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IN THE SENATE BY THE JUDICIARY COMMITTEE

CS FOR SENATE BILL NO. 87

IN THE LEGISLATURE OF THE STATE OF ALASKA
FIRST LEGISLATURE - SECOND SESSION

A BILL

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

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

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

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

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

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

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

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

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

(6) To provide for the administration and enforcement

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) "commission" means the state Public Service

1 Commission or its 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 it shall deem necessary in exercising
10 and performing his powers and duties. The compensation of all
11 officers and employees of the commission shall be fixed in the
12 manner provided by law.

13 From time to time the commission 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 COMMISSION.

22 a. Administration and Enforcement. It shall be the duty
23 of the commission to administer the provisions of this Act,
24 and to that end the commission 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 commission 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 commission 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 commission is also authorized to avail itself 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 commission
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 commission inadequate, unsatisfactory,
18 or discriminatory, the commissior. 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 commission'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 commission shall conduct
26 its 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 commissior. and be heard in person or by
29 attorney. Every official act of the commissior. 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 commission 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 May 1, 1960, may engage
20 or continue to engage in air commerce as an Alaska air taxi operator
21 subject to the following limitations and conditions.

22 (a) Such person shall comply with all laws,
23 rules and regulations relating to the providing of safe and
24 adequate service, equipment, and facilities in connection
25 with such air commerce, and

26 (b) such person at all times shall comply with
27 the conditions and limitations contained in Secs. 293.1,
28 293.2, 293.3 and 293.17 (a) of Part 293 of the Economic Regula-
29 tions of the federal Civil Aeronautics Board, adopted

1 December 30, 1958 and made effective February 3, 1959, subject
2 to the following modifications of the provisions contained
3 in those sections: (1) an Alaskan air taxi operator may
4 utilize in air transportation, in all areas of Alaska west
5 of 138° west longitude, aircraft having a "maximum certificate
6 take off weight" (as that term is defined in Sec. 293.1 of the
7 said Economic Regulations) of 12,500 pounds or less; (2) an
8 Alaskan air taxi operator is authorized both to employ or
9 hire pilots and to lease, rent, and own aircraft without
10 limitation as to number.

11 (5) Resident. The term "resident" as used in subsec-
12 tions (3) and (4) of this section means any person, if an indivi-
13 dual or a partnership, who has resided in Alaska for at least one
14 year immediately prior to the passage of this Act, and if a
15 corporation, which has been incorporated under the laws of Alaska
16 and which has as stockholders owning at least 75% of the stock,
17 persons who have resided in Alaska for at least one year prior to
18 the passage of this Act.

19 Sec. 8. TEMPORARY EXEMPTION OF AIR CARRIERS. From time to
20 time when an emergency requires, the commission may exempt
21 from the requirements of this Act or any provision thereof, or
22 any rule, regulation, term, condition, or limitation prescribed
23 thereunder, any air carrier or class of air carriers, if the
24 commission finds that the enforcement of this Act or such pro-
25 vision, or such rule, regulation, term, condition or limitation
26 is or would be an undue burden on such air carrier or class of
27 air carriers by reason of the emergency, or unusual circumstances
28 affecting the operation of such air carrier or class of air
29 carriers, and is not in the public interest. The commission

1 shall issue any regulation or order for a temporary exemption
2 pursuant to the provisions of the Administrative Procedure Act.

3 Sec. 9. APPLICATIONS FOR CERTIFICATES.

4 a. Form and Contents. Applications for a certificate shall
5 be made in writing to the commission and shall be in such form
6 and contain such information and be accompanied by a proof of
7 service upon such interested parties as the commission shall,
8 by regulation, require.

9 b. Notice and Hearing. Upon the receipt of an application
10 for a certificate, the commission shall give due notice thereof
11 (1) to the public by posting a notice of such application in the
12 office of the commission; and (2) to such persons, and by such
13 means, as the commission shall determine by regulation. Any
14 interested person may file with the commission a statement of
15 issues as provided by the Administrative Procedure Act or a
16 memorandum in support of the issuance of a certificate. A public
17 hearing shall be held on such application if the applicant, or
18 any person having a substantial interest in the proceeding, shall
19 so request within such time as the commission shall provide by
20 regulation.

21 c. New Service Investigations. Whenever he deems such action
22 advisable, the commission upon his own initiative may conduct an
23 investigation to determine whether additional air commerce appears
24 to be needed. If after such investigation the commission is
25 of the opinion that such procedure is appropriate, it may encourage
26 the filing of applications for certificates authorizing the furnish-
27 ing of such commerce.

28 Sec. 10. ISSUANCE OF CERTIFICATES.

29 a. Findings Required. Subject to the provisions of subsec-

1 tion b. of this section, the commission shall issue a certificate
2 authorizing the applicant to engage in air commerce as a contract
3 carrier or air taxi operator, or authorizing the whole or any
4 part of the operation covered by an application for a certificate
5 for a certificated carrier

6 (1) if the commission finds that the applicant is
7 fit, willing and able to engage in air commerce properly and to
8 comply with and conform to the provisions of this Act and the rules,
9 regulations, and requirements of the commission hereunder; and

10 (2) if the commission finds that such air commerce
11 and the performance thereof by the applicant, is required by the
12 public convenience and necessity and is consistent with the
13 declaration of policy contained in Sec. 2 of this Act.

14 This section shall apply only to new service applications,
15 and shall not apply to persons qualifying under Section 7 of this
16 Act.

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

20 b. Evidence of Compliance with Other Laws. No certificate
21 may be issued to any person to operate as an air carrier unless
22 the applicant submits evidence, satisfactory to the commission,
23 showing that it can and will comply with the provisions of the
24 laws of the United States, and the state, and the lawful rules,
25 regulations and orders thereunder, respecting safety of operation.

26 Sec. 11. TERMS AND CONDITIONS OF CERTIFICATE.

27 a. General Terms and Conditions. Each certificate issued
28 to a certificated carrier under this Act shall specify the points
29 between which, or the areas within which, the holder is authorized

1 to engage in operations as an air carrier and the service to be
2 rendered. There shall be attached to the exercise of the privi-
3 leges granted by a certificate issued under the provisions of this
4 Act, or amendment to any certificate, such reasonable terms,
5 conditions, and limitations as the public interest may require.

6 b. Effective Date and Duration of Certificates. (1) Sub-
7 ject to the provisions of paragraph (2) of this subsection b.,
8 unless and until a certificate is modified, suspended or revoked,
9 as hereafter provided, each certificate shall be effective from
10 the date specified therein, and shall continue in effect in-
11 definitely, or, if issued for a limited period of time shall
12 continue in effect until the expiration thereof.

13 (2) If any service authorized by a certificate for a
14 certificated carrier is not inaugurated within 90 days immediately
15 following the date of authorization of the commission, or within
16 such shorter period of time as may be fixed by the commission;
17 or if any such service is not operated for a period of 90 days,
18 or for such other period of time as may be designated by the
19 commission, then in either of such events, the commission,
20 after notice and opportunity for hearing as provided in the Admin-
21 istrative Procedure Act, may order that such certificate shall
22 thereupon cease to be effective to the extent of the service
23 authorized.

24 c. Emergency Operations. No certificated carrier or carrier
25 exempt under Sec. 7 (2) of this Act shall be deemed to have
26 violated any term, condition or limitation of its certificate by
27 landing or taking off during an emergency at a point not named in
28 its certificate, or by operating during an emergency, under regu-
29 lations which may be prescribed by the commission between

1 terminal and intermediate points other than those specified in
2 its certificate.

3 d. No Exclusive Rights. No certificate shall confer any
4 proprietary, property, or exclusive right in the use of any air
5 space, civil airway, public landing area or public air navigation
6 facility.

7 e. Registration Fees for Aircraft. Each aircraft owned or
8 leased by any person subject to the provisions of this Act shall
9 be registered with the Director before such aircraft is utilized
10 in air commerce. Certificates of registration for each aircraft
11 shall be issued by the Director. Said certificates shall be valid
12 for a period of twelve months from the date of registration, and
13 shall be renewed at the expiration of each twelve-month period.
14 The fees for registration of aircraft shall be as follows:

15	Aircraft weighing 4000 pounds gross weight or less . . .	\$25.00
16	Aircraft weighing over 4000 pounds but less than	
17	7900 pounds gross weight	50.00
18	Aircraft weighing 7900 pounds but less than	
19	12,500 pounds gross weight	75.00
20	Aircraft weighing 12,500 pounds but less than	
21	27,000 pounds gross weight	100.00
22	Aircraft weighing 27,000 pounds but less than	
23	50,000 pounds gross weight	150.00
24	Aircraft weighing 50,000 pounds gross weight or more	200.00

25 Sec. 12. MODIFICATION, SUSPENSION, OR REVOCATION OF CERTIFI-
26 CATES. Upon a petition or upon an accusation filed by any person
27 or the commission pursuant to the Administrative Procedure Act,
28 and after notice and opportunity for hearing, the commission
29 by order may alter, amend, or modify any certificate, in whole or

1 in part, if the public convenience and necessity so require, and
2 may suspend or revoke any certificates, in whole or in part, for
3 any of the following reasons:

4 (1) For intentional misrepresentation of a material
5 fact in obtaining such certificate.

6 (2) For voluntary discontinuance of operations.

7 (3) For intentional failure to comply with any pro-
8 vision of this Act or any order, rule, or regulation issued
9 hereunder.

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

12 Sec. 13. TRANSFER OF CERTIFICATES. Any certificate may be
13 transferred or leased subject to the approval of the commission,
14 and under such reasonable rules and regulations as the commission
15 may prescribe. Except where a transfer of a certificate results
16 from the operation of law, approval of such transfer or lease
17 shall be given only upon a finding by the commission, after
18 notice and opportunity for a hearing, that such transfer or lease
19 will be consistent with the public interest. The application for
20 approval shall be made jointly by the transferor and transferee
21 or lessor and lessee.

22 Sec. 14. ABANDONMENT OR DISCONTINUANCE OF SERVICE BY
23 CERTIFICATED CARRIER. No certificated carrier or carrier exempt
24 under Sec. 7 (2) of this Act shall abandon or discontinue any
25 service or part thereof for which a certificate has been issued
26 by the commission, unless upon the application of such carrier,
27 after notice and opportunity for hearing, the commission shall
28 find such abandonment or discontinuance to be in the public
29 interest. Any interested person may file with the commission a

1 protest or memorandum of opposition to or in support of any such
2 abandonment. The commission may, by regulations or otherwise,
3 authorize such temporary suspension of service as may be in the
4 public interest.

5 Sec. 15. SECURITY FOR THE PROTECTION OF THE PUBLIC. No
6 certificate shall be issued to an air carrier nor shall any certifi-
7 cate remain in force unless such carrier complies with such reason-
8 able rules and regulations as the commission shall prescribe
9 governing the filing and approval of surety bonds, policies of
10 insurance, qualifications as a self-insurer of other securities
11 or agreements, in such reasonable amount as the commission may
12 require. Such surety bonds, policies of insurance, qualifications
13 as a self-insurer, or other securities shall be conditioned to
14 pay, within the amounts thereof, any final judgment recovered
15 against such carrier for bodily injuries to or the death of any
16 person resulting from the negligent operation, maintenance or use
17 of aircraft under such certificate, or for the loss or damage to
18 property of others. Nothing in this Act shall relieve a certifi-
19 cate holder from any liability for negligence, whether or not it
20 has complied with the requirements of this section.

21 Sec. 16. TARIFFS.

22 a. Filing of Tariffs Required. Every air carrier except
23 contract carriers shall file with the commission and make avail-
24 able to the public, tariffs showing all rates, fares and charges
25 for air commerce between points served by it, and between points
26 served by it and points served by any other air carrier when
27 through air commerce service and rates have been established, and
28 all classifications, rules, regulations, practices, and services
29 in connection with such commerce.

1 b. Extent and Manner of Filing; Form. Tariffs shall be
2 filed and made available to the public to the extent and in the
3 manner required by regulations of the commission. The form of
4 every such tariff shall be prescribed by the commission and
5 shall conform as nearly as may be to the form of tariffs required
6 of air carriers by the Civil Aeronautics Board or other agency
7 of the federal government under the Act of Congress entitled
8 "Federal Aviation Act of 1958," and the acts amendatory thereof
9 and supplementary thereto. The rates, fares and charges shown
10 in any tariff shall be stated in terms of lawful money of the
11 United States.

12 c. Rejection of Tariffs. The commission is empowered to
13 reject any tariff which is not consistent with this section and
14 the regulations of the commission thereunder. Any tariff so
15 rejected shall be void.

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

1 appropriate refunds to any person paying such charge.

2 e. Free or Reduced Rates. Nothing in this Act shall pro-
3 hibit certificated carriers, air taxi operators or carriers exempt
4 under Sec. 7 (2) of this Act under such terms and conditions as
5 the commission may prescribe, from issuing or interchanging
6 tickets or passes for free or reduced rate transportation to their
7 directors, officers, employees and retired employees and their
8 immediate families; to witnesses and attorneys attending any legal
9 investigation in which any such carrier is involved in the pro-
10 ceeding; to persons injured in aircraft accidents and physicians
11 and nurses attending such persons; to employees of the FAA and the
12 Post Office Department, whose carriage was authorized by such
13 carriers under Parts 224 and 233 of the CAB Economic Regulations;
14 and to any person or property with the object of providing relief
15 in cases of general epidemic, pestilence, or other calamitous
16 visitation. No such carrier shall provide free or reduced rate
17 transportation to any other persons or under any other circumstances.

18 f. Notice of Change in Tariff. No change shall be made in
19 any rate, fare, or charge, or any classification, rule, regulation,
20 or practice affecting such rate, fare, or charge or the value of
21 the service thereunder, specified in any effective tariff of any
22 certificated carrier, air taxi operator or carrier exempt under
23 Sec. 7 (2) of this Act, except after 30 days' notice of the pro-
24 posed change filed, and made available to the public in accordance
25 with subsections a. and b. of this section. Such notice shall
26 plainly state the change proposed to be made and the time such
27 change will take effect. In the public interest the commission,
28 by regulation or otherwise, may allow such change upon notice less
29 than that herein specified, or modify the requirements of this

1 section with respect to filing and posting of tariffs, either in
2 particular instances or by general order applicable to special or
3 peculiar circumstances or conditions.

4 Sec. 17. RATES AND SERVICE.

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

8 (1) To provide and furnish air commerce, as authorized
9 by its certificate, upon reasonable request therefor and to pro-
10 vide reasonable through service in such commerce in connection
11 with other such carriers or with common carriers by railroad,
12 motor vehicle, express or water.

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

15 (3) To establish, observe and enforce just and reason-
16 able individual and joint rates, fares, and charges, and just and
17 reasonable classifications, rules, regulations, and practices
18 relating to such commerce.

19 b. Discrimination. No certificated carrier or carrier
20 exempt under Sec. 7 (2) of this Act shall make, give, or cause
21 any undue or unreasonable preference or advantage to any partic-
22 ular person, port, locality, or description of traffic in any
23 respect whatsoever or subject any particular person, port locality,
24 or description of traffic to any unjust discrimination or any
25 undue or unreasonable prejudice or disadvantage in any respect
26 whatsoever.

27 c. Power to Prescribe Rates and Practices. Whenever, after
28 notice and opportunity for hearing, upon complaint, or upon his
29 own initiative, the commission shall be of the opinion that any

1 individual or joint rate, fare or charge demanded, charged,
2 collected, or received by any certificated carrier or carrier
3 exempt under Sec. 7 (2) of this Act for air commerce performed
4 by it, or any classification, rule, regulation, or practice
5 affecting such rate, fare or charge, or the value of the service
6 thereunder, is or will be unjust or unreasonable, unjustly dis-
7 criminatory, unduly preferential or unduly prejudicial, the
8 commission shall determine and prescribe the lawful rate, fare
9 or charge (or the maximum or minimum, or the maximum and minimum
10 thereof) thereafter to be demanded, charged, collected or re-
11 ceived, or the lawful classification, rule, regulation, or
12 practice thereafter to be made effective.

13 d. Suspension of Rates. Whenever any certificated carrier
14 or carrier exempt under Sec. 7 (2) of this Act shall file with
15 the commission a tariff stating a new individual or joint rate,
16 fare or charge for air commerce or any classification, rule,
17 regulation, or practice affecting such rate, fare or charge, or
18 the value of the service thereunder, the commission is em-
19 powered, upon complaint or upon his own initiative, at once, and
20 if he so orders, without answer or other formal pleading by such
21 carrier, but upon reasonable notice, to enter upon an investiga-
22 tion concerning the lawfulness of such rate, fare or charge, or
23 such classification, rule, regulation, or practice. Pending such
24 investigation and the decision thereon, the commission, by
25 filing with such tariff, and delivering to the certificated carrier
26 or the carrier exempt under Sec. 7 (2) of this Act affected
27 thereby, a statement in writing of his reasons for such suspen-
28 sion, may suspend the operation of such rate, fare or charge, or
29 such classification, rule, regulation, or practice, for a period

1 of 90 days. If the proceeding has not been concluded and a final
2 order made within such period, the commission, may from time to
3 time, extend the period of suspension, but not for a longer period
4 in the aggregate than 180 days beyond the time when such tariff
5 would otherwise go into effect; and before or after the rate, fare,
6 charge, classification, rule, regulation, or practice goes into
7 effect, the commission, after opportunity for hearing, may make
8 such order with reference thereto as would be proper in a proceeding
9 instituted after such rate, fare, charge, classification, rule,
10 regulation, or practice had become effective. If the proceeding
11 has not been concluded and an order made within the period of
12 suspension, the proposed rate, fare, charge, classification,
13 rule, regulation, or practice shall go into effect at the end
14 of such period; provided, that this subsection shall not apply
15 to any initial tariff filed by any such carrier.

16 e. Power to Establish Through Transportation Service.

17 The commission shall, whenever required by the public convenience
18 and necessity, after notice and hearing, upon complaint or upon
19 his own initiative, establish through service and joint rates,
20 fares or charges (or the maxima and minima thereof) for air
21 commerce performed by certificated carriers or carriers exempt
22 under Sec. 7 (2) of this Act, or the classification, rules, regu-
23 lations, or practices affecting such rates, fares, or charges, or
24 the value of service thereunder, and the terms and conditions
25 under which such through service shall be operated.

26 f. Schedules. Certificated carriers and carriers exempt
27 under Sec. 7 (2) of this Act shall publish, post and file with
28 the commission in accordance with general or special regula-
29 tions prescribed by the commission, schedules showing the

1 time of arrival and departure of regularly scheduled aircraft
2 engaged in air commerce.

3 Sec. 18. FEDERAL LAWS AND REGULATIONS. To the extent that
4 the Civil Aeronautics Board or any other agency of the federal
5 government acting pursuant to federal statute exercises juris-
6 diction by order or regulation with respect to tariffs, rates
7 and services of air carriers and there is compliance with such
8 order or regulation by the air carrier or air carriers concerned,
9 such shall be deemed to be compliance with the provisions of Secs.
10 16 and 17 of this Act and any regulation or order of the commis-
11 sion issued thereunder. However, the commission may require
12 the filing with him of any or all tariffs and schedules which an
13 air carrier is required to file with the Civil Aeronautics Board
14 of the United States or any other federal agency with respect
15 to such air commerce.

16 Sec. 19. ACCOUNTS, RECORDS AND REPORTS.

17 a. Filing of Reports. The commission is empowered to
18 require annual reports from any air carrier covering any or all
19 operations or business. The commission may also require month-
20 ly, periodical, and special reports from any air carrier; may
21 prescribe the manner and form in which such reports shall be made;
22 and may require from any such carrier specific answers to any
23 questions pertaining to air commerce performed by him within the
24 state, and the books, records, properties or operations in connec-
25 tion therewith upon which the commission may deem information
26 to be necessary. Such annual, monthly, periodical, and special
27 reports and answers to questions shall be under oath whenever
28 the commission so requires. The contents of such regular re-
29 ports and the form thereof shall conform as nearly as may be to

1 that required of air carriers by the Civil Aeronautics Board or
2 other agency of the federal government under the Act of Congress
3 entitled "Federal Aviation Act of 1958" and the acts amendatory
4 thereof and supplementary thereto. The commission may also
5 require any air carrier to file with it a true copy of each or
6 any contract, agreement, understanding, or arrangement, between
7 such carrier and any other carrier or person, in relation to any
8 traffic affected by the provisions of this Act.

9 d. Form of Accounts. The commission shall prescribe the
10 forms of any and all accounts, records, and memoranda to be kept
11 by air carriers, including the accounts, records and memoranda
12 of the movement of traffic, as well as of the receipts and ex-
13 penditures of money, and the length of time such accounts, records
14 and memoranda shall be preserved. The forms of accounts, records
15 and memoranda prescribed by the commission as provided above
16 shall conform as nearly as may be to those from time to time
17 prescribed by the Civil Aeronautics Board or other agency of the
18 federal government under the Act of Congress entitled "Federal
19 Aviation Act of 1958," and the acts amendatory thereof and
20 supplementary thereto.

21 c. Inspection of Accounts and Property. At all times the
22 commission shall have access to all lands, buildings and
23 equipment of any air carrier and to all accounts, records, and
24 memoranda, including all documents, papers, and correspondence,
25 now or hereafter existing, and kept or required to be kept by
26 such carriers; and it may employ special agents or auditors, who
27 shall have authority under the orders of the commission to
28 inspect and examine any and all such lands, buildings, equipment,
29 accounts, records, and memoranda.

1 d. Federal Requirements. If an air carrier maintains re-
2 cords and accounts and furnishes reports in compliance with law-
3 ful regulations of the Civil Aeronautics Board of the United
4 States or other agency of the federal government with respect to
5 operations and business in the state, then this shall constitute
6 compliance with the provisions of subsections a. and b. of this
7 section and the regulations, rules and orders promulgated there-
8 under by the commission . The commission may require of any
9 such carrier that it furnish the commission with copies of all
10 reports furnished the Civil Aeronautics Board of the United States
11 or other agency of the federal government, and in addition, the
12 commission in its discretion may require the preparation and
13 furnishing of such special reports, records, and accounts as it
14 deems necessary.

15 Sec. 20. METHODS OF COMPETITION. The commission, upon
16 its own initiative or upon complaint by any air carrier or ticket
17 agent, if it considers that such action by him would be in the
18 interest of the public, may investigate and determine whether
19 any air carrier or ticket agent has been or is engaged in unfair
20 or deceptive practices or unfair methods of competition in air
21 commerce or the sale thereof. If the commission shall find,
22 after notice and opportunity for hearing, that such air carrier
23 or ticket agent is engaged in such unfair or deceptive practices
24 or unfair methods of competition, it shall order such air carrier
25 or ticket agent to cease and desist from such practice or methods
26 of competition.

27 Sec. 21. COMPLAINT TO AND INVESTIGATIONS BY THE COMMISSION.

28 a. Complaints. Any person may file with the commission
29 a complaint in writing with respect to anything done or omitted

1 to be done by any person in contravention of any provision of this
2 Act, or of any requirement established pursuant thereto. If the
3 person complained against shall not satisfy the complaint and
4 there shall appear to be any reasonable ground for investigating
5 the complaint, it shall be the duty of the commission to in-
6 vestigate the matters complained of. The state Department of Public
7 Safety shall assist the commission in the investigations. When-
8 ever the commission is of the opinion that any complaint does
9 not state facts which warrant an investigation or action on its
10 part, it may dismiss such complaint without hearing.

11 b. Investigations. The commission is empowered at any
12 time to institute an investigation, on its own initiative, in
13 any case and as to any matter or thing concerning which complaint
14 is authorized to be made to or before the commission by any
15 provisions of this Act, or concerning which any question may arise
16 under any of the provisions of this Act, or relating to the en-
17 forcement of any of the provisions of this Act. The commission
18 shall have the same power to proceed with any investigation in-
19 stituted on its own motion as though he had been appealed to by
20 complaint.

21 c. Enforcement. If the commission finds, after notice and
22 opportunity for hearing, in any investigation instituted upon com-
23 plaint or upon its own initiative, that any person has failed to
24 comply with any provisions of this Act or any requirement es-
25 tablished pursuant thereto, the commission shall issue an
26 appropriate order to compel such person to comply therewith.

27 Sec. 22. ORDERS, NOTICE, SERVICE.

28 a. Effective Date of Commission's Orders. Except as
29 otherwise provided in this Act, all orders, rules, and regula-

1 tions of the commission shall take effect within the time
2 provided in the Administrative Procedure Act if applicable and
3 if not applicable within such reasonable time as the commission
4 may prescribe, and shall continue in force until its further
5 order, rule or regulation, or for a specified period of time,
6 as shall be prescribed in the order, rule, or regulation or as
7 prescribed by the Administrative Procedure Act where applicable.

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

24 c. Service of Notices, etc. Services of notices, processes,
25 orders, rules and regulations upon any person may be made by
26 personal service, or upon an agent designated in writing for the
27 purpose, or by registered or certified mail addressed to such
28 person or agent. Whenever service is made by registered or
29 certified mail, the date of mailing shall be considered as the

1 time when service is made.

2 d. Suspension and Modifications of Orders. Except as
3 otherwise provided in this Act, the commission is empowered
4 to suspend or modify its orders pursuant to the Administrative
5 Procedure Act, if applicable, or upon such notice and in such
6 manner as it shall deem proper.

7 e. Duty to Comply. It shall be the duty of every person
8 subject to this Act, and its agents and employees, to observe
9 and comply with any order, rule, regulation, or certificate
10 issued by the commission under this Act affecting such person
11 so long as the same shall remain in effect.

12 f. Findings of Fact. Every order of the commission shall
13 set forth the findings of fact upon which it is based, and shall
14 be served upon the parties to the proceeding and the persons
15 affected by such order.

16 Sec. 23. JUDICIAL ENFORCEMENT.

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

1 requirement, order, term, condition or limitation, and enjoining
2 upon them obedience thereto.

3 b. Duty of State's Attorney. Upon the request of the
4 commission, it shall be the duty of the Department of Law of
5 this state to whom the commission may apply to institute in
6 the proper court and to prosecute under the direction of the
7 attorney general of the state all necessary proceedings for the
8 enforcement of the provisions of this Act or any rule, regulation,
9 requirement, or order thereunder, or any term, condition or
10 limitation of any certificate or permit, and for the punishment
11 of all violations thereof.

12 Sec. 24. ADMINISTRATIVE AND JUDICIAL REVIEW. Any order,
13 affirmative or negative, issued by the designated representative
14 of the commission under this Act shall be subject initially
15 to review by the commission in the manner prescribed by
16 regulation issued by the commissioner, and shall be subject
17 thereafter to judicial review as prescribed by the Administra-
18 tive Procedure Act.

19 Sec. 25. PENALTIES. Every person, including any officer,
20 agent or employee of a corporation who violates, procures, aids
21 or abets in the violation of any provision of this Act, or fails
22 to comply with any order, decision or regulation issued by the
23 commission, shall be guilty of a misdemeanor, and upon convic-
24 tion thereof shall be punishable by a fine of not to exceed
25 \$1,000.00. Every day's violation of this Act or of any of the
26 terms or conditions of any such order, decision or regulation
27 shall constitute a separate offense, punishable as aforesaid.

28 Sec. 26. PUBLIC DISCLOSURE OF INFORMATION. Any person may
29 make written objections to the public disclosure of information
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1 contained in any application, report or document filed pursuant
2 to the provisions of this Act or of information obtained by the
3 commission pursuant to the provisions of this Act, stating the
4 grounds for such objection. Whenever any such objection is made,
5 the commission shall order such information withheld from public
6 disclosure when in its judgment a disclosure of such information
7 would adversely affect the interest of such person and is not
8 required in the interest of the public.

9 Sec. 27. EFFECTIVE DATE. This Act shall take effect on
10 January 1, 1961.

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