

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 87

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for the regulation of
7 civil aeronautics in Alaska; prescribing
8 penalties; and providing for an effective
9 date."

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

11 Section 1. SHORT TITLE. This Act may be known and cited as
12 the "Alaska Air Commerce Act of 1960."

13 Sec. 2. DECLARATION OF POLICY. The purpose and policy of
14 this Act in regulating air commerce is as follows:

15 (1) To recognize and preserve the inherent advantage
16 of such commerce.

17 (2) To foster sound economic conditions in such com-
18 merce and among air carriers in the public interest.

19 (3) To promote adequate, economical and efficient ser-
20 vice by such carriers, and reasonable charges therefor, without
21 unjust discriminations, undue preferences or advantages, and unfair
22 or destructive competitive practices.

23 (4) To provide for competition of the extent necessary
24 to assure the sound development of an air transportation system
25 properly adapted to and adequate to meet the needs of the com-
26 merce of this state.

27 (5) To improve the relations between and coordinate
28 transportation by and regulation of air carriers.

29 (6) To provide for the administration and enforcement

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1 of this Act so as to avoid conflict with the regulation of air
2 carriers by the federal government.

3 (7) To maintain air transport services in Alaska on
4 an economically sound basis, pending a study of the air transport
5 needs of Alaska and the relationship of intrastate air services
6 to the interstate and foreign air services subject to regulation
7 by the federal Civil Aeronautics Board.

8 This Act shall be administered and enforced with a view to
9 carrying out the above declaration of policy.

10 Sec. 3. DEFINITIONS. As used in this Act, unless the con-
11 text otherwise requires:

12 (1) "air carrier" means any person undertaking to
13 engage in air commerce - whether directly or indirectly, or by
14 lease, contract, or any other arrangement, and whether over
15 regular or irregular routes.

16 (2) "air commerce" means carriage by aircraft of
17 persons or property for compensation or hire in intrastate com-
18 merce within the state, including the carriage by aircraft of
19 persons or property which move partly by aircraft and partly by
20 other forms of transportation.

21 (3) "aircraft" means any contrivance now known or
22 hereafter invented, used, or designed for navigation or flight in
23 the air.

24 (4) "air taxi operator" means an air carrier coming
25 within the classification of "Alaskan air taxi operators," as
26 defined and established by Part 293 of the Economic Regulations
27 of the federal Civil Aeronautics Board, adopted on December 30,
28 1958, and made effective on February 3, 1959.

29 (5) "commissioner" means the state Commissioner of

1 Commerce or his designated representative.

2 (6) "person" means any individual, firm, partnership,
3 corporation, company, association, joint-stock association or
4 body politic; and includes, without limitation, any trustee,
5 receiver, assignee or other person or persons acting in a rep-
6 resentative capacity.

7 (7) "state" means the State of Alaska.

8 Sec. 4. ORGANIZATION. The commissioner shall employ a
9 director and employees as he shall deem necessary in exercising
10 and performing his powers and duties. The compensation of all
11 officers and employees of the commissioner shall be fixed in the
12 manner provided by law.

13 From time to time the commissioner may engage, for temporary
14 service, such duly qualified persons, including without limita-
15 tion, engineers, attorneys, technicians, accountants and other
16 qualified persons, as may be necessary or appropriate in the
17 administration of this Act, and may fix the compensation of such
18 persons. Such compensation and the expense of such employment
19 shall be paid out of the monies appropriated by the legislature
20 for the administration of this Act.

21 Sec. 5. GENERAL POWERS AND DUTIES OF THE COMMISSIONER.

22 a. Administration and Enforcement. It shall be the duty
23 of the commissioner to administer the provisions of this Act,
24 and to that end the commissioner shall have authority to make and
25 amend such general or special rules and regulations and to issue
26 such orders as may be necessary to carry out the policy and
27 purposes of this Act. The commissioner shall issue the general
28 rules, regulations, and orders pursuant to the provisions of
29 the Administrative Procedure Act.

1 b. Joint Hearings and Cooperation. The commissioner is
2 authorized to confer with or to hold joint hearings with any
3 authorities of the government of the United States, having juris-
4 diction with respect to matters affecting air commerce. The
5 commissioner is also authorized to avail himself of the coopera-
6 tion, services, records, and facilities of such authorities as
7 fully as may be practicable, in the enforcement or administration
8 of any provisions of this Act.

9 c. Interstate Rates and Service. When the interstate rates,
10 fares, charges or classifications of air carriers affecting the
11 commerce of this state are, in the opinion of the commissioner
12 excessive or discriminatory or are levied or imposed in violation
13 of the Act of Congress entitled "Federal Aviation Act of 1958,"
14 and the acts amendatory thereof and supplementary thereto, or in
15 conflict with the rulings, orders or regulations of the auth-
16 orities having jurisdiction thereof, or when interstate services
17 are, in the opinion of the commissioner inadequate, unsatisfactory,
18 or discriminatory, the commissioner may apply by petition to the
19 authorities having jurisdiction thereof for relief, and may
20 present to such authorities all facts coming to the commissioner's
21 knowledge as to violations of the rulings, orders, or regulations
22 of such authorities, or as to violations of the said Federal
23 Aviation Act of 1958 or acts amendatory thereof or supplementary
24 thereto.

25 d. Conduct of Proceedings. The commissioner shall conduct
26 his proceedings in such manner as will be conducive to the proper
27 dispatch of business and to the ends of justice. Any person may
28 appear before the commissioner and be heard in person or by
29 attorney. Every official act of the commissioner shall be entered

1 of record and the proceedings shall be open to the public upon
2 the request of any interested party.

3 Sec. 6. CERTIFICATES REQUIRED. Subject to the provisions
4 of Sec. 7, no person may engage in any air commerce unless there
5 is in force a certificate issued by the commissioner authorizing
6 such person to engage in such air commerce as a certificated
7 carrier, contract carrier, or air taxi operator.

8 Sec. 7. AUTHORITY FOR AIR CARRIERS. Persons may engage in
9 air commerce as follows:

10 (1) Certificated Carriers. Any person holding a certi-
11 ficate of public convenience and necessity issued under the
12 provisions of this Act or issued on or before March 1, 1960
13 pursuant to federal statutory authority authorizing intrastate
14 air commerce within Alaska,

15 (a) may engage in air commerce along the routes
16 and between the points covered by such certificate or any
17 amendments thereto as authorized on March 1, 1960 or
18 as may be subsequently authorized under the provisions of
19 this Act, and may engage in air commerce along the routes
20 and between the points covered by any exemption, regulation,
21 or order in effect on March 1, 1960, or as subsequently
22 issued under the provisions of this Act.

23 (b) may make charter trips and render other
24 special services between points on routes which it is
25 authorized by its certificate to serve. Charter trips and
26 other special services may also be rendered to or from any
27 other point within or outside the state if such trips
28 originate at or are destined to a point on a route the
29 carrier is authorized by its certificate to serve.

1 (2) Carriers Exempted by Civil Aeronautics Board. Any
2 person who was authorized on March 1, 1960 to engage in air
3 commerce within Alaska solely pursuant to an exemption issued by
4 the federal Civil Aeronautics Board, may continue to engage in
5 air commerce to the extent authorized on March 1, 1960 but
6 is subject to the conditions and limitations of the exemption as
7 effective on that date.

8 (3) Contract Carriers. Any person who is authorized
9 under this Act to engage in air commerce as a contract carrier,
10 or who, as a contract carrier, was a resident authorized and
11 engaged in air commerce between September 1, 1959 and the effec-
12 tive date of this Act, may engage or continue to engage in air
13 commerce to the extent that contract carriers were authorized on
14 December 31, 1959 but subject to the conditions and limitations
15 of the authority as effective on that date.

16 (4) Air Taxi Operators. Any person who is authorized
17 under this Act to engage in air commerce as an air taxi operator
18 or who was a resident engaged in air commerce as an air taxi
19 operator between September 1, 1959 and the effective date of
20 this Act, may engage or continue to engage in air commerce as an
21 Alaska air taxi operator subject to the following limitations
22 and conditions.

23 Any person who was engaged in air commerce as an air
24 taxi operator between September 1, 1959 and the effective date
25 of this Act, may continue to engage as an air taxi operator for
26 a period of 60 days after the effective date of this Act, and
27 thereafter until such time as the commissioner shall pass upon
28 an application for an Alaskan air taxi operator's certificate to
29 engage in such commerce; provided, that within 60 days after the
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1 effective date of this Act such person has made application to
2 the commissioner for an Alaskan air taxi operator's certificate,
3 and complies with the following conditions and limitations appli-
4 cable to every air taxi operator:

5 (a) Such person shall comply with all laws,
6 rules and regulations relating to the providing of safe and
7 adequate service, equipment, and facilities in connection
8 with such air commerce, and

9 (b) such person at all times shall comply with
10 the conditions and limitations contained in Secs. 293.1,
11 293.2, 293.3 and 293.17 (a) of Part 293 of the Economic Regula-
12 tions of the federal Civil Aeronautics Board, adopted
13 December 30, 1958 and made effective February 3, 1959, sub-
14 ject to the following modifications of the provisions con-
15 tained in those sections: (1) an Alaskan air taxi operator
16 may utilize in air transportation, in all areas of Alaska
17 north of 60° north latitude and west of 138° west longitude,
18 aircraft having a "maximum certificate take off weight" (as
19 that term is defined in Sec. 293.1 of the said Economic
20 Regulations) of 12,500 pounds or less; (2) an Alaskan air
21 taxi operator is authorized both to employ or hire pilots
22 and to lease, rent, and own aircraft without limitation as
23 to number.

24 (5) Resident. The term "resident" as used in subsec-
25 tions (3) and (4) of this section means any person, if an indivi-
26 dual or a partnership, who has resided in Alaska for at least one
27 year immediately prior to the passage of this Act, and if a
28 corporation, which has been incorporated under the laws of Alaska
29 and which has as stockholders owning at least 75% of the stock,

1 persons who have resided in Alaska for at least one year prior to
2 the passage of this Act.

3 Sec. 8. TEMPORARY EXEMPTION OF AIR CARRIERS. From time to
4 time when an emergency requires, the commissioner may exempt
5 from the requirements of this Act or any provision thereof, or
6 any rule, regulation, term, condition, or limitation prescribed
7 thereunder, any air carrier or class of air carriers, if the
8 commissioner finds that the enforcement of this Act or such pro-
9 vision, or such rule, regulation, term, condition or limitation
10 is or would be an undue burden on such air carrier or class of
11 air carriers by reason of the emergency, or unusual circumstances
12 affecting the operation of such air carrier or class of air
13 carriers, and is not in the public interest. The commissioner
14 shall issue any regulation or order for a temporary exemption
15 pursuant to the provisions of the Administrative Procedure Act.

16 Sec. 9. APPLICATIONS FOR CERTIFICATES.

17 a. Form and Contents. Applications for a certificate shall
18 be made in writing to the commissioner and shall be in such form
19 and contain such information and be accompanied by a proof of
20 service upon such interested parties as the commissioner shall,
21 by regulation, require.

22 b. Notice and Hearing. Upon the receipt of an application
23 for a certificate, the commissioner shall give due notice thereof
24 (1) to the public by posting a notice of such application in the
25 office of the commissioner; and (2) to such persons, and by such
26 means, as the commissioner shall determine by regulation. Any
27 interested person may file with the commissioner a statement of
28 issues as provided by the Administrative Procedure Act or a
29 memorandum in support of the issuance of a certificate. A public

1 hearing shall be held on such application if the applicant, or
2 any person having a substantial interest in the proceeding, shall
3 so request within such time as the commissioner shall provide by
4 regulation.

5 c. New Service Investigations. Whenever he deems such action
6 advisable, the commissioner upon his own initiative may conduct an
7 investigation to determine whether additional air commerce appears
8 to be needed. If after such investigation the commissioner is
9 of the opinion that such procedure is appropriate, he may encourage
10 the filing of applications for certificates authorizing the furnish-
11 ing of such commerce.

12 Sec. 10. ISSUANCE OF CERTIFICATES.

13 a. Findings Required. Subject to the provisions of subsec-
14 tion b. of this section, the commissioner shall issue a certificate
15 authorizing the applicant to engage in air commerce as a contract
16 carrier or air taxi operator, or authorizing the whole or any
17 part of the operation covered by an application for a certificate
18 for a certificated carrier

19 (1) if the commissioner finds that the applicant is
20 fit, willing and able to engage in air commerce properly and to
21 comply with and conform to the provisions of this Act and the rules,
22 regulations, and requirements of the commissioner hereunder; and

23 (2) if the commissioner finds that such air commerce
24 and the performance thereof by the applicant, is required by the
25 public convenience and necessity and is consistent with the
26 declaration of policy contained in Sec. 2 of this Act.

27 If all of the findings required in paragraphs (1) and (2)
28 above are not made in each case, then the application shall be
29 denied.

1 b. Evidence of Compliance with Other Laws. No certificate
2 may be issued to any person to operate as an air carrier unless
3 the applicant submits evidence, satisfactory to the commissioner,
4 showing that it can and will comply with the provisions of the
5 laws of the United States, and the state, and the lawful rules,
6 regulations and orders thereunder, respecting safety of operation.

7 Sec. 11. TERMS AND CONDITIONS OF CERTIFICATE.

8 a. General Terms and Conditions. Each certificate issued
9 to a certificated carrier under this Act shall specify the points
10 between which, or the areas within which, the holder is authorized
11 to engage in operations as an air carrier and the service to be
12 rendered. There shall be attached to the exercise of the privi-
13 leges granted by a certificate issued under the provisions of this
14 Act, or amendment to any certificate, such reasonable terms,
15 conditions, and limitations as the public interest may require.

16 b. Effective Date and Duration of Certificates. (1) Sub-
17 ject to the provisions of paragraph (2) of this subsection b.,
18 unless and until a certificate is modified, suspended or revoked,
19 as hereafter provided, each certificate shall be effective from
20 the date specified therein, and shall continue in effect in-
21 definitely, or, if issued for a limited period of time shall
22 continue in effect until the expiration thereof.

23 (2) If any service authorized by a certificate for a
24 certificated carrier is not inaugurated within 90 days immediately
25 following the date of authorization of the commissioner, or within
26 such shorter period of time as may be fixed by the commissioner;
27 or if any such service is not operated for a period of 90 days,
28 or for such other period of time as may be designated by the
29 commissioner, then in either of such events, the commissioner,

1 after notice and opportunity for hearing as provided in the Admin-
2 istrative Procedure Act, may order that such certificate shall
3 thereupon cease to be effective to the extent of the service
4 authorized.

5 c. Emergency Operations. No certificated carrier or carrier
6 exempt under Sec. 7 (2) of this Act shall be deemed to have
7 violated any term, condition or limitation of its certificate by
8 landing or taking off during an emergency at a point not named in
9 its certificate, or by operating during an emergency, under regu-
10 lations which may be prescribed by the commissioner between
11 terminal and intermediate points other than those specified in
12 its certificate.

13 d. No Exclusive Rights. No certificate shall confer any
14 proprietary, property, or exclusive right in the use of any air
15 space, civil airway, public landing area or public air navigation
16 facility.

17 Sec. 12. MODIFICATION, SUSPENSION, OR REVOCATION OF CERTIFI-
18 CATES. Upon a petition or upon an accusation filed by any person
19 or the commissioner pursuant to the Administrative Procedure Act,
20 and after notice and opportunity for hearing, the commissioner
21 by order may alter, amend, or modify any certificate, in whole or
22 in part, if the public convenience and necessity so require, and
23 may suspend or revoke any certificates, in whole or in part, for
24 any of the following reasons:

25 (1) For intentional misrepresentation of a material
26 fact in obtaining such certificate.

27 (2) For voluntary discontinuance of operations.

28 (3) For intentional failure to comply with any pro-
29 vision of this Act or any order, rule, or regulation issued

1 hereunder.

2 (4) For intentional failure to comply with any term,
3 condition, or limitation of such certificates.

4 Sec. 13. TRANSFER OF CERTIFICATES. Any certificate may be
5 transferred or leased subject to the approval of the commissioner,
6 and under such reasonable rules and regulations as the commissioner
7 may prescribe. Except where a transfer of a certificate results
8 from the operation of law, approval of such transfer or lease
9 shall be given only upon a finding by the commissioner, after
10 notice and opportunity for a hearing, that such transfer or lease
11 will be consistent with the public interest. The application for
12 approval shall be made jointly by the transferor and transferee
13 or lessor and lessee.

14 Sec. 14. ABANDONMENT OR DISCONTINUANCE OF SERVICE BY
15 CERTIFICATED CARRIER. No certificated carrier or carrier exempt
16 under Sec. 7 (2) of this Act shall abandon or discontinue any
17 service or part thereof for which a certificate has been issued
18 by the commissioner, unless upon the application of such carrier,
19 after notice and opportunity for hearing, the commissioner shall
20 find such abandonment or discontinuance to be in the public
21 interest. Any interested person may file with the commissioner a
22 protest or memorandum of opposition to or in support of any such
23 abandonment. The commissioner may, by regulations or otherwise,
24 authorize such temporary suspension of service as may be in the
25 public interest.

26 Sec. 15. SECURITY FOR THE PROTECTION OF THE PUBLIC. No
27 certificate shall be issued to an air carrier nor shall any certifi-
28 cate remain in force unless such carrier complies with such reason-
29 able rules and regulations as the commissioner shall prescribe

1 governing the filing and approval of surety bonds, policies of
2 insurance, qualifications as a self-insurer of other securities
3 or agreements, in such reasonable amount as the commissioner may
4 require. Such surety bonds, policies of insurance, qualifications
5 as a self-insurer, or other securities shall be conditioned to
6 pay, within the amounts thereof, any final judgment recovered
7 against such carrier for bodily injuries to or the death of any
8 person resulting from the negligent operation, maintenance or use
9 of aircraft under such certificate, or for the loss or damage to
10 property of others. Nothing in this Act shall relieve a certifi-
11 cate holder from any liability for negligence, whether or not it
12 has complied with the requirements of this section.

13 Sec. 16. TARIFFS.

14 a. Filing of Tariffs Required. Every air carrier except
15 contract carriers shall file with the commissioner and make avail-
16 able to the public, tariffs showing all rates, fares and charges
17 for air commerce between points served by it, and between points
18 served by it and points served by any other air carrier when
19 through air commerce service and rates have been established, and
20 all classifications, rules, regulations, practices, and services
21 in connection with such commerce.

22 b. Extent and Manner of Filing; Form. Tariffs shall be
23 filed and made available to the public to the extent and in the
24 manner required by regulations of the commissioner. The form of
25 every such tariff shall be prescribed by the commissioner and
26 shall conform as nearly as may be to the form of tariffs required
27 of air carriers by the Civil Aeronautics Board or other agency
28 of the federal government under the Act of Congress entitled
29 "Federal Aviation Act of 1958," and the acts amendatory thereof

1 and supplementary thereto. The rates, fares and charges shown
2 in any tariff shall be stated in terms of lawful money of the
3 United States.

4 c. Rejection of Tariffs. The commissioner is empowered to
5 reject any tariff which is not consistent with this section and
6 the regulations of the commissioner thereunder. Any tariff so
7 rejected shall be void.

8 d. Observance of Tariffs, Rebating Prohibited. No air
9 carrier except contract carriers shall charge or demand or collect
10 or receive a greater or less or different compensation for air
11 commerce, or for any service in connection therewith, than the
12 rates, fares, and charges specified in its currently effective
13 tariffs. No such carrier shall, in any manner or by any device,
14 directly or indirectly, or through any agent or broker, or other-
15 wise, refund or remit any portion of the rates, fares, or charges
16 so specified, or extend to any person any privileges or facilities,
17 with respect to matters required by the commissioner to be speci-
18 fied in such tariffs, except those specified therein. In the
19 event that an excessive rate, fare, or charge is stated in a
20 currently effective tariff through error, the air carrier may, in
21 accordance with regulations prescribed by the commissioner, make
22 appropriate refunds to any person paying such charge.

23 e. Free or Reduced Rates. Nothing in this Act shall pro-
24 hibit certificated carriers, air taxi operators or carriers exempt
25 under Sec. 7 (2) of this Act under such terms and conditions as
26 the commissioner may prescribe, from issuing or interchanging
27 tickets or passes for free or reduced rate transportation to their
28 directors, officers, employees and retired employees and their
29 immediate families; to witnesses and attorneys attending any legal

1 investigation in which any such carrier is involved in the pro-
2 ceeding; to persons injured in aircraft accidents and physicians
3 and nurses attending such persons; to employees of the FAA and the
4 Post Office Department, whose carriage was authorized by such
5 carriers under Parts 224 and 233 of the CAB Economic Regulations;
6 and to any person or property with the object of providing relief
7 in cases of general epidemic, pestilence, or other calamitous
8 visitation. No such carrier shall provide free or reduced rate
9 transportation to any other persons or under any other circumstances.

10 f. Notice of Change in Tariff. No change shall be made in
11 any rate, fare, or charge, or any classification, rule, regulation,
12 or practice affecting such rate, fare, or charge or the value of
13 the service thereunder, specified in any effective tariff of any
14 certificated carrier, air taxi operator or carrier exempt under
15 Sec. 7 (2) of this Act, except after 30 days' notice of the pro-
16 posed change filed, and made available to the public in accordance
17 with subsections a. and b. of this section. Such notice shall
18 plainly state the change proposed to be made and the time such
19 change will take effect. In the public interest the commissioner,
20 by regulation or otherwise, may allow such change upon notice less
21 than that herein specified, or modify the requirements of this
22 section with respect to filing and posting of tariffs, either in
23 particular instances or by general order applicable to special or
24 peculiar circumstances or conditions.

25 Sec. 17. RATES AND SERVICE.

26 a. Duties of Certificated Carriers. Every certificated
27 carrier and carriers exempt under Sec. 7 (2) of this Act shall
28 have the following duties:

29 (1) To provide and furnish air commerce, as authorized

1 by its certificate, upon reasonable request therefor and to pro-
2 vide reasonable through service in such commerce in connection
3 with other such carriers or with common carriers by railroad,
4 motor vehicle, express or water.

5 (2) To provide adequate and reasonable service, equip-
6 ment, and facilities, in connection with such commerce.

7 (3) To establish, observe and enforce just and reason-
8 able individual and joint rates, fares, and charges, and just and
9 reasonable classifications, rules, regulations, and practices
10 relating to such commerce.

11 b. Discrimination. No certificated carrier or carrier
12 exempt under Sec. 7 (2) of this Act shall make, give, or cause
13 any undue or unreasonable preference or advantage to any partic-
14 ular person, port, locality, or description of traffic in any
15 respect whatsoever or subject any particular person, port locality,
16 or description of traffic to any unjust discrimination or any
17 undue or unreasonable prejudice or disadvantage in any respect
18 whatsoever.

19 c. Power to Prescribe Rates and Practices. Whenever, after
20 notice and opportunity for hearing, upon complaint, or upon his
21 own initiative, the commissioner shall be of the opinion that any
22 individual or joint rate, fare or charge demanded, charged,
23 collected, or received by any certificated carrier or carrier
24 exempt under Sec. 7 (2) of this Act for air commerce performed
25 by it, or any classification, rule, regulation, or practice
26 affecting such rate, fare or charge, or the value of the service
27 thereunder, is or will be unjust or unreasonable, unjustly dis-
28 criminatory, unduly preferential or unduly prejudicial, the
29 commissioner shall determine and prescribe the lawful rate, fare

1 or charge (or the maximum or minimum, or the maximum and minimum
2 thereof) thereafter to be demanded, charged, collected or re-
3 ceived, or the lawful classification, rule, regulation, or
4 practice thereafter to be made effective.

5 d. Suspension of Rates. Whenever any certificated carrier
6 or carrier exempt under Sec. 7 (2) of this Act shall file with
7 the commissioner a tariff stating a new individual or joint rate,
8 fare or charge for air commerce or any classification, rule,
9 regulation, or practice affecting such rate, fare or charge, or
10 the value of the service thereunder, the commissioner is em-
11 powered, upon complaint or upon his own initiative, at once, and
12 if he so orders, without answer or other formal pleading by such
13 carrier, but upon reasonable notice, to enter upon an investiga-
14 tion concerning the lawfulness of such rate, fare or charge, or
15 such classification, rule, regulation, or practice. Pending such
16 investigation and the decision thereon, the commissioner, by
17 filing with such tariff, and delivering to the certificated carrier
18 or the carrier exempt under Sec. 7 (2) of this Act affected
19 thereby, a statement in writing of his reasons for such suspen-
20 sion, may suspend the operation of such rate, fare or charge, or
21 such classification, rule, regulation, or practice, for a period
22 of 90 days. If the proceeding has not been concluded and a final
23 order made within such period, the commissioner, may from time to
24 time, extend the period of suspension, but not for a longer period
25 in the aggregate than 180 days beyond the time when such tariff
26 would otherwise go into effect; and before or after the rate, fare,
27 charge, classification, rule, regulation, or practice goes into
28 effect, the commissioner, after opportunity for hearing, may make
29 such order with reference thereto as would be proper in a proceeding

1 instituted after such rate, fare, charge, classification, rule,
2 regulation, or practice had become effective. If the proceeding
3 has not been concluded and an order made within the period of
4 suspension, the proposed rate, fare, charge, classification,
5 rule, regulation, or practice shall go into effect at the end
6 of such period; provided, that this subsection shall not apply
7 to any initial tariff filed by any such carrier.

8 e. Power to Establish Through Transportation Service.

9 The commissioner shall, whenever required by the public convenience
10 and necessity, after notice and hearing, upon complaint or upon
11 his own initiative, establish through service and joint rates,
12 fares or charges (or the maxima and minima thereof) for air
13 commerce performed by certificated carriers or carriers exempt
14 under Sec. 7 (2) of this Act, or the classification, rules, regu-
15 lations, or practices affecting such rates, fares, or charges, or
16 the value of service thereunder, and the terms and conditions
17 under which such through service shall be operated.

18 f. Schedules. Certificated carriers and carriers exempt
19 under Sec. 7 (2) of this Act shall publish, post and file with
20 the commissioner in accordance with general or special regula-
21 tions prescribed by the commissioner, schedules showing the
22 time of arrival and departure of regularly scheduled aircraft
23 engaged in air commerce.

24 Sec. 18. FEDERAL LAWS AND REGULATIONS. To the extent that
25 the Civil Aeronautics Board or any other agency of the federal
26 government acting pursuant to federal statute exercises juris-
27 diction by order or regulation with respect to tariffs, rates
28 and services of air carriers and there is compliance with such
29 order or regulation by the air carrier or air carriers concerned,

1 such shall be deemed to be compliance with the provisions of Secs.
2 16 and 17 of this Act and any regulation or order of the commis-
3 sioner issued thereunder. However, the commissioner may require
4 the filing with him of any or all tariffs and schedules which an
5 air carrier is required to file with the Civil Aeronautics Board
6 of the United States or any other federal agency with respect
7 to such air commerce.

8 Sec. 19. ACCOUNTS, RECORDS AND REPORTS.

9 a. Filing of Reports. The commissioner is empowered to
10 require annual reports from any air carrier covering any or all
11 operations or business. The commissioner may also require month-
12 ly, periodical, and special reports from any air carrier; may
13 prescribe the manner and form in which such reports shall be made;
14 and may require from any such carrier specific answers to any
15 questions pertaining to air commerce performed by him within the
16 state, and the books, records, properties or operations in connec-
17 tion therewith upon which the commissioner may deem information
18 to be necessary. Such annual, monthly, periodical, and special
19 reports and answers to questions shall be under oath whenever
20 the commissioner so requires. The contents of such regular re-
21 ports and the form thereof shall conform as nearly as may be to
22 that required of air carriers by the Civil Aeronautics Board or
23 other agency of the federal government under the Act of Congress
24 entitled "Federal Aviation Act of 1958" and the acts amendatory
25 thereof and supplementary thereto. The commissioner may also
26 require any air carrier to file with him a true copy of each or
27 any contract, agreement, understanding, or arrangement, between
28 such carrier and any other carrier or person, in relation to any
29 traffic affected by the provisions of this Act.

1 b. Form of Accounts. The commissioner shall prescribe the
2 forms of any and all accounts, records, and memoranda to be kept
3 by air carriers, including the accounts, records and memoranda
4 of the movement of traffic, as well as of the receipts and ex-
5 penditures of money, and the length of time such accounts, records
6 and memoranda shall be preserved. The forms of accounts, records
7 and memoranda prescribed by the commissioner as provided above
8 shall conform as nearly as may be to those from time to time
9 prescribed by the Civil Aeronautics Board or other agency of the
10 federal government under the Act of Congress entitled "Federal
11 Aviation Act of 1958," and the acts amendatory thereof and
12 supplementary thereto.

13 c. Inspection of Accounts and Property. At all times the
14 commissioner shall have access to all lands, buildings and
15 equipment of any air carrier and to all accounts, records, and
16 memoranda, including all documents, papers, and correspondence,
17 now or hereafter existing, and kept or required to be kept by
18 such carriers; and he may employ special agents or auditors, who
19 shall have authority under the orders of the commissioner to
20 inspect and examine any and all such lands, buildings, equipment,
21 accounts, records, and memoranda.

22 d. Federal Requirements. If an air carrier maintains re-
23 cords and accounts and furnishes reports in compliance with law-
24 ful regulations of the Civil Aeronautics Board of the United
25 States or other agency of the federal government with respect to
26 operations and business in the state, then this shall constitute
27 compliance with the provisions of subsections a. and b. of this
28 section and the regulations, rules and orders promulgated there-
29 under by the commissioner. The commissioner may require of any

1 such carrier that it furnish the commissioner with copies of all
2 reports furnished the Civil Aeronautics Board of the United States
3 or other agency of the federal government, and in addition, the
4 commissioner in his discretion may require the preparation and
5 furnishing of such special reports, records, and accounts as he
6 deems necessary.

7 Sec. 20. METHODS OF COMPETITION. The commissioner, upon
8 his own initiative or upon complaint by any air carrier or ticket
9 agent, if he considers that such action by him would be in the
10 interest of the public, may investigate and determine whether
11 any air carrier or ticket agent has been or is engaged in unfair
12 or deceptive practices or unfair methods of competition in air
13 commerce or the sale thereof. If the commissioner shall find,
14 after notice and opportunity for hearing, that such air carrier
15 or ticket agent is engaged in such unfair or deceptive practices
16 or unfair methods of competition, he shall order such air carrier
17 or ticket agent to cease and desist from such practice or methods
18 of competition.

19 Sec. 21. COMPLAINT TO AND INVESTIGATIONS BY THE COMMISSIONER.

20 a. Complaints. Any person may file with the commissioner
21 a complaint in writing with respect to anything done or omitted
22 to be done by any person in contravention of any provision of this
23 Act, or of any requirement established pursuant thereto. If the
24 person complained against shall not satisfy the complaint and
25 there shall appear to be any reasonable ground for investigating
26 the complaint, it shall be the duty of the commissioner to in-
27 vestigate the matters complained of. The state Department of Public
28 Safety shall assist the commissioner in the investigations. When-
29 ever the commissioner is of the opinion that any complaint does

1 not state facts which warrant an investigation or action on his
2 part, he may dismiss such complaint without hearing.

3 b. Investigations. The commissioner is empowered at any
4 time to institute an investigation, on his own initiative, in
5 any case and as to any matter or thing concerning which complaint
6 is authorized to be made to or before the commissioner by any
7 provisions of this Act, or concerning which any question may arise
8 under any of the provisions of this Act, or relating to the en-
9 forcement of any of the provisions of this Act. The commissioner
10 shall have the same power to proceed with any investigation in-
11 stituted on his own motion as though he had been appealed to by
12 complaint.

13 c. Enforcement. If the commissioner finds, after notice and
14 opportunity for hearing, in any investigation instituted upon com-
15 plaint or upon his own initiative, that any person has failed to
16 comply with any provisions of this Act or any requirement es-
17 tablished pursuant thereto, the commissioner shall issue an
18 appropriate order to compel such person to comply therewith.

19 Sec. 22. ORDERS, NOTICE, SERVICE.

20 a. Effective Date of Commissioner's Orders. Except as
21 otherwise provided in this Act, all orders, rules, and regula-
22 tions of the commissioner shall take effect within the time
23 provided in the Administrative Procedure Act if applicable and
24 if not applicable within such reasonable time as the commissioner
25 may prescribe, and shall continue in force until his further
26 order, rule or regulation, or for a specified period of time,
27 as shall be prescribed in the order, rule, or regulation or as
28 prescribed by the Administrative Procedure Act where applicable.

29 b. Agent for Process. It shall be the duty of every air
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1 carrier within 60 days after the effective date of this Act to
2 designate in writing an agent upon whom service of all notices
3 and process and all orders, decisions, and requirements of the
4 commissioner may be made for and on behalf of said carrier, and to
5 file such designation in the office of the commissioner. Such
6 designation may from time to time be changed by like writing
7 similarly filed. Service of all notices, process, orders, de-
8 cisions and requirements of the commissioner may be made upon
9 such carrier by service upon such designated agent at his office
10 or usual place of residence with like effect as if made personally
11 upon such carrier. In default of such designation of such agent,
12 service of any notice or other process in any proceedings before
13 said commissioner, or of any order, decision or requirement of
14 the commissioner, may be made by posting such notice, process,
15 order, requirement or decision in the office of the commissioner.

16 c. Service of Notices, etc. Services of notices, processes,
17 orders, rules and regulations upon any person may be made by
18 personal service, or upon an agent designated in writing for the
19 purpose, or by registered or certified mail addressed to such
20 person or agent. Whenever service is made by registered or
21 certified mail, the date of mailing shall be considered as the
22 time when service is made.

23 d. Suspension and Modifications of Orders. Except as
24 otherwise provided in this Act, the commissioner is empowered
25 to suspend or modify his orders pursuant to the Administrative
26 Procedure Act, if applicable, or upon such notice and in such
27 manner as it shall deem proper.

28 e. Duty to Comply. It shall be the duty of every person
29 subject to this Act, and its agents and employees, to observe

1 and comply with any order, rule, regulation, or certificate
2 issued by the commissioner under this Act affecting such person
3 so long as the same shall remain in effect.

4 f. Findings of Fact. Every order of the commissioner shall
5 set forth the findings of fact upon which it is based, and shall
6 be served upon the parties to the proceeding and the persons
7 affected by such order.

8 Sec. 23. JUDICIAL ENFORCEMENT.

9 a. In General. If any person violates any provision of
10 this Act, or any rule, regulation, requirement, or order there-
11 under, or any term, condition or limitation of any certificate
12 or permit issued under this Act, then the commissioner, or in
13 the case of a violation of Secs. 6 or 7 of this Act any party
14 in interest (without prior resort to the commissioner), may apply
15 to the Superior Court of the State of Alaska for the enforcement
16 of said provision, or of such rule, regulation, requirement,
17 order, term, condition, or limitation; and such court shall have
18 jurisdiction to enforce obedience thereto by a writ of injunction
19 or other process, mandatory or otherwise, restraining such per-
20 son, its officers, agents, employees and representatives, from
21 further violation of said provision or of such rule, regulation,
22 requirement, order, term, condition or limitation, and enjoining
23 upon them obedience thereto.

24 b. Duty of State's Attorney. Upon the request of the
25 commissioner, it shall be the duty of the Department of Law of
26 this state to whom the commissioner may apply to institute in
27 the proper court and to prosecute under the direction of the
28 attorney general of the state all necessary proceedings for the
29 enforcement of the provisions of this Act or any rule, regulation,
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1 requirement, or order thereunder, or any term, condition or
2 limitation of any certificate or permit, and for the punishment
3 of all violations thereof.

4 Sec. 24. ADMINISTRATIVE AND JUDICIAL REVIEW. Any order,
5 affirmative or negative, issued by the designated representative
6 of the commissioner under this Act shall be subject initially
7 to review by the commissioner in the manner prescribed by
8 regulation issued by the commissioner, and shall be subject
9 thereafter to judicial review as prescribed by the Administra-
10 tive Procedure Act.

11 Sec. 25. PENALTIES. Every person, including any officer,
12 agent or employee of a corporation who violates, procures, aids
13 or abets in the violation of any provision of this Act, or fails
14 to comply with any order, decision or regulation issued by the
15 commissioner, shall be guilty of a misdemeanor, and upon convic-
16 tion thereof shall be punishable by a fine of not to exceed
17 \$1,000.00. Every day's violation of this Act or of any of the
18 terms or conditions of any such order, decision or regulation
19 shall constitute a separate offense, punishable as aforesaid.

20 Sec. 26. PUBLIC DISCLOSURE OF INFORMATION. Any person may
21 make written objections to the public disclosure of information
22 contained in any application, report or document filed pursuant
23 to the provisions of this Act or of information obtained by the
24 commissioner pursuant to the provisions of this Act, stating the
25 grounds for such objection. Whenever any such objection is made,
26 the commissioner shall order such information withheld from public
27 disclosure when in its judgment a disclosure of such information
28 would adversely affect the interest of such person and is not
29 required in the interest of the public.

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Sec. 27. EFFECTIVE DATE. This Act shall take effect on
July 1, 1960.