

CSHB

196

SENATE COMMITTEE REPORT

FURTHER:

5/14/87

DATE TURNED INTO OFFICE 5/15/87

Mr. President:

FINANCE Committee considered CSHB 196(Fin)

enplanements, enforcement of compliance with financial responsibility and certificate of compliance requirements for air carriers, penalties, issuance and display of certificates of compliance, and the definition of aircraft; efd.
and recommended:

[] replace with CS FOR _____) [] same title
[] or adopt _____ CS FOR _____) [] new title

[] attached amendment(s) and

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [] adopted fiscal note(s)
[] new [] updated or [] previous
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

W. H. ...
[Signature]

OTHER RECOMMENDATIONS

[Signature] (Note)
[Signature]
[Signature] (Note)
[Signature]

83 Do Pass
Chairman signature and recommendation

[] Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: CSHB 196(Fin)
Publish Date: HOUSE 5/1/87

Revision Date: _____
Title: Act relating to air carriers

Agency Affected: Comm. & Econ. Dev.
BRU: Consumer Protection

Sponsor: House Transportation
Requestor: _____

Components: Measurement Standards

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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-
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REVENUE	-0-	[19.0]	[8.8]	[8.8]	[8.8]	[8.8]
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) We have 107 air carriers and 436 aircraft registered in the current fiscal year. Research of last fiscal year's records indicates that approximately 14 air carriers and 122 additional aircraft will apply for certificates of compliance prior to the end of FY 87.

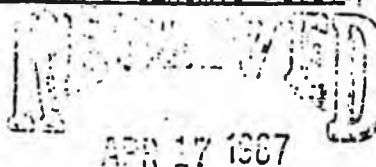
Revenue projections were based upon these figures and the assumption that the level of voluntary compliance will remain relatively constant.

Prepared by: Joe Swanson, Director Phone: 345-7750
Division: Measurement Standards Date: April 14, 1987

Approved by Commissioner: J. Anthony North, Commissioner Date: April 14, 1987
Agency: Department of Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary
- 5782W41487a



5/15/87
Hensley
moved
Adopted

SENATE FINANCE COMMITTEE
CS/HB 196 (TRANSPORTATION)
Finance

*Senate
Finance*

Amendment:

lines 15-17 (g) The department may acquire data on passenger enplanements from air carriers; however, the department may not obtain passenger manifests from air carriers except for matters concerning public safety.

Discussion

The Department of Transportation is concerned that the current language in Section 1(g) would prevent them from obtaining passenger manifests in cases involving matters of public safety. The addition of the underlined language would permit DOT to obtain passenger manifests for this purpose. The manifests are unnecessary in gathering data on enplanement statistics, which simply involves the number of passengers arriving and departing from public airports.

Original sponsor: Transportation Committee

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 196 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to enplanements, enforcement of
7 compliance with financial responsibility and certi-
8 ficate of compliance requirements for air carriers,
9 penalties, issuance and display of certificates of
10 compliance, and the definition of aircraft; and
11 providing for an effective date."

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

13 * Section 1. AS 02.15.050 is amended by adding a new subsection to
14 read:

15 (g) The department may acquire data on passenger enplanements
16 from air carriers; however, the department may not obtain passenger
17 manifests.

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

19 (c) The department may authorize department personnel to enforce
20 this section and may adopt procedural regulations necessary to imple-
21 ment this section. Upon finding a violation the department may issue
22 a stop use order.

23 * Sec. 3. AS 42.30.200(e) is amended to read:

24 (e) A person who violates [(a) OF] this section is guilty of a
25 class A [B] misdemeanor and is punishable by a fine of not less than
26 \$1,000 [\$500] or more than \$5,000 for each day of violation but not to
27 exceed \$10,000 for each violation [\$1,000].

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

29 (a) A person may not use an aircraft in air commerce before

1 obtaining an annual certificate of compliance for that aircraft from
2 the department. The department may issue a certificate of compliance
3 for one aircraft or a fleet of two or more aircraft. The department
4 shall issue or renew a certificate of compliance upon application and
5 presentation of

6 (1) proof of financial responsibility required under
7 AS 42.30.200;

8 (2) proof of compliance with Federal Aviation Adminis-
9 tration requirements, and, where applicable, federal certification for
10 scheduled airline service.

11 * Sec. 5. AS 42.30.225(b) is amended to read:

12 (b) The annual fee for a certificate of compliance is \$50 per
13 calendar year for one aircraft and \$100 per calendar year for a fleet
14 of two or more aircraft [. THE CERTIFICATE IS VALID FOR A PERIOD OF
15 12 MONTHS FOLLOWING THE DATE OF CERTIFICATION]. The certificate shall
16 be [DISPLAYED ON THE AIRCRAFT SO THAT IT IS] visible to boarding
17 passengers.

18 * Sec. 6. AS 42.30.225(b) is repealed and reenacted to read:

19 (b) The annual fee for a certificate of compliance for one
20 aircraft and for a fleet of two or more aircraft shall be set by the
21 department by regulation. The certificate is valid for a calendar
22 year. The certificate shall be visible to boarding passengers.

23 * Sec. 7. AS 42.30.225(e) is amended to read:

24 (e) The department may authorize department personnel to enforce
25 this section and may adopt procedural regulations necessary to imple-
26 ment this section. Upon finding a violation the department may issue
27 a stop use order.

28 * Sec. 8. AS 42.30.225 is amended by adding a new subsection to read:

29 (g) A person who violates this section is guilty of a class B

Original sponsor: Transportation Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 196 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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23 * Sec. 3. AS 42.30.200(e) is amended to read:

24 (e) A person who violates [(a) OF] this section is guilty of a
25 class A [B] misdemeanor and is punishable by a fine of not less than
26 \$1,000 [\$500] or more than \$5,000 for each day of violation but not to
27 exceed \$10,000 for each violation [\$1,000].

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

29 (a) A person may not use an aircraft in air commerce before

1 misdemeanor and is punishable by a fine of not less than \$500 or more
2 than \$1,000.

3 * Sec. 9. AS 42.30.380(3) is amended to read:

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

6 * Sec. 10. Notwithstanding AS 42.30.225(b), as amended by sec. 5 of
7 this Act, a certificate of compliance issued by the Department of Commerce
8 and Economic Development and in effect on the day before the effective date
9 of sec. 5 of this Act is valid for the period issued.

10 * Sec. 11. AS 42.30.225(c) and 42.30.225(d) are repealed.

11 * Sec. 12. Section 6 of this Act takes effect January 1, 1989.

SECTIONAL ANALYSIS - CS HOUSE BILL 196 (TRANSPORTATION)

Section 1 This specifically authorizes DOT/PF to collect the data necessary for the State to receive federal aid to airports. The provision was suggested last year by Commissioner Knapp, and is still deemed desirable by DOT/PF this year. Passenger enplanement statistics mean the number of passengers arriving or departing at a given airport, but does not include a list of passenger names.

Section 2: This section clarifies existing law by specifically authorizing the department (Commerce) to prevent a commercial carrier from flying passengers for hire on a plane which has not been insured for liability at the State minimum level.

Section 3: This section increases the existing penalties for flying passengers for hire without first obtaining the minimum required level of liability insurance.

Section 4: This allows the department (Commerce) to issue a single certificate of insurance for a fleet of aircraft instead of for each individual aircraft. Many air carriers obtain a fleet insurance policy rather than individual plane policies. This would simplify the existing administrative procedure.

Section 5: Maintains the existing fee for a single certificate of insurance and establishes the fee for a fleet certificate. It also allows carriers to display certificates of insurance at the counter, gate, or other location rather than on the aircraft itself.

Section 6: Allows Department of Commerce to set fees by regulation beginning January 1, 1989 (See Section 12 for effective date). The fees set in Section 5 would be effective until changed in 1989.

Section 7: This specifically authorizes the department (Commerce) to issue a stop use order for plane carrying passengers for hire when the carrier has not obtained a certificate of insurance from the State.

Section 8: This section establishes a penalty for the violation described in Section 7. It is a lesser penalty than for violations under Section 3, as flying without a State certificate of insurance is not as serious a violation as flying without liability insurance at the established minimum level.

Section 9: Adds helicopters to the aircraft covered under this bill. This was an oversight in 1985 when this statute was passed.

Section 10: Assures Certificates of Compliance already in effect for a one year period, remain in effect until they expire.

Section 11: Repeals existing 42.30.225(c) which is superseded by Sections 2 and 7 in this bill.

Repeals existing 42.30.225(d) which was a transitional provision of the 1985 statute, and is no longer meaningful.

Section 12: Effective date for Section 6 (only).

sd.9.51

SENATE COMMITTEE REPORT

FURTHER: *Rule*

5/8/87

DATE TURNED INTO OFFICE 5/12/87

Mr. President:

JUDICIARY

Committee considered CSHB 196(Fin)

enplantments, enforcement of compliance with financial responsibility and certificate of compliance requirements for air carriers, penalties, issuance and display of certificates of compliance, and the definition of aircraft; efd.

and recommended:

replace with CS FOR _____) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

House Measurement Standards, fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Joe Greenham

Reik Halord no REC
Walter Ebdery no rec
William Surplust: no rec

Keith No Rec
Chairman signature and recommendation

Committee Backup Attached