EMPLOYMENT OF PERSONNEL. (a) Officers, employees and agents of the commission, other than the legal counsel, are appointed to their positions in accordance with AS 39.25.020(2) and are in the classified service under AS 39.25.

(b) The commission may employ hearing officers as required. Hearing officers shall be appropriately qualified by experience or training in surface or air transportation. The commission may employ temporary legal counsel whenever the Department of Law is representing the public interest or any other party before the commission and an apparent conflict of interest has developed.

Sec. 42.07.120. DELEGATION OF FUNCTIONS. The commission may delegate the performance of a function under this chapter to any of its officers, employees, agents or administrative units, except the promulgation of regulations and the final determination of controversies.

Sec. 42.07.130. POWERS AND DUTIES. The commission

shall regulate transportation in the state as provided by law.

Sec. 42.07.140. ANNUAL REPORT. The commission shall publish an annual report reviewing its work and submit it to the legislature by February 15 of each year. In addition, the report shall contain information and data which bears a significant relationship to the development and regulation of transportation in the state.

Sec. 42.07.150. RULES AND REGULATIONS AND HEARING PROCEDURES. (a) The Administrative Procedure Act (AS 44.62) applies to regulations adopted by the commission.

(b) The commission shall by regulation establish rules of practice and procedure, consistent with due process of law, which govern the conduct of all investigations, hearings and proceedings which it holds. The regulations shall prescribe how complaints are filed, methods of service and notice, the issuance of subpoenas, the taking of depositions, evidentiary rules, the conduct of hearings and investigations, procedures for continuances and reconsideration, the administering of oaths, standards of impartiality for hearing officers and commissioners, and those other provisions necessary for administrative adjudication and investigation. Technical rules of evidence need not apply to investigations, hearings and proceedings before the commission. The commission may issue subpoenas, subpoenas duces tecum and process to compel testimony or the production of records, papers and documents for the purpose of investigation or adjudication. The commission may petition a court of this state to enforce its subpoenas, subpoenas duces tecum or

process to compel testimony. A commissioner may not serve as a hearing officer.

(c) Provisions in the Alaska Air Commerce Act of 1960 (AS 02.05), the Alaska Motor Freight Carrier Act (AS 42.10) and AS 42.15 which apply the administrative adjudication procedures of the Administrative Procedures Act (AS 44.62) to hearings of the commission are void and the rules of practice and procedure adopted by the commission under (b) of this section shall apply, except that final administrative determinations by the commission are subject to judicial review as provided in AS 44.62.560 - 44.62.570.

* Sec. 2. AS 02.05.250(5) is amended to read:

(5) "commission" means the Alaska Transportation Commission or its designated representative.

* Sec. 3. AS 42.10.420(1) is amended to read:

(1) "commission" means the Alaska Transportation Commission or its designated representative;

* Sec. 4. AS 42.15.010 is amended to read:

Sec. 42.15.010. DUTIES OF COMMISSION. The Alaska Transportation Commission shall

(1) administer this chapter, and for that purpose may adopt general or special rules and regulations and issue orders;

(2) inquire into the management of the business of common carrier bus transportation services and require from carriers information it considers necessary to carry out this chapter;

(3) establish reasonable classifications of groups of carriers included in the term "common carrier by bus" as

the special nature of services performed requires, and adopt such reasonable rules, regulations and requirements for the carriers classified or grouped as the commission, after hearing, considers necessary;

(4) investigate violations of this chapter and if, after notice and hearing, the commission finds a violation, issue an appropriate order to compel compliance;

(5) issue certificates of convenience and necessity; this authority includes the discretion to issue exclusive certificates on such routes and upon such conditions as the commission considers necessary or advisable in the public interest to secure continuous, efficient and dependable bus service; a certificate of convenience and necessity for routes partly inside and partly outside incorporated cities is not final until the city council concurs by a majority vote of the members;

(6) prescribe rates, fares or charges or the maximum and minimum rates, fares or charges, or the regulation, practice or classification thereafter to be made effective; in establishing rates and allied prescriptions, the commission shall evaluate the circumstances of the bus transportation operation and set rates calculated to yield the operating company a reasonable profit according to established accounting procedures generally utilized in the industry;

(7) prescribe a uniform system of accounts and reporting, if it sees fit to do so, applicable to any class of carrier.

* Sec. 5. The governor shall call a meeting of the commission

within 30 days after the effective date of this Act.

* Sec. 6. This Act takes effect July 1, 1966.