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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HT 3-19-86 7AM

WORK ORDER REQUEST FORM

14 -

KEYWORDS: _____

ASSIGNED TO _____

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT _____

REQUESTED FOR _____ BY _____ EXT. _____

* DELIVER TO _____ TAKEN BY _____

INSTRUCTIONS, EXPLANATIONS _____

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

TO REQUESTER

APPROVED: _____ Director, Legal Services

REVIEWED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

IN _____ DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

DRAFT

FINAL

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99511
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 18, 1986

SUBJECT: Power of Department of Transportation and
Public Facilities to collect information
from air carriers

TO: Representative Bette Cato

FROM: George Utermohle *GU*
Legislative Counsel

Rhonda Cargill of your office has asked whether the Department of Transportation and Public Facilities has the power to collect information from air carriers that is necessary to obtain federal grants.

AS 02.15.020(a) grants authority to the Department of Transportation and Public Facilities to promulgate regulations necessary to carry out the purposes of AS 02.15 (Alaska Aeronautics Act of 1949). Among the purposes of the Act are "the encouragement and operation of a state system of airports through... cooperation with the federal government and acceptance and utilization of federal funds allotted for this purpose." (AS 02.15.010(b))

AS 02.15.020(c) requires the Department to accept and expend federal money "upon the terms and conditions prescribed by the United States." If the collection of information from air carriers is a requirement of a federal grant, then the Department may also collect that information under the authority of this subsection.

To the extent that the Department must collect information from air carriers in order to receive federal funding that achieves the purposes of AS 02.15, the Department may adopt regulations necessary to collect that information. The Department's authority to issue regulations under AS 02.15, however, is limited by AS 02.15.030 which provides that the Department cannot adopt regulations that duplicate a regulation of a federal agency.

In conclusion, the Department may adopt regulations to collect information required by federal funding agencies provided that the federal grant money promotes the development of a state system of airports and provided that the regulations adopted by the Department do not duplicate the regulations of a federal agency.

GU:mkr
m4/020

CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.
71000	Personal Services		38.4
72000	Travel		7.0
73000	Contractual Services		1.0
74000	Supplies		.6
75025	Equipment		7.0
75690	Lands, Buildings, Etc.		
77000	Grants, Claims, Etc.		
78000	Miscellaneous		
	TOTAL		54.0
	I-A Transfer (NON-ADD)		
1002	Federal Receipts		
1003	General Fund Match		
1004	General Fund		49.0
1005	I-A Receipts		
1028	Program Receipts		5.0
	Other		
	PFT		
	PPT		
	Non Permanent		
	Staff Months		12

TITLE OF INCREMENT/DECREMENT: Fire Carrier Program

AGENCY CONTACT/PHONE NUMBER: Joe Scurios

DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES:

* P.S. 38.4 Administrative Assistant I
 5.0 Upgrade current range 15 to range 17 + interpretate duties of air carrier investigators with weight station supervisor in exchange

Travel 32 Field transportation
 38 Field per diem

Contractual Services i.e. communication + printing
 Unannounced .6 Fines + citations
 Equipment 7.0 micro computer + software

* we will provide an existing employee to cover both jobs, with station grade supervisor & investigator

POSITION INFORMATION

Enhance Existing Service Compared to FY 86

New Service Compared to FY 86

Continuation of FY 86 Service Level

Formula Program

IMPACT FROM CAPITAL PROJECT (NAME)

Chapter _____ SLA _____ Page/Line _____

AGENCY Delaware Measurement Standards

BRU _____

COMPONENT Operations

PROJECT _____

INCREMENT / DECREMENT REQUEST

C5 Agency Priority _____ of _____

Page _____ of _____

Revised Date _____

FY 87

(6/84)-c5

000050

TESTIMONY BEFORE THE HOUSE FINANCE COMMITTEE
HOUSE BILL 611 AN ACT RELATING TO AIR CARRIERS

MONDAY, APRIL 14, 1986

MY NAME IS BETTE CATO, REPRESENTATIVE OF DISTRICT 6.

I INTRODUCED HOUSE BILL 611, AN ACT RELATING TO AIR CARRIERS,
AFTER DISCUSSIONS DURING THE INTERIM WITH THE DEPARTMENT OF
COMMERCE AND ALASKA AIR CARRIERS ASSOCIATION.

LAST YEAR WE ENACTED HOUSE BILL 133 WHICH REQUIRES COMMERCIAL
AIR CARRIERS TO MAINTAIN AT LEAST \$150,000 PER SEAT IN
LIABILITY INSURANCE (\$300,000 FOR SCHEDULED CARRIERS). WE
LEARNED THAT IN ORDER TO ENFORCE THIS PROVISION, WE NEEDED TO
MAKE SOME AMENDMENTS TO THIS LAW TO GIVE IT SOME TEETH.

THAT WAS MY PURPOSE FOR INTRODUCING THIS BILL - TO GIVE THE
DIVISION OF WEIGHTS AND MEASUREMENT STANDARDS THE AUTHORITY
THEY NEED TO ENFORCE THESE PROVISIONS.

I WOULD LIKE TO WALK THROUGH THE PROPOSED COMMITTEE SUBSTITUTE
WHICH SHOULD BE IN ALL YOUR PACKETS AND BRIEFLY EXPLAIN THE
CHANGES WHICH WE ARE SUGGESTING:

SECTION 1. ADDS A NEW SUBSECTION TO MISCELLANEOUS POWERS AND
DUTIES OF THE DEPARTMENT OF TRANSPORTATION TO OBTAIN
ENPLANEMENT STATISTICS. RATHER THAN SPENDING THE TIME AND
MONEY FOR THE DEPARTMENT TO PROMULGATE REGULATIONS, THIS
AMENDMENT WOULD ALLOW DOT TO OBTAIN THE DATA WHICH IS
NECESSARY FOR AIRPORTS AROUND THE STATE TO BE UPGRADED IN
TERMS OF RECEIVING FEDERAL FUNDS.

SECTION 2. SPECIFICALLY AUTHORIZES THE DEPARTMENT OF COMMERCE
TO STOP AIRCRAFT FROM CARRYING PASSENGERS FOR HIRE UNTIL THEY

SECURE THE MINIMUM REQUIRED LIABILITY INSURANCE. IT ALSO
AUTHORIZES THE DEPARTMENT TO CONDUCT INVESTIGATIONS IF
NECESSARY TO FIND VIOLATORS.

SECTION 3. INCREASES THE SIZE AND SEVERITY OF A FINE TO AN
AIR CARRIER WHO FILES PASSENGERS FOR HIRE WITHOUT FIRST
SECURING THE MINIMUM INSURANCE LEVELS REQUIRED BY HOUSE BILL
133. WITHOUT A MORE STRICT PENALTY, CARRIERS MAY FIND IT
CHEAPER TO IGNORE THE LAW THAN TO COMPLY.

THE ADDITIONAL CHANGE TO THIS SECTION IS TO NOT ONLY MAKE THIS
VIOLATION A CLASS A MISDEMEANOR, BUT ALSO IS LIABLE FOR A
CIVIL FINE.

CLASS A MISDEMEANOR CARRIES A FINE OF \$5,000 AND MAY BE
IMPRISONED FOR NOT MORE THAN ONE YEAR.

THE CIVIL FINE IS FOR NOT LESS THAN \$1,000 OR MORE THAN \$5,000
FOR EACH DAY OF VIOLATION.

SECTION 4. ALLOWS THE INSURANCE "CERTIFICATE OF COMPLIANCE"
TO BE POSTED IN A VISIBLE LOCATION OTHER THAN IN THE AIRCRAFT.
THIS WOULD BE PARTICULARLY HELPFUL TO THE JET CARRIERS WHICH
OFTEN INTERCHANGE PLANES, THUS MAKING IT DIFFICULT TO POST
CERTIFICATES IN THE AIRCRAFT.

SECTION 5. PROVIDES SPECIFIC AUTHORITY TO ISSUE STOP USE
ORDERS IF A CARRIER IS OPERATING WITHOUT A STATE CERTIFICATE
OF INSURANCE.

SECTION 6. PROVIDES FOR A SPECIFIC PENALTY FOR A CARRIER WHO
FAILS TO OBTAIN A CERTIFICATE OF INSURANCE FROM THE STATE.

SECTION 7. CLARIFIES THE DEFINITION OF AIRCRAFT TO INCLUDE
ROTOR DEVICES (HELICOPTERS).

SECTION 8. REPEALS AS 42.30.225(c) WHICH STATES THAT THE USE OF AN AIRCRAFT IN AIR COMMERCE BEFORE OBTAINING A CERTIFICATE OF COMPLIANCE REQUIRED UNDER THIS SECTION MAY BE CAUSE FOR DENIAL OF THE CERTIFICATE. THIS IS REPLACED WITH THE LANGUAGE IN SECTION 5 WHICH NOW MAKES THIS A CLASS B MISDEMEANOR AND PUNISHABLE BY A FINE.

ALSO REPEALS AS 42.30.225(d) WHICH STATES THAT A PERSON WHO HAS OBTAINED A CERTIFICATE TO USE AN AIRCRAFT IN AIR COMMERCE FROM THE ATC BEFORE JUNE 13, 1985 IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF COMPLIANCE UNDER THIS SECTION UNTIL THE DATE THE INSURANCE POLICY FOR THE AIRCRAFT IS RENEWED. THIS WAS ORIGINALLY PUT IN HB 133 TO PHASE IN THIS PROGRAM. SINCE ATC AND THE DATE OF THIS PROVISION ARE DEFUNCT, THIS IS CLEAN UP LANGUAGE TO THIS SECTION.

THERE HAS BEEN CONCERN EXPRESSED THAT THE TITLE OF THIS BILL MAY BE TOO NARROW. I DON'T HAVE ANY FEELINGS ONE WAY OR THE

OTHER SO WOULD NOT HAVE ANY STRONG OBJECTIONS SHOULD THIS
COMMITTEE DEEM IT NECESSARY TO NARROW THE TITLE.

IF THERE ARE ANY QUESTIONS, I WOULD BE HAPPY TO ADDRESS THEM.

I HAVE ALSO ASKED REED STOOPS, REPRESENTING ALASKA AIR

CARRIERS TO BE HERE TODAY TO ASSIST WITH FURTHER EXPLANATION

OF THE NECESSITY OF THIS BILL AND TO ALSO ANSWER QUESTIONS.

Final Vote

BSN:1043

ALASKA HOUSE OF REPRESENTATIVES
CSHB 611(FIN)AM

2ND SESSION 14TH LEG

4/18/86 10:54 AM

	31	YEAS	0	NAYS	5	EXC	4	ABS	
Y	A	FULLER	Y	LARSON	Y	FOURCHOT			
Y	E	FURNACE	E	MARROU	Y	RIEGER			
Y	E	GOLL	Y	MARTIN	Y	RINGSTAD			
Y	Y	GRUENBERG	Y	MILLER, M.M.	A	SHULTZ			
Y	Y	GRUSSENDORF	Y	MILLER, M.W.	Y	SUND			
Y	Y	HANLEY	E	NAVARRE	Y	SZYMANSKI			
Y	Y	HERRMANN	E	PEARCE	Y	TAYLOR			
Y	Y	HURLEY	Y	FETTY JOHN	Y	THOMPSON			
Y	Y	JENKINS	Y	PHILLIPS	Y	UEHLING			
E	Y	KUFONEN	A	PIGNALBERI	Y	WALLIS			

Y VOTED FOR

* CHANGED VOTE

Introduced: 1/17/86
Referred: Transportation,
Judiciary and Finance

1 IN THE HOUSE

BY CATO

2

HOUSE BILL NO. 611

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to air carriers."

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

8

* Section 1. AS 42.30.200(c) is amended to read:

(c) The department may authorize department personnel to conduct investigations and to enforce this section and may adopt procedural regulations necessary to implement this section. Upon finding a violation the department may issue a stop use order.

13

* Sec. 2. AS 42.30.200(e) is amended to read:

(e) A person who violates [(a) OF] this section is guilty of a class A [B] misdemeanor and is punishable by a fine of not less than \$1,000 [\$500] or more than \$5,000 for each day of violation [\$1,000].

17

* Sec. 3. AS 42.30.225(b) is amended to read:

(b) The annual fee for a certificate of compliance is \$25 [\$50]. The certificate is valid for a period of 12 months following the date of certification. The certificate shall be [DISPLAYED ON THE AIRCRAFT SO THAT IT IS] visible to boarding passengers.

22

* Sec. 4. AS 42.30.225(e) is amended to read:

(e) The department may authorize department personnel to conduct investigations and to enforce this section and may adopt procedural regulations necessary to implement this section. Upon finding a violation the department may issue a stop use order.

27

* Sec. 5. AS 42.30.225 is amended by adding a new subsection to read:

(f) A person who violates this section is guilty of a class B misdemeanor and is punishable by a fine of not less than \$500 or more

29

Issue stop use order to stop aircraft from carrying passengers for hire until secure min. required liability insurance

Increased fine for flying w/o min. insurance levels

Return to what it was. EA. PLANE

w/o state certificate of insurance

lessor fine for no certificate of insurance from state as opposed to fine for not having min. ins. requirement

1 than \$1,000.

2 * Sec. 6. AS 42.30.380(3) is amended to read:

3 (3) "aircraft" means a propeller, rotor, or jet-powered
4 device used or designed for flight in the air;

5 * Sec. 7. AS 42.30.225(c) and 42.30.225(d) are repealed.

Add to
provisions

Use of an aircraft in air commerce by retaining a

When it has full status & pilot

Orig - gov't has ATC cert
provisions

clean up statute

(d) nothing applies - clean up language - no longer
have ATC so all are phased in now

(c) replacing this w/ Class B or under use of class
no cert - denial

replace (2)

HB 587

HB 587 was referred to the Rules Committee for placement on the calendar.

HB 601

The Finance Committee has considered HOUSE BILL NO. 601 (abolishing inactive boards, councils, commissions, and centers) and reports it back as follows: Adams (Chairman), Szymanski, Duncan, Larson, Pourchot, Uehling, Rieger, Binkley, Frank and Cotten recommend do pass.

A zero fiscal note was attached.

HB 601 was referred to the Rules Committee for placement on the calendar.

HB 609

The Finance Committee has considered HOUSE BILL NO. 609 (relating to increasing the alcoholic beverage tax), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 609 (Finance):

"An Act relating to increasing the alcoholic beverage tax; and providing for an effective date."

and reports it back as follows: Adams (Chairman) and Binkley recommend do pass; Duncan, Larson, Pourchot, Uehling, Rieger, Frank and Cotten have no recommendation; Szymanski signed "we don't need more taxes".

HB 609 was referred to the Rules Committee for placement on the calendar.

HB 611 *file*

The Finance Committee has considered HOUSE BILL NO. 611 (relating to air carriers), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 611 (Finance):

"An Act relating to enplanements, investigations of compliance with financial responsibility and certificate of compliance requirements for air carriers, penalties, display of certificates of compliance, and the definition of aircraft."

and reports it back as follows: Adams (Chairman), Szymanski, Duncan, Larson, Rieger, Binkley and Cotten recommend do pass; Pourchot, Uehling and Frank have no recommendation.

A zero fiscal note was attached.

HB 611 was referred to the Rules Committee for placement on the calendar.

HB 522

"An Act relating to payment of insurance premiums, cancellation of insurance policies, and the provision of medical malpractice insurance for nurse midwives; and providing for an effective date."

and reports it back as follows: Navarre (Chairman), Boucher and Pearce recommend do pass; Hanley and Davis have no recommendation.

A zero fiscal note was attached.

HB 522 was referred to the Judiciary Committee.

HB 535

The Judiciary Committee has considered HOUSE BILL NO. 535 (relating to the registration of motor vehicles), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 535 (Judiciary):

"An Act relating to the registration fees for motor vehicles, the insurance requirements for obtaining and maintaining motor vehicle registration, the insurance requirements for motor-driven cycles, and the cancellation of motor vehicle insurance policies; and providing for an effective date."

and reports it back as follows: M.M. Miller (Chairman), Taylor, Gruenberg, Pettyjohn and Phillips recommend do pass.

A fiscal note appears in House Journal Supplement No. 116.

HB 535 was referred to the Rules Committee for placement on the calendar.

HB 587

The Finance Committee has considered HOUSE BILL NO. 587 (relating to municipal land entitlements; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 587 (Finance):

"An Act relating to general grant land entitlements; and providing for an effective date."

and reports it back as follows: Adams (Chairman), Szymanski and Larson recommend do pass; Rieger, Binkley, Ringstad, Cotten and Frank have no recommendation; Pourchot signed "needs further amendment".

A fiscal note appears in House Journal Supplement No. 116.

HB 544 cont'd

"An Act relating to business licenses and the use of business names."

was read the first time and referred to the Judiciary Committee and the Finance Committee.

HB 611

CS FOR HOUSE BILL NO. 611 (FIN) am by the Finance Committee, entitled:

"An Act relating to enplanements, investigations of compliance with financial responsibility and certificate of compliance requirements for air carriers, penalties, display of certificates of compliance, and the definition of aircraft."

was read the first time and referred to the Transportation Committee, the Judiciary Committee and the Finance Committee.

COMMUNICATIONS

The Secretary announced receipt of Budget and Audit Reports from Gerald L. Wilkerson, Division of Legislative Audit:

A SPECIAL REPORT ON THE DEPARTMENT OF
TRANSPORTATION AND PUBLIC FACILITIES
CENTRAL REGION

A SPECIAL REPORT ON THE DEPARTMENT OF
COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING

A SPECIAL REPORT ON ANCHORAGE CAPITAL
APPROPRIATIONS

A SPECIAL REPORT ON THE DEPARTMENT OF
ADMINISTRATION MUNICIPALITY OF ANCHORAGE
SKYLINE DRIVE RECONSTRUCTION PROJECT in
Eagle River

REPORT ON THE EXAMINATION OF THE CITY OF
NENANA MUNICIPAL GRANT #8-839

Copies are on file in the Office of the Secretary of the Senate.

STANDING COMMITTEE REPORTS

SB 334

The Resources Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 334 (Hatcher Pass Public Use Area) and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 334 (RES)

Senator Sturgulewski, Chairman, signed "do pass". Senators Halford, Eliason and Fahrenkamp signed "no recommendation".

Fiscal note is zero.

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 334 was referred to the Finance Committee.

HB 355

The Resources Committee considered CS FOR HOUSE BILL NO. 355 (FISH) am (authorizing the establishment and implementation of on-board observer programs; efd) and recommended it be replaced with

SENATE CS FOR S FOR HOUSE BILL NO. 355 (RES),
with House Letter of Intent

Senator Sturgulewski, Chairman and Senators Eliason and Fahrenkamp signed "do pass". Senator Halford signed "no recommendation".

A fiscal note is in House Supplement No. 88. A second fiscal note is zero.

CS FOR HOUSE BILL NO. 355 (FISH) am was referred to the Finance Committee.

HB 561

The Resources Committee considered CS FOR HOUSE BILL NO. 561 (FIN) am (public use cabins; efd) and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 561 (RES)

Senator Sturgulewski, Chairman, signed "do pass". Senators Fahrenkamp, Eliason and Halford signed "no recommendation".

CS FOR HOUSE BILL NO. 561 (FIN) am was referred to the Finance Committee.

CSHB 438(Jud)

The question being: "Shall Amendment No. 2 be adopted?"
The roll was taken with the following result:

CSHB 438(JUD) AM2

Yeas:	16	Adams, Binkley, Cato, Davis, Duncan, Gruenberg, Grussendorf, Hurley, Koponen, Larson, Miller, M.M., Pourchot, Rieger, Sund, Thompson, Wallis
Nays:	14	Clocksins, Collins, Cotten, Fuller, Furnace, Hanley, Herrmann, Jenkins, Martin, Phillips, Ringstad, Szymanski, Taylor, Uehling
Excused:	5	Frank, Goll, Marrou, Navarre, Pearce
Absent:	5	Boucher, Miller, M.W., Pettyjohn, Pignalberi, Shultz

And so, Amendment No. 2 was adopted.

CSHB 438(Jud)am

The question to be reconsidered: "Shall CSHB 438(Jud)am pass the House?" The roll was taken with the following result:

CSHB 438(JUD)AM RECONSIDERATION

Yeas:	27	Adams, Binkley, Cato, Clocksins, Collins, Cotten, Davis, Duncan, Gruenberg, Grussendorf, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Phillips, Pourchot, Rieger, Ringstad, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis
Nays:	3	Fuller, Furnace, Hanley
Excused:	5	Frank, Goll, Marrou, Navarre, Pearce
Absent:	5	Boucher, Miller, M.W., Pettyjohn, Pignalberi, Shultz

And so, CSHB 438(Jud)am passed the House on reconsideration.

Representative Clocksins moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 438(Jud)am

CSHB 438(Jud)am was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following member be excused from a call of the House as noted:

Representative Adams - April 22 through
plane time, April 23, 1986

There being no objection, it was so ordered.

SB 461 *file*

The Speaker waived the Transportation Committee referral on SENATE BILL NO. 461 (relating to naming the Robert J. Mitchell Expressway) at the request of the Chairman.

SB 461 was sent to the Finance Committee.

HJR 65

Representatives Thompson, Taylor and Binkley added their names as co-sponsors to HOUSE JOINT RESOLUTION NO. 65 (relating to foreign marketing of Alaska pink salmon products).

HB 611 *file*

Representative Binkley added his name as co-sponsor to HOUSE BILL NO. 611 (relating to air carriers).

ENGROSSMENTCSHJR 65(Res)

CSHJR 65(Res) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 438(Jud)am

CSHB 438(Jud)am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB	99	2782
HB	128	2772
HB	438	2782-2784
HB	460	2772
HB	476	2773 2774
HB	517	2779-2781 2785
HB	544	2774 2785
HB	563	2775
HB	611	2776-2778 2784 2785
HB	681	2772
HJR	65	2778 2779 2784
SB	100	2770
SB	275	2771
SB	294	2771
SB	333	2771
SB	430	2772
SB	442	2771
SB	461	2784
SJR	46	2770

CSHB 517(Jud)am

CSHB 517(Jud)am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 544(Fin)

CSHB 544(Fin) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 611(Fin)am *file*

CSHB 611(Fin)am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

Finance	Capitol 519	4:00 p.m., 4/18
Subcommittee on Corrections		
C&RA		4/18
Cancelled		

ADJOURNMENT

Representative Clocksin moved and asked unanimous consent that the House adjourn until 11:00 a.m., April 21, 1986. There being no objection, the House adjourned at 11:35 a.m.

Irene Cashen
Chief Clerk

CSHB 611(Fin)am

The question being: "Shall CSHB 611(Fin)am pass the House?"
The roll was taken with the following result:

CSHB 611(FIN)AM

Yeas: 31 Adams, Binkley, Cato, Clocksin,
Collins, Cotten, Davis, Duncan,
Furnace, Gruenberg, Grussendorf,
Hanley, Herrmann, Hurley, Jenkins,
Koponen, Larson, Martin,
Miller, M.M., Miller, M.W.,
Pettyjohn, Phillips, Pourchot,
Kieger, Ringstad, Sund, Szymanski,
Taylor, Thompson, Uehling, Wallis

Nays: 0

Excused: 5 Frank, Goll, Marrou, Navarre,
Pearce

Absent: 4 Boucher, Fuller, Pignalberi,
Shultz

And so, CSHB 611(Fin)am passed the House and was referred to
the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONSHJR 65

HOUSE JOINT RESOLUTION NO. 65 (relating to foreign marketing
of Alaska pink salmon products) was read the second time
with the Resources Committee report (page 2487), the Labor
and Commerce Committee report (page 2621) and the Finance
Committee report (page 2738).

Representative Clocksin moved and asked unanimous consent
that COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 65
(Resources) (same title) be adopted in lieu of the original
resolution. There being no objection, it was so ordered.

CSHJR 65(Res)

Representative Clocksin moved and asked unanimous consent
that CSHJR 65(Res) be considered engrossed, advanced to
third reading and placed on final passage. There being no
objection, it was so ordered.

CSHJR 65(Res) was read the third time.

CSHB 611(Fin)am

Page 2, line 6:

After "order." insert "Failure by the department to enforce this section or to issue a cease and desist order shall not result in liability for the State of Alaska."

Representative Pettyjohn moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Clocksin objected.

The question being: "Shall Amendment No. 2 be adopted?"
The roll was taken with the following result:

CSHB 611(FIN)AM AM2

Yeas:	12	Collins, Furnace, Gruenberg, Hanley, Jenkins, Martin, Pettyjohn, Phillips, Rieger, Ringstad, Taylor, Uehling
Nays:	19	Adams, Binkley, Cato, Clocksin, Cotten, Davis, Duncan, Fuller, Grussendorf, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Pourchot, Sund, Szymanski, Thompson, Wallis
Excused:	5	Frank, Coll, Marrou, Navarre, Pearce
Absent:	4	Boucher, Miller, M.W., Pignalberi, Shultz

And so, Amendment No. 2 was not adopted.

Representative Clocksin moved and asked unanimous consent that CSHB 611(Fin)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 611(Fin)am was read the third time.

Full
 HB 611

HOUSE BILL NO. 611 (relating to air carriers) was read the second time with the Transportation Committee report (page 2441) and the Finance Committee report (page 2724).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 611 (Finance) (relating to enplanements, investigations of compliance with financial responsibility and certificate of compliance requirements for air carriers, penalties, display of certificates of compliance, and the definition of aircraft) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 611(Fin)

Amendment No. 1 by Furnace:

~~1/4~~ Page 1, line 20:

after "issue a" delete "stop use order" and insert "cease and desist order" in its place

Page 2, line 6:

after "issue a" delete "stop use order" and insert "cease and desist order" in its place

Representative Furnace moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Cato objected and withdrew her objection.

There being no further objection, Amendment No. 1 was adopted.

CSHB 611(Fin)am

Amendment No. 2 by Pettyjohn:

Page 1, line 20:

After "order." insert "Failure by the department to enforce this section or to issue a cease and desist order shall not result in liability for the State of Alaska."

HB 563

HOUSE BILL NO. 563 (relating to the duties of the Commission on Judicial Conduct) was read the second time with the Judiciary Committee report (page 2524).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 563 (Judiciary) (relating to the duties of the Commission on Judicial Conduct and to public sanctions imposed on judges) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 563(Jud)

Representative Clocksin moved and asked unanimous consent that CSHB 563(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 563(Jud) was read the third time.

The question being: "Shall CSHB 563(Jud) pass the House?"
The roll was taken with the following result:

CSHB 563(JUD)

Yeas:	33	Adams, Binkley, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Fuller, Furnace, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Miller, M.W., Pettyjohn, Phillips, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis
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Nays:	0	
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Excused:	5	Frank, Goll, Marrou, Navarre, Pearce
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Absent:	2	Boucher, Pignalberi
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And so, CSHB 563(Jud) passed the House.

Representative Furnace gave notice of reconsideration of his vote on CSHB 563(Jud).

Alaska State Legislature

Senate Transportation Committee



Branch A
Juneau, Alaska 99801

Sen. John B. (Jack) Coghlin, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Mitch Alsted
Sen. Jim Laake
Sen. Joe Josephson

March 4, 1986

TO: All Committee Members
FROM: Committee Staff
RE: SB 458

This bill adds enforcement capabilities to the legislation passed last year setting up insurance requirements and certificates of compliance for air carriers.

Sect. 1 (c) allows the Department of Commerce and Economic Development, Division of Weights and Measures to investigate possible violations of financial responsibility requirements. It also enables DCEC to issue a stop work order when it is found that the air carrier is in noncompliance.

Sect. 2 (e) defines the penalties for violating the insurance requirements. The current penalty, a Class B misdemeanor, is upgraded to a Class A. The fine is increased from a minimum of \$500 to a minimum of \$1000 with the maximum fine to be \$5000 per day of violation. The fine has been capped at \$10,000 for each violation.

Sec. 3 amends AS 42.30.225 (b) and lowers the annual fee for the certificate of compliance from \$50 to \$25.

Sec. 4 amends AS 42.30.225 (e), dealing with certificates of compliance, and allows the Department to investigate whether an air carrier has a certificate of compliance. If not in compliance, the department may issue a stop work order.

Sec. 5 adds a new subsection to AS 42.30.225. The penalty for violating the certificate of compliance requirement is a Class B misdemeanor and may be fined not less than \$500 or no more than \$1000.

Sec. AS 42.30.380(3), a definition section, is amended to add rotorcraft to the definition of aircraft.

unless the inhabitants of the community in which it is to be established, or the community residing adjacent thereto, provide for as much operation and maintenance of the station as the department requires. (§ 32-3-12 ACLA 1949)

Sec. 02.10.070. Penalties. A person failing to comply with the requirements, or violating any of the provisions of this chapter, or the rules, regulations, or orders adopted by the department is guilty of a misdemeanor, and punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. (§ 32-3-13 ACLA 1949)

Sec. 02.10.080. Department defined. As used in this chapter, "department" means the state Department of Transportation and Public Facilities. (am Executive Order No. 39, § 11 (1977)).

Effect of amendment. — The 1977 amendment substituted the reference to the state Department of Transportation and Public Facilities for a reference to the state Department of Public Works.

Sec. 02.10.090. Short title. This chapter may be cited as the Alaska Aeronautics Act of 1937. (§ 32-3-1 ACLA 1949)

Revisor's note. — Section 32-3-1 ACLA 1949 was called "The Alaska Aeronautics Act." The words "of 1937" were added by the revision to differentiate this act from "The Alaska Aeronautics Act" which was passed in the 1949 legislative session and is found in AS 02.15.

Chapter 15. Alaska Aeronautics Act of 1949.

Article

1. Aeronautics Functions (§§ 02.15.010 — 02.15.050)
2. State Airports (§§ 02.15.060 — 02.15.100)
3. Airport Assistance (§§ 02.15.120 -- 02.15.155)
4. Rural Airstrip and Seaplane Facilities (§ 02.15.160)
5. Aeronautics Training (§§ 02.15.170 — 02.15.180)
6. General Provisions (§§ 02.15.190 — 02.15.270)

Article 1. Aeronautics Functions.

Section	Section
10. Declaration of purposes	40. Cooperation with federal agencies
20. Powers of department	50. Miscellaneous powers and duties of department
30. Conformity to federal law	

Sec. 02.15.010. Declaration of purposes. The purposes of this chapter are to

(1) further the public interest in aeronautical progress by providing for the protection of persons and promotion of safety in aeronautics through appropriate measures consistent with and supplementary to but not duplicating federal aeronautics laws and regulations, with a view to the least possible interference with aviation activity compatible with the general welfare;

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(2) encourage and develop aeronautics and the establishment and operation of a state system of airports through cooperation with municipalities, and otherwise, including cooperation with the federal government and acceptance and utilization of federal funds allotted for this purpose. (§ 2 ch 123 SLA 1949)

Am. Jur., ALR and C.J.S. references. —
6 Am. Jur., Aviation, § 12 et seq.

Prescriptive right of way for aircraft, 69
ALR 316; 83 ALR 333; 99 ALR 173.

Regulation of air navigation, 69 ALR
322; 83 ALR 336; 99 ALR 176.

Prescriptive right to park airplane on
another's property, 69 ALR 322; 99 ALR
176.

Collisions between airplanes, and
between airplanes and other objects, 69
ALR 326; 83 ALR 352; 99 ALR 184.

Negligence in connection with aircraft
and aviation, 69 ALR 326; 83 ALR 352; 99
ALR 184.

Airport or flight of aircraft as nuisance;
injunction against, 140 ALR 1362.

Duty and liability as to preflight
inspection and maintenance of aircraft, 30
ALR2d 1172.

Public regulation requiring mufflers or
similar noise-preventing devices on
aircraft, 49 ALR2d 1202.

Public regulation as to duty of airplane
owner or operator to furnish aircraft with
navigational flight safety devices, 50
ALR2d 898.

2 C.J.S. Aerial Navigation § 2.

Sec. 02.15.020. Powers of department. (a) The department may perform acts, issue and amend orders, and make, promulgate and amend reasonable general or special rules, regulations and procedures, and establish minimum standards, consistent with the provisions of this chapter, as it considers necessary to carry out the provisions of this chapter.

(b) The department may enter into contracts necessary or advisable to the execution of the powers granted it by this chapter. Where the planning, acquisition, construction, improvement, maintenance, or operation of an airport or air navigation facility is financed wholly or partially with federal money, the department, as agent of the state, or of a municipality, or person, may let contracts in the manner prescribed by the federal authorities acting under the laws and rules and regulations of the United States.

(c) The department may accept federal money, and money from other public or private sources to accomplish in whole or in part, any of the purposes of this chapter. All federal money accepted under this chapter shall be accepted and expended by the department upon the terms and conditions prescribed by the United States. (§ 4 A—C ch 123 SLA 1949; am § 1 ch 14 SLA 1968)

Sec. 02.15.030. Conformity to federal law. The department shall not promulgate a rule, regulation, order or standard which is inconsistent or contrary to any act of the Congress of the United States or regulations promulgated or standards established. No rule, regulation, order or standard may be promulgated which duplicates any current rules or regulations issued by a federal agency, or which applies to aircraft, airports or air navigation facilities owned or operated by the federal government. (§ 4 C, D ch 123 SLA 1949)

Alaska State Legislature

House of Representatives

Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

10 April 1986

TO: REPRESENTATIVE AL ADAMS
CHAIRMAN, HOUSE FINANCE

FROM: Representative Bette Cato

RE: CS for House Bill 611(TRSP)

In cooperation with the Alaska Air Carriers and the House Judiciary Committee, I would like to request your consideration to the attached committee substitute for House Bill 611 (Finance) which has the following changes:

The first change is to add a new subsection as follows:

"The department may acquire data on passenger enplanements from air carriers."

During the House Transportation committee meeting, we learned that the Commissioner of Transportation needs the authority to obtain enplanement statistics for the purpose of obtaining federal funds. This was done by the Alaska Transportation Commission and the information was passed along to DOT. Failure to acquire this information will result in loss of federal airport funds.

The next changes were done in the spirit of compromise with Representative Gruenberg which he felt was necessary to clarify the enforcement language.

AS 42.30.200(e) A person who violates [(a) OF] this section is guilty of a class A misdemeanor and is further liable for [PUNISHABLE BY] a civil fine of not less than \$1000 [\$500] or more than \$5000 for each day of violation in a civil action brought by the department [\$1000].

Representative Gruenberg felt that if we were going to make this violation a class A misdemeanor, then we should not reduce the punishment under a Class A misdemeanor, but clarify that a civil fine be levied. The addition of "in a civil

action brought by the department" clarifies that the department would be bringing a "civil" action as opposed to a "criminal" action against an offender.

These suggested changes have been submitted to you after various discussions and meetings with the Alaska Air Carriers and Representative Gruenberg. If I can provide anything further, please give me a call.

Concern has been expressed to narrow the title of this bill to prevent this bill becoming an insurance issue. To date I have not seen any proposed amendments to the title.

Thank you for your attention to this bill and for scheduling it in committee in such an expeditious manner.

BC/rc

Alaska State Legislature

House of Representatives

Committee on Transportation



Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

Rep. Bette Cato, Chairman

DATE: 24 MARCH 1986
TO: LEGAL SERVICES
FROM: Rhonda Cargill *RC*
House Transportation Staff
RE: HB 611 relating to air carriers

Although CSHB 611 (TRSP) was passed out of our committee on March 19th, please assist us with language to offer the House Rules Committee to do the following:

-assist the Commissioner of the Department of Transportation and Public Facilities with obtaining the necessary statistical information regarding the number of passengers taking off and landing at various airports around the state.

-the purpose of this information is to help the state qualify for federal airport funds.

Thus, we're looking for, hopefully a simple, amendment to this bill to the the Commissioner of DOTPF the authority to obtain enplanement statistics from air carriers on an annual basis for the purpose of qualifying for federal airport funds.

Any amendment language you can provide would be appreciated as soon as possible.

Any questions, please give me a call at 4858.

Thanks much.

Talkeetna Air Taxi, Inc.

CERTIFIED AIR CARRIER

FULLY INSURED AND INSTRUMENT RATED

MAR 18 1986

3/13/86

Honorable Betty Cato
House of Representatives
Juneau, AK.

Dear Rep. Cato:

I am writing in support of your House Bill #611, "An Act Relating to Air Carriers" and as owner/operator of Talkeetna Air Taxi. Its enactment would put meaning into the existing law which strikes me as being a sham.

I know of one air taxi operator who is flying passengers without any liability insurance at all. If caught and fined even the present maximum of \$1,000, he still will be ahead financially for not buying the insurance. In this particular case, and there are many others similar, should there be a claim against him, he has no resources other than an airplane (a bank would have first call on that) and the clothes on his back. The public is left without protection. And the operator has a considerable competitive advantage as regards fares over those operators who are abiding by the law.

I have been told by the Commerce Dept's Section on Weights & Measures that there is neither the staff nor funding to enforce this insurance law. I have suggested to them, and to the Commissioner, that a simple letter to all air carriers reminding them of the requirement, the penalty for non compliance, and the possibility of being shut down, would probably bring most offenders into line.

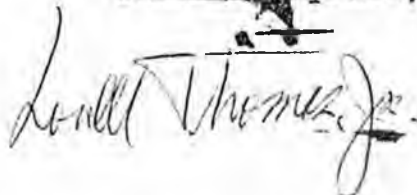
But your bill would put the needed teeth into the law; particularly provision for a fine of from \$1,000 to 5,000 for each day of violation. That and the provision for issuance of a stop use order is what is needed to make this law meaningful.

I have personally been in the air carrier business as owner and pilot for six years. While I am unhappy over the escalating costs of liability insurance and hope that you and your colleagues will do something about that this year, I am even more distressed to see operators defying the law, leaving the flying public holding the bag should there be an accident, and at the same time gaining a price advantage over those of us in legal compliance. The amendments offered in your HB 611 are a must.

Best wishes--

EXPEDITION AIR SUPPORT
FLIGHT SEEING
AERIAL PHOTOGRAPHY
CUSTOM SKI TRIPS
HIGH ALTITUDE GLACIER LANDINGS
FISHING & HUNTING
AIRCRAFT ON WHEEL/SKIS & FLOATS

Sincerely yours,



Talkeetna Air Taxi, Inc.

LOWELL THOMAS JR. AND DON LEE
P.O. BOX 73
TALKEETNA, ALASKA 99676
TELEPHONE (907) 733-2218

TESTIMONY TO HOUSE TRANSPORTATION COMMITTEE

HOUSE BILL 611

MARCH 19, 1986

Chairman Cato and members of the House Transportation Committee, my name is Bob Jacobsen and I am here today as President of the Alaska Air Carriers Association. I would like to thank you for your willingness to deal with these small but important technical amendments to House Bill 133 enacted last year.

Very simply, the bill before you today (HB 611) is deemed necessary by the Division of Weights and Measurement Standards to adequately enforce the law which requires commercial air carriers to maintain at least \$150,000 per seat in liability insurance (\$300,000 for scheduled carriers). Statistics provided to you by the Division early this session indicate a less than satisfactory level of compliance based on the initial letters of notice to commercial carriers.

We have submitted as part of your committee packet a sectional rationale for each provision, and if you wish, I will go through each of the proposed changes with you.

As you are aware, the fiscal note for HB 133 last session was not funded, accounting, in part, for low compliance to date.

The Governor has requested about \$100,000 in his FY 87 operating budget for this program, and we urge you to support the request.

I would also like to take this opportunity to briefly mention our industry's serious problem with insurance rates. While we maintain our strong support for the minimum insurance requirements as a condition of business, we are having the same problems with dramatic escalation of rates as most other industries. We have lost several members during the last year due to bankruptcies or failure to obtain insurance at rates which would permit an operating profit. Others are on the verge of collapse.

If you want to help maintain viable air transportation in the future, we strongly urge your support of HB 611 this session.

Thank you for the opportunity to testify, and for your attention to our concerns.

ALASKA AIR CARRIERS ASSOCIATION
TESTIMONY BEFORE
THE HOUSE TRANSPORTATION COMMITTEE
MARCH 19, 1986

CHAIRMAN CATO AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE, MY NAME IS REED STOOPS AND I AM HERE TODAY TO DISCUSS THE IMPLEMENTATION OF HOUSE BILL 133, WHICH WAS PASSED LAST YEAR. WE WOULD LIKE TO THANK YOU FOR YOUR COOPERATION IN WORKING WITH US ON THE LEGISLATION LAST YEAR, AND FOR YOUR CONTINUING INTEREST IN ITS IMPLEMENTATION.

FIRST, I WILL BRIEFLY COMMENT ON THE INTERIM COMMITTEE REPORT WHICH ADDRESSED POINTS RAISED IN THE LETTER OF INTENT WHICH ACCOMPANIED HB 133. AS YOU ARE AWARE, 1985 WAS NOT A VERY GOOD YEAR IN TERMS OF AIR SAFETY. WE HAD A TOTAL OF 43 ACCIDENTS, IN WHICH THERE WERE 17 FATALITIES. WHILE THIS WAS A HIGHER NUMBER OF ACCIDENTS THAN EXPERIENCED DURING THE LAST THREE YEARS, IT IS BELOW THE NUMBER OF ACCIDENTS AND FATALITIES IN 1980-1981.

IN TRYING TO DETERMINE WHETHER ADDITIONAL SAFETY RELATED REQUIREMENTS ARE NECESSARY TO INSURE IMPROVED SAFETY IN THE AIR INDUSTRY, WE HAVE TO CONCUR WITH THE FINDINGS OF THE INTERIM REPORT THAT THERE IS INSUFFICIENT STATISTICAL ANALYSIS AT THIS TIME TO SUPPORT THE NEED FOR NEW REQUIREMENTS. WE DO, HOWEVER, FEEL THAT WE SHOULD TRY TO IMPROVE ACCIDENT DATA IN

1986, AS THERE COULD WELL PROVE TO BE A DEMONSTRABLE NEED FOR HIGHER STANDARDS OF FLIGHT OPERATIONS.

AS TO THE NEED FOR ADDITIONAL PILOT TRAINING, WE FEEL STRONGLY THAT THIS IS VITAL TO IMPROVED SAFETY. THE ALASKA AVIATION SAFETY FOUNDATION HAS VERY RECENTLY COMPLETED A SET OF LESSON PLANS DESIGNED SPECIFICALLY FOR ALASKAN CONDITIONS. THESE ARE NOW BEING PRESENTED TO PILOTS IN COMMUNITIES THROUGHOUT THE STATE. WITH CONTINUED SUPPORT FROM THE STATE FOR THIS TRAINING EFFORT, WE HOPE TO REDUCE AIR ACCIDENTS THROUGH THIS VOLUNTARY PROGRAM.

THE IMPLEMENTATION OF HB 133 THROUGH THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT HAS BEEN ACCEPTABLE ADMINISTRATIVELY, BUT SUFFERS FROM LACK OF ENFORCEMENT. SHORTLY AFTER PASSAGE OF THE BILL LAST YEAR, WE FOUND OURSELVES IN DISAGREEMENT WITH THE DEPARTMENT OVER ENFORCEABILITY OF THE PROVISIONS REQUIRING A CERTIFICATE OF COMPLIANCE FOR MINIMUM INSURANCE LEVELS. AN ATTORNEY GENERAL'S OPINION WAS REQUESTED LAST SUMMER, BUT TO OUR KNOWLEDGE NO WRITTEN OPINION HAS YET BEEN COMPLETED. IN THE ABSENCE OF ENFORCEMENT, SOME AIR CARRIERS ARE ABLE TO OPERATE WITHOUT THE MINIMUM INSURANCE LEVELS ADOPTED IN HB 133.

IN ORDER TO CORRECT THIS SITUATION, WE HAVE REVIEWED SUGGESTED AMENDMENTS TO HB 133 PREPARED BY THE DEPARTMENT OF COMMERCE, AND WISH TO ENDORSE SEVERAL OF THEM IN ORDER TO ASSURE THAT

THE BILL WILL BE ENFORCED. I HAVE PREPARED OUR
RECOMMENDATIONS, AND ENCLOSE THEM FOR THE COMMITTEE'S
CONSIDERATION, ALONG WITH JUSTIFICATION FOR EACH.

WE URGE YOU TO PREPARE LEGISLATION WHICH INCORPORATES OUR
SUGGESTIONS, WHICH WE VIEW AS TECHNICAL AMENDMENTS, AND WHICH
LEAVES ALONE THE MORE CONTROVERSIAL PROVISIONS OF HB 133 SUCH
AS THE MINIMUM INSURANCE LEVELS. WE ALSO ENDORSE THE
GOVERNOR'S BUDGET REQUEST FOR ADDITIONAL ADMINISTRATIVE
SUPPORT TO THE DIVISION OF WEIGHTS AND MEASURES TO ENFORCE HB
133.

THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY.

Amendment 1 to Sec. 42.30.200(e) increases the size and severity of a fine to an air carrier who flies passengers for hire without first securing the minimum insurance levels required by HB 133 (\$150,000 per seat). Without a more strict penalty, carriers may find it cheaper to ignore the law than to comply.

Amendment 2 to Sec. 42.30.225(b) allows the insurance "certificate of compliance" to be posted in a visible location other than in the aircraft. This would be particularly helpful to the jet carriers which often interchange planes, thus making it difficult to post certificates in the aircraft. It would also reduce the cost of a certificate from \$50 to \$25.

Amendment 3 to Sec. 42.30.225(c) specifically authorizes the Department of Commerce to stop aircraft from carrying passengers for hire until they comply with HB 133.

Amendment 4 to Sec. 42.30.225(d) provides for a specific penalty for a carrier who fails to obtain a certificate of insurance from the State.

Amendment 5 to Sec. 42.30.380(3) clarifies the definition of aircraft to include rotor devices (helicopters)

1 Sec. 42.30.200. AIR CARRIER FINANCIAL RESPONSIBILITY. (a) A person
2 who carries passengers or freight for commercial purposes intrastate in an
3 aircraft shall procure and maintain security in the following minimum
4 amount:

5 (1) Liability for bodily injury or death of persons:

6 A limit of at least \$150,000 for any one person in any one
7 occurrence and a limit for each occurrence in any one aircraft of at least
8 an amount equal to the sum produced by multiplying one hundred fifty
9 thousand dollars (\$150,000) by seventy five percent (75 percent) of the
10 total rated seating capacity of the aircraft. [\$150,000 PER SEAT FOR
11 BODILY INJURY OR DEATH IN A SINGLE OCCURRENCE; AND]

12 (2) Liability for loss of or damage to property:

13 A limit of at least one hundred thousand dollars (\$100,000)
14 for each occurrence. [\$100,000 FOR PROPERTY DAMAGE IN A SINGLE OCCURRENCE]

15 (b) Evidence of security required under (a) of this section shall be
16 filed with the department and must be

17 (1) a policy or certificate of insurance issued by an insurer
18 acceptable to the department; or

19 (2) a bond of a surety company licensed to write surety bonds in
20 the state; or

21 (3) evidence accepted by the department, showing ability to
22 self-insure; or

23 (4) other security approved by the department.

24 (c) The department may authorize department personnel to enforce this
25 section and may adopt procedural regulations necessary to implement this
26 section.

27
28 Commerces Proposed Changes to
AS 42.30.200, .205, 380 - (Air
Carrier Financial responsibility)

1 (d) A policy of insurance, surety bond, or other form of security may
2 not be cancelled on less than 30 days written notice to the department.
3 This requirement must be clearly stated in the policy or endorsement for an
4 insurance policy submitted as proof of financial responsibility under AS
5 42.30.225(a)(1). The 30 day notice period is measured from the date on
6 which the department receives notice.

7 (e) A person who violates [(a) OF] this section is guilty of a class
8 [B] A misdemeanor and is punishable by a fine of not less than [\$500]
9 \$1,000 or more than [\$1,000] \$5,000.

10
11 Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS. (a) A
12 person may not use an aircraft in air commerce before obtaining an annual
13 certificate of compliance for that aircraft from the department. The
14 department shall issue or renew a certificate of compliance upon
15 application and presentation of

16 (1) proof of financial responsibility required under AS
17 42.30.200;

18 (2) proof of compliance with Federal Aviation Administration
19 requirements, and, where applicable, federal certification for scheduled
20 airline service.

21 (b) The annual fee for a certificate of compliance is \$50. The
22 certificate is valid for a period of 12 months following the date of
23 certification. The certificate shall be displayed [ON THE AIRCRAFT] so
24 that it [IS] is visible to boarding passengers.

25 (c) The department may investigate complaints or violations of this
26 section and conduct other investigations that the department considers
27 appropriate and advisable to develop information on possible violations of
28 AS 42.30.200 or AS 42.30.225 and may, upon completion of this investigation

1 where a violation of AS 42.30.200(a) exists, issue a stop use order. [USE
2 OF AN AIRCRAFT IN AIR COMMERCE BEFORE OBTAINING A CERTIFICATE OF COMPLIANCE
3 REQUIRED UNDER (a) OF THIS SECTION MAY BE CAUSE FOR DENIAL OF THE
4 CERTIFICATE]

5 (d) A person who violates this section is guilty of a class B
6 misdemeanor and is punishable by a fine of not less than \$500 or more than
7 \$1,000. [A PERSON WHO HAS OBTAINED A CERTIFICATE TO USE AN AIRCRAFT IN AIR
8 COMMERCE FROM THE ALASKA TRANSPORTATION COMMISSION BEFORE THE EFFECTIVE
9 DATE OF THIS ACT IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF COMPLIANCE
10 UNDER (a) OF THIS SECTION UNTIL THE DATE THE INSURANCE POLICY FOR THE
11 AIRCRAFT IS RENEWED]

12 (e) The department may authorize department personnel to enforce this
13 section and may adopt procedural regulations necessary to implement this
14 section.

15
16 Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,

17 (1) "carrier" means a person undertaking to engage in air
18 commerce, whether directly or indirectly, or by lease, contract, or any
19 other arrangement, and whether over regular or irregular routes;

20 (2) "air commerce" means carriage by aircraft of persons or
21 freight for commercial purposes or hire in intrastate commerce, including
22 the carriage by aircraft of persons or freight that move partly by aircraft
23 and partly by other forms of transportation;

24 (3) "aircraft" means a propeller, rotor or jet powered device
25 used or designed for flight in the air;

26 (4) "commercial purposes" means activities for which the persons
27 receives direct monetary compensation and does not include activities
28 incidental to and done in furtherance of the person's primary business;

1 (5) "department" means the Department of Commerce and Economic
2 Development;

3 (6) "freight" means commodities, articles, and cargo, of
4 whatever nature or value, excluding garbage and trash.

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REQUEST Page 1 of 5
 Bill/Resolution No. CSHB 511 (Trsp)
 Title: An Act relating
to Air Carriers
 Sponsor: CAIO
 Requester: n/a
 Date of Request: n/a

FISCAL DETAIL Revision Date _____
 Agency Affected: Commerce
BRU Div of Measurement Standards
 Components: operations

EXPENDITURES REVENUES (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary.
 The attached budget shows \$110.0 in Governor's budget which includes field investigations. Because this function is already provided in the Governor's budget request, HB 611 shouldn't have additional fiscal impact

Prepared by: Rep. Darro Carr, Chairman Phone: 4858
 Division: House Transportation Committee Date: _____
 Approved by: Committee Darro Carr Date: _____
 Agency: _____

TITLE OF INCREMENT/DECREMENT: Air Carrier Program		AGENCY CONTACT/PHONE NUMBER: Marvin Rieger/345-7750	CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.
<p>DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES: The air carrier financial responsibility bill as passed by the 14th legislative session mandated that the following functions be performed:</p> <ol style="list-style-type: none"> Maintain records on the limits of security and current status on all persons who carry passengers or freight for commercial purposes intrastate in an aircraft; Verify eligibility and issue certificates of compliance upon collection of a \$50.00 annual fee; and Investigate complaints and enforce the provisions of AS 42.30.200 and AS 42.30.225. <p>This bill was passed and signed into law without a fiscal note.</p> <p>The House journal dated June 17, 1985, contained a letter from Governor Sheffield to Representative Grussendorf and is partly quoted for information:</p> <p>"Dear Representative Grussendorf:</p> <p>Today I have signed the Conference Committee Substitute for House Bill 133 relating to transportation safety and financial responsibility for Alaska's truckers and air carriers.</p> <p>Although the substance of this legislation is basically sound and provides some assurance that the instate trucking and air industries operate in a safe manner and with adequate insurance, I am deeply concerned by the failure of the legislature to provide any funding."</p>			71000	Personal Services	149.4	78.3
			72000	Travel	15.0	15.0
			73000	Contractual Services	12.0	4.0
			74000	Supplies	1.5	1.5
			75025	Equipment	46.0	11.3
			75690	Lands, Buildings, Etc.		
			77000	Grants, Claims, Etc.		
			78000	Miscellaneous		
				TOTAL	223.9	110.1
				1-A Transfer (MON-ADD)		
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	161.4	47.6			
1005	1-A Receipts					
1028	Program Receipts 50x	62.5	62.5			
	Other					
	PFI	4	2			
	PPI					
	Non Permanent					
	Staff Months	48	24			
POSITION INFORMATION	Enhance Existing Service <input type="checkbox"/> Compared to FY 86					
	<input checked="" type="checkbox"/> New Service Compared to FY 86		<input type="checkbox"/>	Formula Program		
	Continuation of FY 86 <input type="checkbox"/> Service Level					
IMPACT FROM CAPITAL PROJECT (NAME)			Chapter	SLA	Page/Line	

AGENCY DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

BRU DIVISION OF MEASUREMENT STANDARDS

COMPONENT Operations

PROJECT

INCREMENT/DECREMENT REQUEST

C5

Agency Priority 24 of 101

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FY 87

000050

(5/84)-c5

This increment requests the funds required to perform the administrative and field investigation/enforcement functions.

The administrative function entails the verification of aircraft operating intrastate under Federal Aviation regulations part 121 and 135. Estimates provided by the Alaska Air Carriers Association place the total number of eligible aircraft at approximately 5,000. Verification of compliance with AS 42.30.200 requires that a data base be established that lists aircraft by type, owner, Federal Aviation Administration identification, and verification of insurance. A certificate of compliance is issued for each aircraft. This certificate of compliance must be renewed annually for a \$50.00 fee. Revenue processing and accounts receivable programs will have to be established to monitor all fees collected. Additionally, a policy of insurance may not be cancelled on less than 30 days written notice to the Division of Measurement Standards. Each of these cancellation notices will have to be placed in a suspense file so that if notification of renewal is not received prior to the expiration date, the aircraft will have to be added to a list of non compliance carriers.

In discussions with the insurance industry and the air carriers association, it was stated that each aircraft may involve a change in status up to six times per year. Tracking of these changes to assure statutory compliance places a continual monitoring requirement upon the Division and the generation of a weekly status report.

Notification of non compliance will be mailed to each carrier upon expiration of the insurance.

The administrative portion of the program will provide the records keeping services and the information base but the assurance that the public receives the protection intended by the statute can only be provided through field investigation. Because of the geographic dispersion of the operating carriers, it is essential to place field investigative personnel in locations so that they will be capable of responding in a timely manner.

The field investigations will consist of:

1. Investigation of complaints;
2. Field investigation of operating aircraft to assure compliance; and
3. Field investigation of aircraft identified as not being in compliance to ensure that they are not being used commercially.

ADDITIONAL
EXPLANATION
FORM

C5

AGENCY DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

BRU DIVISION OF MEASUREMENT STANDARDS

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We anticipate using an existing classification so that dual utilization will be possible. This will ensure productive service regardless of workload variation.

The new employees will be housed within existing office space in Anchorage, Fairbanks, and Juneau.

The requested travel funds will provide the capability of investigating complaints and assuring compliance in remote locations throughout the state.

Contractual services funds are required for telephone services, vehicle fixed and operating costs, and printing of forms and certificates of compliance.

Requested supplies are for standard office operating supplies.

The requested equipment consists of a vehicle for each operating location, a micro computer for data base and information management, and standard office furniture and equipment.

Recommend that this increment be funded as follows:

- 161.4 - General Funds
- 62.5 - Program Receipts from certificate of compliance fees

<u>Number of Positions</u>	<u>Class Description</u>	<u>Range</u>	<u>Location</u>	<u>Cost</u>
1	Weights and Measures Inspector III	17A	Anchorage	44.9
1	Weights and Measures Inspector I	12B	Fairbanks	37.7
1	Weights and Measures Inspector I	12B	Juneau	33.4
1	Administrative Assistant I	12B	Anchorage	33.4

C5

ADDITIONAL
EXPLANATION
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Incremental Cost Recap:

Personal Services: 149.4 - Salaries with 3% underfunding

Travel:

- 5.2 - Field transportation
- 6.8 - Field per diem
- 1.8 - Administrative transportation
- 1.2 - Administrative per diem

Contractual:

- 2.1 - Communications
- 5.1 - H&CF; Vehicle replacement costs
- 2.7 - Vehicle fuel
- 1.0 - Printing
- 1.1 - Minor vehicle repair

Commodities:

- 1.5 - Standard office supplies

Equipment:

- 3.2 - Office furniture
- 1.6 - Typewriter
- .2 - Calculators
- 33.0 - 3 vehicles
- 8.0 - Micro computers and software

223.9

ADDITIONAL
EXPLANATION
FORM

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CERTIFICATION OF COMPLIANCE OF AIR CARRIERS

- PURPOSE

- WHO DOES IT APPLY TO

- REQUIREMENTS

- PROCEDURES

PURPOSE

The purpose of the certification of compliance of air carriers is to provide the assurance that all persons who carry passengers or freight for commercial purposes intrastate in an aircraft, comply with the provisions in AS 42.30.200 and AS 42.30.225.

These provisions specify that the identified persons procure and maintain minimum amounts of insurance security and that the aircraft used for these purposes must be in compliance with federal safety regulations.

WHY DOES IT APPLY TO

AS 42.30.200 states that a person who carries passengers or freight for commercial purposes intrastate in an aircraft shall procure and maintain security as specified. For purposes of filing with the Department of Commerce and Economic Development, this paragraph is interpreted to mean those aircraft operating intrastate under Federal Aviation Administration regulations part 121 and 135.

AS 42.30.225 further requires that an annual certificate of compliance be obtained before a person uses an aircraft in air commerce.

In defining the applicability of the provisions of AS 42.30.200 - 42.30.360:

1. "air carrier" means a person undertaking to engage in air commerce, whether directly or indirectly, or by lease, contract, or any other arrangement and whether over regular or irregular routes;
2. "air commerce" means carriage by aircraft of persons or freight for commercial purposes or hire in intrastate commerce, including the carriage by aircraft of persons or freight that move partly by aircraft and partly by other forms of transportation;
3. "aircraft" means a propeller or jet powered device used or designed for flight in the air;
4. "commercial purposes" means activities for which the person receives direct monetary compensation and does not include activities incidental to and done in furtherance of the persons primary business.
5. "freight" means commodities, articles, and cargo of whatever nature or value excluding garbage and trash.

REQUIREMENTS

A person who carries passengers or freight for commercial purposes intrastate in an aircraft must maintain the following minimum security:

1. \$150,000 per seat for bodily injury or death in a single occurrence; and
2. \$100,000 for property damage in a single occurrence.

Evidence of insurance must be filed with the Department of Commerce and Economic Development, Division of Measurement Standards, and may not be cancelled on less than 30 days written notice to the Division of Measurement Standards. This notification of cancellation must be clearly stated in the policy or endorsement for an insurance policy submitted as proof of financial responsibility. This 30 day notice period is measured from the date on which the Division of Measurement Standards receives notice.

A person may not use an aircraft in air commerce before obtaining an annual certificate of compliance for that aircraft from the Department of Commerce and Economic Development, Division of Measurement Standards. Application for the certificate of compliance must include:

1. proof of financial responsibility in the amounts previously identified;
2. a copy of the Federal Aviation Administration's air carrier operating certificate, for each aircraft;
3. a Federal Aviation Administration certificate to operate if you are a scheduled air carrier; and
4. a \$50.00 annual fee for each aircraft being certified.

PROCEDURES

1. Complete an application for a certificate of compliance.
2. Attach copies of all required documents as outlined on the application.
3. Include the \$50.00 annual fee for each aircraft.
4. Mail complete application package to:

Division of Measurement Standards
P.O. Box 111686
Anchorage, Alaska 99511

INSTRUCTIONS
APPLICATION FOR
ALASKA AIR CARRIERS CERTIFICATE OF COMPLIANCE

1. Name of the individual making application.
2. Name of business.
3. Mailing address. If the operating location is different, please specify.
4. Date of application.
5. Business telephone number.
6. List those aircraft that are used intrastate in Federal Aviation Regulations part 121 and 135 operation. Do not list those aircraft that are used in parts 61, 91, and 141 operations.

Aircraft Description:

Type of aircraft; make and model.

Passenger Configuration:

Number of passengers the aircraft is configured to carry. If aircraft is used for freight only, so designate. (AS 42.30.200(a) requires \$150,000 per seat for bodily injury or death and \$100,000 for property damage.)

FAA Registration Number:

Federal aviation aircraft registration number.

7. The total number of aircraft listed in #6. If an addendum sheet is used, include total from #6 plus total from addendum sheet in this section.
8. AS 42.30.225(a). A person may not use an aircraft in air commerce before obtaining an annual certificate of compliance for that aircraft from the Department of Commerce and Economic Development, Division of Measurement Standards.

AS 42.30.225(b). The annual fee for a certificate of compliance is \$50.00.

Multiply the number of aircraft listed in #7 times \$50.00. Place that result in section #8. Enclose that amount with the application.

9. Attach a copy of the Federal Aviation Administration's, Air Carrier Operating Certificate, form number 8430-18.
10. Attach a certificate of insurance or have the insurance company mail the certificate direct. A telex message can be used for temporary verification while waiting for the original certificate. A certificate of compliance cannot be issued without proof of insurance per AS 42.30.225(1).
11. For State Use Only - Do Not Fill In. This form will be returned to you with this section filled in and all required certificates attached.

ORIGINAL AND ONE COPY OF ALL FORMS TO BE RETURNED TO THE DIVISION OF MEASUREMENT STANDARDS

A SUMMARY FOR
COMMITTEE SUBSTITUTE FOR HOUSE BILL 611 (FINANCE) AMENDED
AN ACT RELATING TO ENPLANEMENTS, INVESTIGATIONS OF COMPLIANCE
WITH FINANCIAL RESPONSIBILITY AND CERTIFICATE OF COMPLIANCE
REQUIREMENTS FOR AIR CARRIERS, PENALTIES, DISPLAY OF
CERTIFICATES OF COMPLIANCE, AND THE DEFINITION OF AIRCRAFT.

WEDNESDAY, MAY 7, 1986

THIS LEGISLATION WAS INTRODUCED IN THE SENATE BY SENATOR
COGILL AND IN THE HOUSE BY REPRESENTATIVE CATO AFTER
DISCUSSIONS DURING THE INTERIM WITH THE DEPARTMENT OF COMMERCE
AND ALASKA AIR CARRIERS ASSOCIATION.

LAST YEAR WE ENACTED HOUSE BILL 133 WHICH REQUIRES COMMERCIAL
AIR CARRIERS TO MAINTAIN AT LEAST \$150,000 PER SEAT IN
LIABILITY INSURANCE (\$300,000 FOR SCHEDULED CARRIERS). WE
LEARNED THAT IN ORDER TO EFFECTIVELY ENFORCE THIS PROVISION,

WE NEEDED TO MAKE SOME AMENDMENTS TO THIS LAW TO GIVE IT SOME
TEETH.

SECTION 1. ADDS A NEW SUBSECTION TO MISCELLANEOUS POWERS AND
DUTIES OF THE DEPARTMENT OF TRANSPORTATION TO OBTAIN
ENPLANEMENT STATISTICS. RATHER THAN SPENDING THE TIME AND
MONEY FOR THE DEPARTMENT TO PROMULGATE REGULATIONS, THIS
AMENDMENT WOULD ALLOW DOT TO OBTAIN THE DATA WHICH IS
NECESSARY FOR FEDERAL AIRPORT FUNDING. WITHOUT THIS DATA,
ALASKA STANDS TO LOSE OVER \$1,000,000 IN FEDERAL FUNDS.

SECTION 2. SPECIFICALLY AUTHORIZES THE DEPARTMENT OF COMMERCE
TO STOP AIRCRAFT FROM CARRYING PASSENGERS FOR HIRE UNTIL THEY
SECURE THE MINIMUM REQUIRED LIABILITY INSURANCE. IT ALSO
AUTHORIZES THE DEPARTMENT TO CONDUCT INVESTIGATIONS IF
NECESSARY TO FIND VIOLATORS.

SECTION 3. INCREASES THE SIZE AND SEVERITY OF A FINE TO AN AIR CARRIER WHO FILES PASSENGERS FOR HIRE WITHOUT FIRST SECURING THE MINIMUM INSURANCE LEVELS REQUIRED BY HOUSE BILL 133. WITHOUT A MORE STRICT PENALTY, CARRIERS MAY FIND IT CHEAPER TO IGNORE THE LAW THAN TO COMPLY.

THE ADDITIONAL CHANGE TO THIS SECTION IS TO NOT ONLY MAKE THIS VIOLATION A CLASS A MISDEMEANOR, BUT ALSO IS LIABLE FOR A CIVIL FINE.

CLASS A MISDEMEANOR CARRIES A FINE OF \$5,000 AND IMPRISONMENT FOR NOT MORE THAN ONE YEAR.

THE CIVIL FINE IS FOR NOT LESS THAN \$1,000 OR MORE THAN \$5,000 FOR EACH DAY OF VIOLATION WITH A CAP OF \$50,000.

SECTION 4. ALLOWS THE INSURANCE "CERTIFICATE OF COMPLIANCE" TO BE POSTED IN A VISIBLE LOCATION OTHER THAN IN THE AIRCRAFT.

THIS WOULD BE PARTICULARLY HELPFUL TO THE JET CARRIERS WHICH OFTEN INTERCHANGE PLANES, THUS MAKING IT DIFFICULT TO POST CERTIFICATES IN THE AIRCRAFT.

SECTION 5. PROVIDES SPECIFIC AUTHORITY TO ISSUE A CEASE AND DESIST ORDER IF A CARRIER IS OPERATING WITHOUT A STATE CERTIFICATE OF INSURANCE.

SECTION 6. PROVIDES FOR A SPECIFIC PENALTY FOR A CARRIER WHO FAILS TO OBTAIN A CERTIFICATE OF INSURANCE FROM THE STATE. THIS PENALTY IS LESS THAN THE PENALTY FOR COMMERCIAL AVIATION WITHOUT LIABILITY INSURANCE (SECTION 2).

SECTION 7. CLARIFIES THE DEFINITION OF AIRCRAFT TO INCLUDE ROTOR DEVICES (HELICOPTERS).

SECTION 8. REPEALS AS 42.30.225(c) WHICH STATES THAT THE USE OF AN AIRCRAFT IN AIR COMMERCE BEFORE OBTAINING A CERTIFICATE OF COMPLIANCE REQUIRED UNDER THIS SECTION MAY BE CAUSE FOR DENIAL OF THE CERTIFICATE. THIS IS REPLACED WITH THE LANGUAGE IN SECTION 5 WHICH NOW MAKES THIS A CLASS B MISDEMEANOR AND PUNISHABLE BY A FINE.

ALSO REPEALS AS 42.30.225(d) WHICH STATES THAT A PERSON WHO HAS OBTAINED A CERTIFICATE TO USE AN AIRCRAFT IN AIR COMMERCE FROM THE ATC BEFORE JUNE 13, 1985 IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF COMPLIANCE UNDER THIS SECTION UNTIL THE DATE THE INSURANCE POLICY FOR THE AIRCRAFT IS RENEWED. THIS WAS ORIGINALLY PUT IN HB 133 TO PHASE IN THIS PROGRAM. SINCE ATC AND THE DATE OF THIS PROVISION ARE DEFUNCT, THIS IS CLEAN UP LANGUAGE TO THIS SECTION.

Alaska State Legislature

House of Representatives

Committee on Transportation

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

Rep. Bette Cato, Chairman

10 April 1986

TO: REPRESENTATIVE AL ADAMS
CHAIRMAN, HOUSE FINANCE

FROM: Representative Bette Cato *BC*

RE: CS for House Bill 611 (TRSP)

In cooperation with the Alaska Air Carriers and the House Judiciary Committee, I would like to request your consideration to the attached committee substitute for House Bill 611 (Finance) which has the following changes:

The first change is to add a new subsection as follows:

"The department may acquire data on passenger enplanements from air carriers."

During the House Transportation committee meeting, we learned that the Commissioner of Transportation needs the authority to obtain enplanement statistics for the purpose of obtaining federal funds. This was done by the Alaska Transportation Commission and the information was passed along to DOT. Failure to acquire this information will result in loss of federal airport funds.

The next changes were done in the spirit of compromise with Representative Gruenberg which he felt was necessary to clarify the enforcement language.

AS 42.30.200(e) A person who violates [(a) OF] this section is guilty of a class A misdemeanor and is further liable for [PUNISHABLE BY] a civil fine of not less than \$1000 [\$500] or more than \$5000 for each day of violation in a civil action brought by the department [\$1000].

Representative Gruenberg felt that if we were going to make this violation a class A misdemeanor, then we should not reduce the punishment under a Class A misdemeanor, but clarify that a civil fine be levied. The addition of "in a civil

action brought by the department" clarifies that the department would be bringing a "civil" action as opposed to a "criminal" action against an offender.

These suggested changes have been submitted to you after various discussions and meetings with the Alaska Air Carriers and Representative Gruenberg. If I can provide anything further, please give me a call.

Concern has been expressed to narrow the title of this bill to prevent this bill becoming an insurance issue. To date I have not seen any proposed amendments to the title.

Thank you for your attention to this bill and for scheduling it in committee in such an expeditious manner.

BC/rc

FRIDAY, FEB. 10

SENATE TRSP. MEETING:

Commissioner Sundberg discussed the Voluntary Compliance w/ House Bill 133 (pretty much the same thing he discussed ^{last} Sat. at Truckers Meeting); no funds - no enforcement. Needs funding for "specialized" individual to train & inspect safety program. A lot of work to be done

~~\$500~~ Asked \$435,000 Gov reduced to \$349,000 - 6 personnel in FY 87 budget

Senator Coghill requested Sundberg to provide figure (estimates) for a supplement.

Senator ~~Abraham~~ ^{asked} why don't inspect at weigh station like ATC uses to. Sen. Coghill said 133 put inspections in private sector

JOE SWANSON testified

Hardship of truckers getting insurance.

Inquiries - hardship securing insurance. No one had a problem w/ it during hearings last year.

Recommend - ~~is~~ in regulations until ~~it~~ get feet on ground.

Coghill - truckers way below odds all of them had to carry

Don't understand difference between from ins co. brought out Lynden only one w/ any ins. 1.5 for 4.m policy

E. Elizabeth
Reed's prepared
testimony

Joe Swanson

3 yrs ago weight station Ps to Commerce; no
auth to inspect was transferred to
Dept; Commerce feels should have some
way to stop vehicle w/certain type of
haz doing (broken windshield, brakes)
don't proceed let find

No ATC - no auth to do

P.S. great similar auth - legal problems -
Commerce to P.S. - back into program

* No safety inspections

Only auth - done by local or state police
State police can stop unsafe truck

Alford - weight station used to stop using
vice grips; now don't do that

Swanson - 40% of trucks of heavy weight
60% don't = 60% more inspections =
reason for 133
(not good) not on long hauls = no cost

133 - safety program, ATC never did