

grant, extension or renewal of a franchise or (b) the hiring, retention or firing of an employee, the chief executive officer shall submit said ordinance or act to the qualified electors of said political subdivision at the next succeeding general election therein, and if, at said election, a majority of the electors voting thereon shall vote for the same, it shall thereafter remain in full force and effect; if a majority shall reject the same, it shall thereupon stand repealed.

Sec. 5. Submission of Amendment to Charter. When such petition demands an amendment to a charter, the chief executive officer, shall submit such amendment to the qualified electors of said political subdivision at the next election of any officers therein; and if, at said election, a majority of said electors voting thereon shall vote for such amendment, the same shall thereupon become an amendment to and a part of said

charter, when approved and filed in the same manner and form as an original charter is required to be approved and filed.

Sec. 6. Initiative and Referendum in Home Rule Charter Cities and Boroughs. The provisions of this Act shall not apply to Home Rule Charter Cities and Boroughs except as hereafter provided:

(a) The initiative and referendum shall be provided for in the Charter of Home Rule Charter Cities and Boroughs subject to the restrictions of Section 7, Article XI of the Alaska Constitution.

(b) The Charter provisions shall not require a number of signatures more than one-third of the total votes cast at the immediately preceding general election or special elections called for the purpose of electing city or borough officers in the city or borough concerned, on the initiative or referendum petition.

Became law without signature May 6, 1959

CHAPTER 188

AN ACT

To appropriate the sum of \$60,000.00 to the University of Alaska to plan for the construction of a gymnasium.

(H.B. 208)

Be it enacted by the Legislature of the State of Alaska:

Section 1. There is hereby appropriated to the University of Alaska the sum of \$60,000.00 or so much thereof as may be found necessary, out of any

monies in the General Fund not otherwise appropriated.

Sec. 2. The appropriation herein provided shall be used to plan for the construction, pending a bond election, of a gymnasium at the University of Alaska.

Approved May 6, 1959

CHAPTER 189

AN ACT

Pertaining to ferry transportation; authorizing the Department of Public Works to acquire ferry terminal facilities, to issue certificates of public convenience and necessity to ferry operators; providing standards for rates and services of ferry operators, and enforcement by the Department; authorizing expenditures; and providing for an effective date.

(C.S.H.B. 162)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Title.** This Act shall be known as "The Alaska Ferry Transpor-

tation Act.”

Sec. 2. Definitions. As used in this Act:

“Ferry” shall mean and include any vessel used in the common carriage of passengers and self-propelled vehicles in intrastate commerce within the State of Alaska;

“Ferry operator” shall mean any individual, partnership, corporation, association, Alaska state agency, municipality, or other political subdivision of the state, or other organization holding itself out to serve the public by operating ferries;

“Department” shall mean the Department of Public Works; and

“State” shall mean the State of Alaska.

Sec. 3. Ferry Terminal Facilities. The Department is hereby specifically authorized and directed to acquire, by construction, purchase or lease, and to repair and maintain, ferry terminal facilities for the loading and unloading of passengers, and vehicles under their own power, on and off ferries, at locations selected by the Department. The Department is further authorized to connect these facilities with local highway systems. The Department is also authorized to make reasonable rules and regulations governing the use of these facilities by the public as the Department may deem necessary and proper in the public interest. Nothing in this section shall be construed as preventing the construction, by persons other than the Department, of ferry terminal facilities at locations approved by the Department, and subjected to such reasonable rules and regulations governing their use as the Department may deem necessary and proper in the public interest, but no ferry terminal facility shall be constructed within this state without the approval of the Department. Private and other ferry terminal facilities in existence and serving the public on January 1, 1959 shall not be affected by this Act.

Sec. 4. Certificates of Public Convenience and Necessity.

(1) The Department is hereby authorized to issue certificates of public con-

venience and necessity, conformable to the provisions of this Act, as herein-after set forth, to ferry operators within the state. This authority shall include discretion to issue exclusive certificates on such routes and upon such conditions as the Department deems advisable or necessary in the public interest to secure continuous, efficient and dependable ferry service in the affected areas, except that no exclusive certificate shall be issued to and no vested right to continued operation shall be established in, any ferry operator on routes exceeding ten miles in length and not providing service with a vessel or vessels equipped to carry at least seventy-five passengers and twenty-five passenger-type vehicles and certificated by the U. S. Coast Guard for unlimited operation on the waters to be traversed on the route or routes for which the certificate is issued. Public hearings shall be held on all applications for certificates of public convenience and necessity.

(2) No ferry operator shall engage in transportation of passengers or vehicles by ferry between points within this state unless it holds a certificate of public convenience and necessity issued by the Department.

(3) Applications for a certificate shall be made in writing to the Department, be verified under oath, and shall be in such form, and contain such information as the Department shall by regulation require.

(4) The Department shall issue a certificate to any qualified applicant therefor, authorizing the whole or part of the operation covered by the application, if the Department finds that the applicant is fit, willing and able to perform the service proposed and to conform to the provisions of this Act and the requirements, rules and regulations of the Department thereunder, and that the proposed service, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied.

(5) Such certificate shall specify the route or routes over which, or the points to and from which, such carrier is authorized to operate, and at the time

of issuance and from time to time thereafter there shall be attached, to the exercise of the privileges granted by the certificate, such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require, including terms, conditions and limitations as to the extension of the route or routes of the operator and such other terms, conditions and limitations as are necessary to carry out, with respect to the operations of the operator, the requirements of this Act or those established by the Department pursuant thereto; provided, however, that no terms, conditions or limitations shall restrict the right of the operator to add to its equipment, facilities or service within the scope of such certificate, as the development of the business and the demands of the public shall require.

(6) Unless and until a certificate is modified, suspended or revoked, as hereinafter provided, each certificate shall be effective from the date specified thereon and shall continue in effect indefinitely, or, if issued for a limited period of time shall continue in effect until the expiration thereof.

(7) No certificate shall confer any proprietary, property, or exclusive right in the use of any waterway, dock or terminal facility.

(8) The Department may alter, amend, or modify any certificate, in whole or in part, if the public convenience and necessity so require, and may suspend or revoke any certificate, in whole or in part, for any of the following reasons:

(a) For intentional misrepresentation of a material fact in obtaining such certificate, or

(b) For voluntary discontinuance of operations, or

(c) For intentional failure to comply with any provision of this Act, or rule, regulation or order issued thereunder, or

(d) For intentional failure to comply with any term, condition, or limitation of such certificate, or

(e) For failure for any cause to assume the duties charged to the oper-

ator by the certificate within the time stated by the certificate.

(9) Any certificate may be transferred or leased subject to a finding by the Department that the transfer or lease is in the public interest.

(10) A ferry operator may abandon or temporarily discontinue service upon application and approval by the Department, and a finding thereby that the discontinuance or abandonment is in the public interest.

(11) The Department shall require ferry operators to furnish proof of financial responsibility for bodily injury to passengers and other persons, or damage to property, caused by the negligent operation, maintenance or use of facilities and equipment in the control of the ferry operator, in an amount reasonably calculated to protect the public interest.

Sec. 5. Additional Duties of Department. The Department shall require every ferry operator to provide and furnish safe and reasonably adequate services and facilities for the public, and shall establish just and reasonable charges for services rendered or to be rendered to the public. The Department may, after hearing, in a proceeding upon complaint or on its own initiative without complaint, require or authorize any ferry operator to provide safe and reasonably adequate services and facilities for the public, or to cease and desist from charging a rate other than that established by the Department for service to the public. The Department shall allow, in its order, a sufficient and reasonable time for compliance therewith, and if not obeyed within the time established for compliance, may seek and obtain an injunction or other necessary and proper relief in the Superior Court.

Sec. 6. Rules and Regulations. The Department shall establish, in accordance with the terms of the Administrative Procedures Act, rules and regulations governing procedures necessary to carry out its duties under this Act. No right, privilege, certificate, or term, condition or limitation, or grant of financial aid under this Act shall be granted, denied, revoked, suspended, altered, amend-

ed or modified, except after notice and opportunity for hearing under the terms of the Administrative Procedures Act, which is hereby made specifically applicable to the administration of this Act, and under rules and regulations established by the Department and consistent therewith.

Sec. 7. **State-Operated Ferries.** Nothing contained in this Act shall be deemed to preclude the state from operating ferries or ferry systems within or without the state.

Sec. 8. Notwithstanding any other provisions of this Act, the governor may, and shall upon the establishment of a public service commission authorized to regulate other public transportation services within the state, transfer by executive order to the Department of Commerce, or to such public service

commission if established, all functions, powers, and duties specified in this Act relating to the economic regulation of ferries and ferry operators, including but not limited to those provided in Sections 4, 5 and 6 of this Act.

Sec. 9. **Authorization of Expenditures.** From monies appropriated from time to time by the legislature, either specifically for the purposes of this Act, or for the general purposes of maintaining the highways of this state, the Department is authorized to make such expenditures as it deems necessary to administer the provisions of this Act and to meet obligations incurred by it under this Act.

Sec. 10. **Effective Date.** This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved May 6, 1959

CHAPTER 190

AN ACT

Imposing license taxes upon the taking of fisheries products in Alaskan waters; providing penalties for violations; and providing an effective date.

(C.S.H.B. 247)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Tax Imposed on Taking of Fisheries Products.** Any person taking the fisheries products enumerated in either Ch. 82, SLA 1949, as amended by Ch. 113, SLA 1951, or in Ch. 97, SLA 1949, as amended by Ch. 116, SLA 1951 and Ch. 102, SLA 1955, who sells such products to freezer ships, floating cold storages or floating canneries outside the taxing jurisdiction of the State of Alaska shall be subject to the taxes set forth in Ch. 82, SLA 1949, as amended, with respect to the fisheries products enumerated therein and shall be subject to the tax set forth in Ch. 97, SLA 1949, as amended, with respect to the fisheries products enumerated therein.

Sec. 2. **Taxpayer's Duty as to Returns, Records, Statements, Etc.: Time to Pay Tax: Return to Commissioner of Revenue.** Any person, firm or corporation subject to taxes under this Act shall

make a return stating the value of raw fisheries products taken during the license year, for sale to freezer ships, floating cold storages or floating canneries outside of the taxing jurisdiction of the State of Alaska computed as required by this Act, and such other information for the purpose of carrying out the provisions of this Act as the Commissioner of Revenue may by regulations prescribe. The return shall show the license number and shall be signed by the taxpayer or his authorized agent, under the penalties of perjury. In cases where receivers, trustees, or assigns are operating the property or business, such receivers, trustees, or assigns shall make returns for the person, firm or corporation. Any tax due on the basis of such returns shall be collected in the same manner as if collected from the person, firm or corporation of whose business they have custody and control. The requirements regarding the time and place for payment of tax, and the obligation to keep records and make the