

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

3/27/84

Date: 4-3-84

The Committee on FINANCE has had HB 510

"An Act relating to accidents involving state aircraft."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 510 (FINANCE) same title new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Curtis A. Gable
W. H. ...
J. H. ...
Walter Furnace
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(10) ILO H FRITZ

MEMBERS HAVING
OTHER RECOMMENDATIONS:

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Curtis A. Gable
 CHAIRMAN

Original sponsor: Martin

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 510 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to accidents involving state or
7 municipal aircraft; and providing for an effective
8 date."

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

10 * Section 1. AS 02.15 is amended by adding a new section to read:

11 Sec. 02.15.225. ACCIDENTS INVOLVING STATE OR MUNICIPAL AIRCRAFT.

12 (a) Each aircraft accident involving an aircraft operated by the
13 state or a municipality shall be reported by the person who caused or
14 authorized the operation of the aircraft to the National Transporta-
15 tion Safety Board and the Department of Public Safety.

16 (b) The Department of Public Safety shall request the National
17 Transportation Safety Board to investigate each aircraft accident
18 reported under (a) of this section. The Department of Public Safety
19 shall supply information regarding the aircraft accident requested by
20 the National Transportation Safety Board if the information is avail-
21 able to the Department of Public Safety.

22 (c) In this section "aircraft accident" means

23 (1) an occurrence associated with the operation of an
24 aircraft that takes place between the time a person boards the air-
25 craft with the intention of flight until the time the person disemb-
26 barks and in which

27 (A) a person suffers death or serious injury as a
28 result of being in or on the aircraft, or by direct contact with
29 the aircraft or an object attached to the aircraft; or

1 (B) the aircraft receives substantial damage as
2 defined under regulations of the National Transportation Safety
3 Board;

4 (2) flight control system malfunction or failure;

5 (3) inability of a required flight crewmember to perform
6 normal flight duties as a result of injury or illness;

7 (4) failures of a turbine engine rotor, excluding compres-
8 sor blades and turbine buckets;

9 (5) in-flight fire;

10 (6) aircraft collision in flight; or

11 (7) disappearance of an aircraft believed to have been
12 involved in an accident.

13 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).

- STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

ce

Revision Date: _____

REQUEST Bill/Resolution No.: <u>CSHB 510(FIN)</u> Title: <u>Act relating to accidents involving state & municipal aircraft</u> Sponsor: <u>Transportation Committee</u> Requestor: <u>House Transportation</u> Date of Request: <u>3/22/84</u>	FISCAL DETAIL Agency Affected: <u>Public Safety</u> Program Category Affected: <u>Fish & Wildlife Protection</u> BRU, Program or Subprogram(s) Affected: <u>Fish & Wildlife</u>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No fiscal impact.

ANALYSIS: Attach a separate page for analysis

Prepared By: Paul Conger Phone: 465-4333
 Division: Administrative Services Date: _____
 Approved by Commissioner: *[Signature]* Date: 3/23/84
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

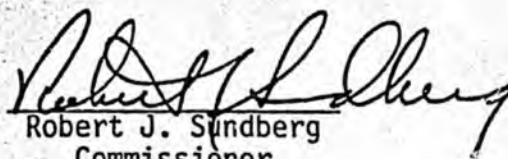
POSITION PAPER - PROPOSED CSHB 510 (TRSP)

Support

The Department of Public Safety supports passage of the CSHB 510 (TRSP) being proposed by the House Transportation Committee.

Currently there is no requirement for reporting state or municipally operated aircraft accidents. By enacting this legislation, the National Transportation Safety Board, at the Department's request, would investigate accidents involving state and local government operated aircraft.

By utilizing the experience and expertise provided by the NTSB in determining the cause of accidents and following up on their recommendations as to how to eliminate these causes, will be beneficial to the state by reducing the probability of aircraft accidents occurring in the future.


Robert J. Sundberg
Commissioner

NATIONAL TRANSPORTATION SAFETY BOARD

PART 830—RULES PERTAINING TO THE NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Subpart A—General

- Sec.
830.1 Applicability.
830.2 Definitions.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

- Sec.
830.5 Immediate notification.
830.6 Information to be given in notification.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

- 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

- 830.15 Reports and statements to be filed.

AUTHORITY: Title VII, Federal Aviation Act of 1958, as amended, 72 Stat. 781, as amended by 76 Stat. 921 (49 U.S.C. 1441 et seq.), and the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1971 et seq.).

Subpart A—General

- § 830.1 Applicability.

This part contains rules pertaining to: (a) Providing notice of and reporting aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they involve civil aircraft of the United States wherever they occur, or foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

- § 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, and in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or in which the aircraft receives substantial damage.

"Fatal injury" means any injury which results in death within 7 days of the accident.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) involves lacerations which cause severe hemorrhages, nerve, muscle, or tendon damage; (4) involves injury to any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

"Substantial damage":

(1) Except as provided in subparagraph (2) of this paragraph, substantial damage means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

- § 830.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board), Bureau of Aviation Safety field office¹ when:

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crewmember to perform his normal flight duties as a result of injury or illness;

(3) Turbine engine rotor failures excluding compressor blades and turbine brackets;

(4) In-flight fire; or

(5) Aircraft collide in flight.

(b) An aircraft is overdue and is believed to have been involved in an accident.

- § 830.6 Information to be given in notification.

The notification required in § 830.5 shall contain the following information, if available:

(a) Type, nationality, and registration marks of the aircraft;

(b) Name of owner, and operator of the aircraft;

(c) Name of the pilot-in-command;

(d) Date and time of the accident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point;

(g) Number of persons aboard, number killed, and number seriously injured;

(h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and

(i) A description of any explosives, radioactive materials, or other dangerous articles carried.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

- § 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including tapes of flight re-

corders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 831.17.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage; or

(3) To protect the public from injury.

(c) Where it is necessary to disturb or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original position and condition of the wreckage and any significant impact marks.

(d) The operator of an aircraft involved in an accident or incident as defined in this part, shall retain all records and reports, including all internal documents and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

- § 830.15 Reports and statements to be filed.

(a) **Reports.** The operator of an aircraft shall file a report as provided in paragraph (c) of this section on Board Form 6120.1 or Board Form 6120.2² within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

(b) **Crewmember statement.** Each crewmember, if physically able at the time the report is submitted, shall attach thereto a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him to the best of his knowledge and belief. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) **Where to file the reports.** The operator of an aircraft shall file with the field office of the Board nearest the accident or incident any report required by this section.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

¹Forms are obtainable from the Board field offices (see footnote 1), the National Transportation Safety Board, Washington, D.C. 20594, and the Federal Aviation Administration, Flight Standards District Office.

²The National Transportation Safety Board field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Oakland, Calif.; Seattle, Wash.; Washington, D.C.



National Transportation Safety Board

Bureau Field Operations
Anchorage Field Office
701 C Street, Box 11
Anchorage, Alaska 99513

March 1, 1984

Mark Hanley
& Terry Martin
Pouch V, Capitol Building
Juneau, Alaska 99811

Dear Mr. Hanley:

Pursuant to our telephone conversation you will find enclosed a list of the particular Federal Aviation Regulation Part Number and a brief description of each which does not apply to "public use" aircraft. Particular attention must be paid to Title 14 Code of Federal Regulations Part 1, which defines "civil aircraft" and "public aircraft".

The term "civil aircraft" is strategically used throughout the regulations which allows such aircraft to perform acts without repercussion from a federal viewpoint.

As you read through the brief descriptions you will realize the magnitude of the possible ramifications should these regulations be stretched to their ultimate definition.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Kobelnyk".

George Kobelnyk

encls

FAR Part Nos
Title 49, Part 830, 2 cys

FAR PART NUMBERS AND DESCRIPTIONS

- 61.3 Certificate requirements: A pilot certificate is not needed, nor an instrument rating; however, a medical certificate is required.
- 91.5 Para b,1. Preflight action - A public aircraft is not required to compute landing and takeoff distances.
Para b,2. Does not need other reliable information such as aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.
- 91.6 Category II and III Operations
Para a,1. Public aircraft does not need special authorizations to use category II or III operations.
- 91.7 Flight Crewmembers at Stations
Para b. Does not need to keep the shoulder harness fastened while at this duty station.
- 91.11 Liquor and Drugs
Para a. States civil aircraft which renders this entire part useless for public aircraft. A pilot of a public aircraft may drink and fly with less than the required eight hours; may fly while intoxicated; may fly under the influence of any drugs; be prescribed by a doctor or self prescribed, and may carry intoxicated passengers indiscriminately.
- 91.12 Carriage of narcotic drugs, marijuana, and depressants or stimulant drug substances.
Para a. A public aircraft can carry the above listed substances indiscriminately without violating the FARs.
- 91.13 Dropping Objects.
A public aircraft should they desire can drop objects so as to create a hazard to persons or property and not be in violation of the FARs.
- 91.14 Use of Safety Belts
Para a, 1. Pilot-in-command does not need to ensure that each passenger was briefed on how to fasten and unfasten the seatbelt.

Para a, 2. Does not need to notify the passengers to fasten their seatbelts.

Para a, 3. Does not need to ensure that each person occupies a seat, or berth with a seatbelt secured about them.

91.21 Flight Instruction - Simulated Instrument Flight and Certain Flight Test.

Para a. Under this part a public aircraft does not need dual flight controls for flight instruction.

91.23 Fuel Requirements For Flight in IFR Conditions.

Para a. Public aircraft do not need the required 45 IFR fuel reserve.

91.25 VOR Equipment Check for IFR Operations.

Para a. Public aircraft are not required to perform a VOR operational check within the preceding 30 days for a flight under IFR rules.

91.27 Civil Aircraft - Certifications Required For Public Aircraft None as the title of this Part implies.

91.29 Civil Aircraft Airworthiness

A public aircraft does not need to be in an airworthy condition as the title of this Part implies.

91.30 Inoperable Instrument And Equipment For Multi-engine Aircraft.

A public aircraft does not need an approved minimum equipment list.

91.31 Civil Aircraft Operating Limitations on Marking Requirements.

As the title implies, a public aircraft does not have to remain within the approved operating limitations or the marking requirements as outlined by the appropriate manuals.

91.32 Supplemental Oxygen

Under this part a public aircraft does not need oxygen.

91.33 Powered Civil Aircraft With Standard Category U.S. Airworthiness Certificates; Instrument and Equipment Requirements.

This entire section, as the title implies, vindicates all public aircraft from its requirements. Remember that in a previous part of this regulation, public aircraft do not need an airworthiness certificate to begin with.

91.34 Category II Manual

91.51 Altitude Alerting System or Device; Turbo-jet Powered Civil Airplanes.

Again a public turbo-jet powered airplane need not comply.

91.52 Emergency Locator Transmitters

Para a. A public aircraft does not need to carry an emergency locator beacon.

All of the above parts are an interpretation of paragraphs using the term "civil aircraft" as defined in FAR Part 1, Title 14.

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Sec. 02.15.180. Financial assistance. The department may grant financial aid for aeronautical education or training to persons who receive educational or vocational assistance in the field of aeronautics under Public Law 550, 82nd Congress, upon the following terms and conditions.

(1) A person granted aid shall have been a legal resident of Alaska for at least one year immediately prior to his application for aid, and a resident of Alaska for not less than one year prior to his entry into the service.

(2) The education or training for which the aid is given shall be taken in the state in a school or program approved by the department.

(3) The amount of aid granted to any person may not exceed the total amount received by the person as assistance for aeronautical education or training under Public Law 550, 82nd Congress.

(4) No aid may be granted to a person until the assistance to which the person is entitled for aeronautical education or training under Public Law 550, 82nd Congress, has been exhausted by the person.

(5) The aid shall be granted under the same terms and conditions as the assistance under Public Law 550, 82nd Congress.

(6) The department may not expend more than \$25,000 a year from funds available to it to carry out the program of aid provided for by this section. (§ 11 B ch 123 SLA 1949; added by § 1 ch 128 SLA 1953)

Revisor's note. — Public Law 550, 82nd Congress, (Veteran's Readjustment Assistance Act of 1952, 66 Stat. 663, ch. 875, July 16, 1952) on which AS 02.15.180 relies was repealed by Public Law 85 —

857, September 2, 1958, 72 Stat. 1105, 1273. The current section of federal law covering veteran's education benefits derives from Public Law 550, 82nd Congress and may be found at Title 38 U.S.C. 1601—1669.

Article 6. General Provisions.

Section	Section
190. Information for public	230. Police powers vested
200. Public nature of department activities	240. Penalties
205. Approval required for airport construction	250. [Repealed]
210. No exclusive rights granted	260. Definitions
220. Enforcement of aeronautics laws	270. Short title

Sec. 02.15.190. Information for public. The department may collect, assemble and publish aeronautical data pertinent to the operation of aircraft within the state. This data is for the benefit of the aviation industry and the general public, and shall not duplicate data published by any other governmental agency. (§ 7 ch 123 SLA 1949)

Sec. 02.15.200. Public nature of department activities. The acquisition of lands or interests in land under this chapter, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any person or

municipality, and the exercise of any other powers herein granted to the department are public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the state in the manner and for the purposes enumerated in this chapter are acquired and used for public and governmental purposes and as a matter of public necessity. (§ 8 A ch 123 SLA 1949)

Sec. 02.15.205. Approval required for airport construction. (a) No person may construct, reconstruct, relocate, or extend an airport, airstrip, or private air facility within two miles of a federal-aid highway or proposed federal-aid highway without first obtaining the written approval of the commissioner, as provided by regulation.

(b) The commissioner shall not approve the construction, reconstruction, relocation, or extension of an airport, airstrip, or private air facility if the construction would constitute a hazard to the traveling public or if the construction would otherwise not be in the public interest.

(c) The commissioner shall promulgate rules and regulations, to effectuate the purpose of this section, which are consistent with standards established by participating federal agencies. (§ 1 ch 90 SLA 1966; am Executive Order No. 39, § 11 (1977)).

Sec. 02.15.210. No exclusive rights granted. The department may not grant an exclusive right for the use of an airway, airport, or air navigation facility under its jurisdiction. This section does not prevent the making of contracts, leases and other arrangements pursuant to AS 02.15.060 — 02.15.100 and 02.15.120. (§ 8 B ch 123 SLA 1949)

Sec. 02.15.220. Enforcement of aeronautics laws. (a) The department and its officers and employees, and every state and municipal officer charged with the enforcement of state and municipal laws, shall enforce and assist in the enforcement of this chapter and of all rules, regulations and orders issued under it and any other state regulations or laws pertaining to the operation of aircraft.

(b) Any person mentioned in (a) of this section may inspect and examine, at reasonable hours, any aircraft, premises, and the buildings and other structures thereon, where airports, air navigation facilities, air schools, or other aeronautical activities are operated or conducted. (§ 13 ch 123 SLA 1949)

Sec. 02.15.230. Police powers vested. (a) The commissioner and those officers and employees of the department who the commissioner may designate have general police powers in aid of the enforcement of this chapter, and the regulations and orders issued under it and all other laws of the state relating to aeronautics.

(b) Upon bilateral agreement, the commissioner may designate individuals licensed under AS 18.65.400 — 18.65.490 and police officers employed by the state or its political subdivisions to be present during

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the final passenger screening process before the boarding of each flight required to be in compliance with passenger screening regulations of the Federal Aviation Administration. Persons designated under this section, while performing their duties under that agreement, have the general police powers set out in (a) of this section. (§ 13 B ch 123 SLA 1949; am § 2 ch 6 SLA 1978)

Effect of amendment. — The 1978 amendment designated the provisions of this section as subsection (a), and in that subsection, substituted "department who" for "department which" and deleted "rules" preceding "regulations and orders." The amendment also added subsection (b).

Sec. 02.15.240. Penalties. (a) A person violating any of the provisions of this chapter, or any of the rules, regulations or orders made and issued under this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both.

(b) For a violation of any section of this chapter, in addition to or in lieu of the penalties provided by (a) of this section, or as a condition to the suspension of a sentence which may be imposed, the court may prohibit the violator from operating an aircraft within the state for a period it may determine but not more than one year. Violation of the prohibition of court may be treated as a separate offense under this section or as a contempt of court. Whenever a conviction is obtained, the prosecuting authority shall notify the department. (§ 12 ch 123 SLA 1949)

Sec. 02.15.250. Aeronautical fund.

Repealed by § 2 ch 14 SLA 1968.

Sec. 02.15.260. Definitions. In this chapter

(1) "aeronautics" means the science and art of flight including but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or related ground subjects;

(2) "aircraft" means a contrivance used or designed for navigation of flight in the air;

(3) "airman" means an individual engaging as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers, or appliances; and an individual serving in the capacity of aircraft dispatcher, or air-traffic control-tower operator; or an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in that connection;

or an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him in the state of Alaska;

(4) "air navigation facility" means a facility used, available, or designed for use in aid of air navigation, including structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of the facilities;

(5) "airport" means an area of land or water which is used or intended for use for the landing and take-off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with airport buildings and facilities located thereon;

(6) "airport hazard" means a structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off;

(7) "civil aircraft" means any aircraft other than a public aircraft;

(8) "commissioner" means the commissioner of the Department of Transportation and Public Facilities of the state;

(9) "department" means the Department of Transportation and Public Facilities;

(10) "municipality" means a home rule or general law municipal corporation and political subdivision, which is a first or second class borough or city, or a third class borough, incorporated under the laws of the state;

(11) "operation of aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon an airport inside this state; "operate aircraft" means, to use, navigate or pilot aircraft in the airspace over this state or upon an airport inside this state;

(12) "public aircraft" means an aircraft used exclusively in the governmental service of the United States and the state government. (§ 1 ch 123 SLA 1949; am § 53 ch 127 SLA 1974; am Executive Order No. 39, § 11 (1977)).

Effect of amendment. — The 1978 amendment substituted references to the Department of Transportation and Public Facilities for references to the Department of Public Works in paragraphs (8) and (9).

Legislative history report. — For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

Sec. 02.15.270. Short title. This chapter may be cited as the Alaska Aeronautics Act of 1949. (§ 17 ch 123 SLA 1949)

Revisor's note. — The words "of 1949" were added by the revision to differentiate this act from "The Alaska Aeronautics Act of 1937" which is found in AS 02.10.

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exclusive use of the carrier's aircraft, air service of a continuing nature for a definite and limited number of persons; a contract carrier's air service is designed to meet the distinct air transportation needs of the individual customer; a contract carrier does not represent to the public at large expressly or by course of conduct that it furnishes transportation for compensation, hire, or lease;

(9) "dormancy" means failure of a person who holds a certificate of authority as an air taxi operator or a contract carrier to own or lease and operate aircraft in air commerce during the two quarters preceding an accusation by the commission;

(10) "supplemental base of operations" means the point together with the reasonable contiguous or closely related surrounding community or geographical area, from where, in addition to its "base of operations," the carrier also represents that it engages in air commerce. (§ 3 ch 161 SLA 1960; am § 2 ch 139 SLA 1966; am § 5 ch 147 SLA 1966; am §§ 11, 12 ch 146 SLA 1972; am § 17 ch 115 SLA 1980)

Effect of amendments. — The 1980 amendment deleted "of public convenience and necessity" following "a certificate" in paragraph (8).

Chapter 15. Alaska Aeronautics Act of 1949.

Article

2. State Airports (§ 02.15.091)
3. Airport Assistance (§ 02.15.140)
5. Aeronautics Training (§ 02.15.180)
6. General Provisions (§§ 02.15.210, 02.15.260)

Article 2. State Airports.

Section

91. Sale and delivery of in-bond merchandise at international airports

Sec. 02.15.091. Sale and delivery of in-bond merchandise at international airports. (a) As provided by (b) and (c) of this section, the department shall allow the sale and delivery of in-bond merchandise at an international airport only by an exclusive contract.

(b) While the exclusive contracts for the sale and delivery of in-bond merchandise at international airports that exist on June 15, 1982 are in effect, the department may not permit or confer a right on any other person to offer to sell, sell, or deliver in-bond merchandise at an international airport.

(c) After the exclusive contracts existing on June 15, 1982 are no longer in effect, the department shall enter into one exclusive contract and, on its expiration, additional successive exclusive contracts for the sale and delivery of in-bond merchandise at each international airport. Except under the existing and future exclusive contracts described in this section, the department may not permit or confer a right upon any

person to offer to sell, sell, or deliver in-bond merchandise at an international airport.

(d) The department shall offer the exclusive contracts required by this section only by competitive bid and shall award the contracts after considering the generation of maximum revenues for the International Airports Revenue Fund established by AS 37.15.430.

(e) The department shall actively supervise the operations under each exclusive contract for the sale and delivery of in-bond merchandise in order to ensure the effectiveness of the operations. To supervise contract operations under this section, the department shall develop and implement guidelines that provide for review of the reasonableness of price schedules, quality and assortment of merchandise, and customer service.

(f) Nothing in this section applies to deliveries of in-bond merchandise as cargo to airlines. (§ 2 ch 111 SLA 1982)

Cross references. — For legislative findings, see § 1, ch. 111, SLA 1982, in the 1982 Temporary and Special Acts and Resolves.

Effective dates. — Section 5, ch. 111, SLA 1982, makes the section effective

June 15, 1982, in accordance with AS 01.10.070(c).

Editor's notes. — For legislative findings concerning AS 02.15.091 see Chapter 111 in the Temporary and Special Acts binder.

Article 3. Airport Assistance.

Section
140. State financial assistance

Sec. 02.15.140. State financial assistance. The department may grant or lend money, subject to the provisions of AS 02.15.060, 02.15.070 and 02.15.120, to any person or municipality or to municipalities acting jointly for project costs relating to the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled or to be owned or controlled by the municipality or municipalities or person. Grants or loans may be furnished in connection with federal or other financial aid for the same purpose. (§ 9B ch 123 SLA 1949; am § 18 ch 168 SLA 1978; am § 1 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment, effective May 28, 1982, in the first sentence, inserted "or to munic-

ipalities" preceding "acting jointly," and inserted "municipalities or" preceding "person."

Article 5. Aeronautics Training.

Section
180. [Repealed]

Sec. 02.15.180. Financial assistance.

Repealed by § 1 ch 94 SLA 1980.

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Editor's notes. — The repealed section
derived from § 11B, ch. 123, SLA 1949;
§ 1, ch. 128, SLA 1953.

Article 6. General Provisions.

Section

210. No exclusive rights granted
260. Definitions

Sec. 02.15.210. No exclusive rights granted. The department may not grant an exclusive right for the use of an airway, airport, or air navigation facility under its jurisdiction. This section does not prevent the making of contracts, leases and other arrangements under AS 02.15.060 — 02.15.100 and 02.15.120, including exclusive contracts for the sale and delivery of in-bond merchandise described in AS 02.15.091. (§ 8B ch 123 SLA 1949; am § 3 ch 111 SLA 1982)

Effect of amendments. — The 1982 amendment, effective June 15, 1982, in the second sentence, substituted "under" for "pursuant to" and added the language beginning "including exclusive contracts for the sale" to the end.

Sec. 02.15.260. Definitions. In this chapter

(1) "aeronautics" means the science and art of flight including but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or related ground subjects;

(2) "aircraft" means a contrivance used or designed for navigation of flight in the air;

(3) "airman" means an individual engaging as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers, or appliances; and an individual serving in the capacity of aircraft dispatcher, or air-traffic control-tower operator; or an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in that connection; or an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him in the state of Alaska;

(4) "air navigation facility" means a facility used, available, or designed for use in aid of air navigation, including structures, mechanisms, lights, beacons, markers, communicating systems, or other

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instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of the facilities;

(5) "airport" means an area of land or water which is used or intended for use for the landing and take-off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with airport buildings and facilities located thereon;

(6) "airport hazard" means a structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off;

(7) "civil aircraft" means any aircraft other than a public aircraft;

(8) "commissioner" means the commissioner of the Department of Transportation and Public Facilities of the state;

(9) "department" means the Department of Transportation and Public Facilities;

(10) "municipality" means a home rule or general law municipal corporation and political subdivision, which is a first or second class borough or city, or a third class borough, incorporated under the laws of the state;

(11) "operation of aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon an airport inside this state; "operate aircraft" means, to use, navigate or pilot aircraft in the airspace over this state or upon an airport inside this state;

(12) "public aircraft" means an aircraft used exclusively in the governmental service of the United States and the state government;

(13) "cargo" means goods carried by an airline that are carried under an agreement between the shipper and the airline other than a passenger ticket, that are accepted, carried, and handled separately from passenger baggage, and that are delivered to a location other than a baggage claim area; "cargo" does not include goods carried by an airline as baggage, whether belly-loaded or hand-carried and whether accompanied or unaccompanied by a passenger;

(14) "international airport" means an international airport owned and operated by the state. (§ 1 ch 123 SLA 1949; am § 53 ch 127 SLA 1974; am Executive Order No. 39, § 11 (1977); am § 4 ch 111 SLA 1982)

Effect of amendments. — The 1982 amendment, effective June 15, 1982, added paragraphs (13) and (14).

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20. Repealed
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aircraft in 28.35.030, in a careless of another aircraft in the operation safe operation governing

(b) No passenger or habit-former

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Effect of an amendment substituted for 28.35.030"

Sec. 02.3

of this chapter is punishable by a violation of a violation in accordance with SLA 1982)

Effect of an amendment added

Offered: 3/27/84
Referred: Finance

Original sponsor: Martin

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 510 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to accidents involving state or
7 municipal aircraft."

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

9 * Section 1. AS 02.15 is amended by adding a new section to read:

10 Sec. 02.15.225. ACCIDENTS INVOLVING STATE OR MUNICIPAL AIRCRAFT.

11 (a) Each aircraft accident involving an aircraft operated by the
12 state or a municipality shall be reported by the person who caused or
13 authorized the operation of the aircraft to the National
14 Transportation Safety Board and the Department of Public Safety.

15 (b) The Department of Public Safety shall request the National
16 Transportation Safety Board to investigate each aircraft accident
17 reported under (a) of this section. The Department of Public Safety
18 shall supply information regarding the aircraft accident requested by
19 the National Transportation Safety Board if the information is avail-
20 able to the Department of Public Safety.

21 (c) In this section "aircraft accident" means

22 (1) an occurrence associated with the operation of an
23 aircraft that takes place between the time a person boards the air-
24 craft with the intention of flight until the time the person disem-
25 barks and in which

26 (A) a person suffers death or serious injury as a
27 result of being in or on the aircraft, or by direct contact with
28 the aircraft or an object attached to the aircraft; or

29 (B) the aircraft receives substantial damage;

- 1 (2) flight control system malfunction or failure;
- 2 (3) inability of a required flight crewmember to perform
- 3 normal flight duties as a result of injury or illness;
- 4 (4) failures of a turbine engine rotor, excluding compres-
- 5 sor blades and turbine buckets;
- 6 (5) in-flight fire;
- 7 (6) aircraft collision in flight; or
- 8 (7) disappearance of an aircraft believed to have been
- 9 involved in an accident.

Introduced: 1/12/84
Referred: Transportation
and Finance

1 IN THE HOUSE

BY MARTIN

2

HOUSE BILL NO. 510

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to accidents involving state air-
7 craft."

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

9 * Section 1. AS 02.15 is amended by adding a new section to read:

10 Sec. 02.15.225. ACCIDENTS INVOLVING STATE AIRCRAFT. Each acci-
11 dent involving a public aircraft used by the state shall be reported
12 by the department to the National Transportation Safety Board and the
13 department shall request the National Transportation Safety Board to
14 investigate the accident. The department shall supply information
15 regarding the accident requested by the National Transportation Safety
16 Board if the information is available to the department.