

Appropriation.

The sum of \$2,500.00 or so much thereof as may be required is hereby authorized for this study to be transferred from Section 2 of the general appropriations Bill passed by the 19th Legislature.

Section 2. REPEAL. Sec. 11-3-5 ACLA 1949 is hereby repealed.

Repeal.

Section 3. EFFECTIVE DATE. This Act shall become effective upon and including April 1, 1949.

Approved March 26, 1949.

CHAPTER 123

AN ACT

[S. B. 30]

Relating to aeronautics; providing for the development and regulation thereof; creating a Department of Aviation; expanding the powers and duties of the Alaska Aeronautics and Communications Commission; establishing the Alaska Aeronautics Revolving Fund; modifying the Motor Fuel Tax Act; repealing Secs. 32-4-1 to 32-4-4 inc., Secs. 32-5-1 to 32-5-9 inc., Sec. 32-6-1, Sec. 32-6-9 and the last sentence of Sec. 32-3-8 ACLA 1949, making an appropriation; and fixing an effective date.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. DEFINITIONS. As used in this Act, unless the context otherwise requires:

Definitions.

"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 re-

pair, 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 ground subjects pertaining thereto.

“Aircraft” means any contrivance now known or hereafter invented, used or designed for navigation of flight in the air.

“Public Aircraft” means an aircraft used exclusively in the governmental service with reference to the United States, and the Territorial Government.

“Civil Aircraft” means any aircraft other than a public aircraft.

“Airport” means any 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 all airport buildings and facilities located thereon.

“Department” means the Alaska Aviation Department established by this Act.

“Commission” means the Alaska Aeronautics and Communications Commission established under the provisions of Sec. 32-3-2 ACLA 1949.

“Division of Communications” means that branch of the Department which administers the radio-telephone functions prescribed under the provisions of Secs. 32-3-6 to 32-3-14 inc. ACLA 1949.

“Division of Aeronautics” means that branch of the Department established by this Act to administer Alaska’s aeronautics program.

“Director” means the executive officer of the Division of Aeronautics.

“Supervisor” means the executive officer of the Division of Communications.

“Alaska” or “Territory” means the Territory of Alaska.

“Air navigation facility” means any facility used in, available for use in, or designed for use in, aid of air navigation, including any 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 such facilities.

“Operation of aircraft” or “operate aircraft” means the use, navigation or piloting of aircraft in the airspace over this Territory or upon any airport within this Territory.

“Airman” means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher, or air-traffic control-tower operator; or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him in the Territory of Alaska.

“Person” means any individual, partnership, company, association, joint stock company or corporation;

and includes any trustee, receiver, assignee or other similar representative.

“Municipality” means any city, town or other political subdivision now incorporated or hereafter incorporated in this Territory, including public utility districts.

“Airport hazard” means any structure, object of natural growth, or use of land, which obstructs the air-space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

Section 2. DECLARATION OF PURPOSE. It is hereby declared that the purpose of this Act is to further the public interest in aeronautical progress by providing for the protection of persons and promotion of safety in aeronautics through appropriate measures not duplicating Federal controls but consistent with and supplementary to Federal aeronautics laws and regulations, with a view, however, to the least possible interference with aviation activity compatible with the general welfare; by encouraging and developing aeronautics and the establishment and operation of a territorial system of airports through cooperation with municipalities, and otherwise, including cooperation with the Federal Government and acceptance and utilization of Federal funds allotted for such purpose.

Section 3. DEPARTMENT OF AVIATION.

A. There is hereby created within the Government of Alaska the Department of Aviation under which shall be administered the aeronautics and communications functions specified in this Act and otherwise provided by law. Such functions shall be carried out under supervision of the Alaska Aeronautics and Communications Commission.

B. There is hereby established within the Department, administrative divisions as follows:

**Communication
Division.**

1. The Division of Communications, which shall administer the radio-telephone functions prescribed under the provisions of Secs. 32-3-6 to 32-3-14 inc. ACLA 1949, and shall maintain an office at Juneau. With respect to this Division, the Supervisor shall be the executive officer of the Commission, but shall after the effective date of this Act, relinquish aeronautics functions heretofore exercised by him, to the Division of Aeronautics. The Commission may from time to time delegate to the Supervisor, or any of his assistants, such of its administrative powers with respect to communications as it sees fit. Such delegated powers may be exercised by him or them in the name of the Commission or Division of Communications.

**Aeronautics
Division.**

2. The Division of Aeronautics, which shall administer the laws of Alaska with respect to aeronautics control and aviation development, and shall maintain an office at Anchorage. There is hereby established the office of the Director of the Division of Aeronautics who shall be the executive officer of the Commission for all purposes, except radio-telephone activities, subject to policies, rules, regulations and orders of the Commission. The Commission may from time to time delegate to the Director, or any of his assistants or employees, such of its administrative powers with respect to aeronautics as it sees fit. Such delegated powers may be exercised by him or them in the name of the Commission or the Division of Aeronautics.

**Qualification
of Director.**

3. The Director, who shall be appointed by the Commission, shall be qualified by education, training, and experience in the field of aviation to carry out his duties under this Act and at least four years of such training and experience shall have been in Alaska. Both the Supervisor and the Director shall, with the approval of

the Commission, appoint such employees as the Commission deems necessary or advisable to carry out its powers, and prescribe their duties and fix the rate of their compensation in accordance with Territorial practices. The Commission may require any executive officer or employee under its jurisdiction to give bond for the faithful performance of his duties.

4. Both the Supervisor and Director shall keep true and accurate accounts of all sums received and expended under their respective divisions, and submit biennial reports during January of each year when the Legislature convenes in regular session.

Records and reports.

5. Both the Supervisor and Director shall serve at the pleasure of the Commission and shall receive salaries not in excess of those established by the Territory's administrative salary schedule law for similar services.

Terms of office.

6. Both the Director and Supervisor are authorized to receive transportation and per diem for travel on official business outside as well as inside Alaska, provided that no trips outside Alaska shall be taken at the Territory's expense unless necessary and upon prior written approval of the Commission.

Per diem and travel.

7. The Department shall have an official seal designed or selected by the Commission for use on such orders and other official documents as the Commission may direct. The seal shall be for the use of the Director and be in his custody.

Section 4. POWERS OF THE COMMISSION. In addition to powers already vested in the Commission by law, it is hereby granted the following powers and duties:

Commission powers.

A. CONTRACTS: LAW GOVERNING. The Commission may enter into contracts necessary or advisable

to the execution of the powers granted it by this Act, provided, however, that where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with Federal moneys, the Commission, as agent of the Territory, or of any municipality, or person, may let contracts in the manner prescribed by the Federal authorities acting under the laws of the United States and any rules and regulations made thereunder.

Contracts.

Receive and dis-
burse Federal
Aid.

B. FEDERAL AID. The Commission is authorized to accept, receive, receipt for, disburse and expend Federal moneys, and other moneys public or private, made available to accomplish, in whole or in part, any of the purposes of this Act. All Federal moneys accepted under this Act shall be accepted and expended by the Commission upon such terms and conditions as are prescribed by the United States. All moneys received by the Commission pursuant to this section shall be deposited in the Alaska Aeronautical Fund hereinafter established.

Rules and
regulations.

C. POWER TO MAKE RULES, REGULATIONS, STANDARDS. The Commission may perform such acts, issue and amend such orders, and make, promulgate and amend such reasonable general or special rules, regulations and procedures, and establish such minimum standards, consistent with the provisions of this Act, as it shall deem necessary to carry out the provisions of this Act and to perform its duties hereunder. No rule or regulation of the Commission shall apply to aircraft, airports, or air navigation facilities owned or operated by the United States, nor shall any such rule or regulation duplicate any such then current rules or regulations issued by any Federal government agency.

D. CONFORMITY TO FEDERAL LEGISLATION AND RULES. No rule, regulation, order or standard

prescribed by the Commission shall be inconsistent with, or contrary to any act of the Congress of the United States or any regulations promulgated or standards established pursuant thereto.

Conformity with
Federal Acts.

Section 5. TERRITORIAL AIRPORTS.

A. ESTABLISHMENT: OPERATION: MAINTENANCE. The Commission is authorized on behalf of and in the name of the Territory, out of appropriation and other moneys made available for such purposes, to plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate protect and police airports and air navigation facilities, within the Territory. For such purposes the Commission may, by purchase, gift, devise, lease, condemnation or otherwise, acquire property, real or personal, or any interest therein including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. In like manner the Commission may acquire existing airports and air navigation facilities, provided, however, it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality or person without the consent of such municipality or person, provided further, that the Commission shall not operate, equip, or maintain airports in, or for, incorporated municipalities having a population of more than 600 persons, but nothing in this section shall be construed to prohibit the Commission from providing from funds it may have available for such purposes, for matching with such municipality, or other Federal or Territorial agencies, for the purpose of assisting in constructing, enlarging or improving such a municipal airport.

Authority estab-
lish Territorial
airports.

B. DISPOSAL OF PROPERTY. The Commission

may, by sale, lease, or otherwise, dispose of any such property, airport, air navigation facility, or portion thereof or interest therein, and is hereby given full authority in said respect, the proceeds, of any such disposition to be covered into the Alaska Aeronautics Revolving Fund.

C. JOINT OPERATIONS. The Commission may exercise any powers granted by this section jointly with any municipality or person or agency of the Territorial government or with the United States Government.

D. CONDEMNATION. In the condemnation of property authorized by this section, the Commission shall proceed in the name of the Territory in the manner provided by law.

E. OPERATION AND USE PRIVILEGES.

1. Under Territorial Operation: In operating an airport or air navigation facility owned or controlled by the Territory, the Commission may enter into contracts, leases and other arrangements covering periods not in excess of ten years with any person or municipality or the United States, granting the privilege of using or improving such airport or air navigation facility or any portion or facility thereof or space therein for commercial or governmental purposes; conferring the privilege of supplying goods, commodities, things, services or facilities at such airport or air navigation facility. In each such case the Commission may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expense of operation to the Territory; provided that in no case shall the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or portion thereof.

Disposal of
property.

Leasing whole or
part of airport.

2. Under Other Operation: The Commission may by contract or other arrangement, upon a consideration fixed by it grant to any qualified municipality or person for a reasonable period of time, the privilege of operating, as agent of the Territory or otherwise, any airport owned or controlled by the Territory; provided that no such person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the Commission might not have undertaken under Paragraph 1 of this Sub-section E.

Operation as
agent of Terri-
tory.

3. Liens: To enforce the payment of any charges for repairs to, or improvements, or storage, or care of any personal property made or furnished by the Commission, or its agents, in connection with the operation of an airport or air navigation facility owned or operated by the Territory, the Territory shall have such lien rights as are generally allowed by law to secure payment for such services which shall be enforceable by the Commission or any authorized employee.

Liens

Section 6. RURAL AIRSTRIP AND SEAPLANE FACILITIES. The Commission is authorized to construct, maintain or operate floats and seaplane ramp landing facilities, subject to the provisions of Section 5A of this Act; also emergency landing fields, or rural airstrips adequate to meet rural needs with or without financial contribution by local interests.

Minor facilities
in rural areas.

Section 7. INFORMATION FOR PUBLIC. The Commission may collect, assemble and publish aeronautical data pertinent to the operation of aircraft within the Territory. Such published data shall be for the benefit of the aviation industry and the general public, and shall not duplicate any data published by any other governmental agency.

Section 8. PUBLIC NATURE OF COMMISSION ACTIVITIES.

A. The acquisition of any lands or interests therein pursuant to this Act, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the Territory separately or jointly with any person, municipality or municipalities, and the exercise of any other powers herein granted to the Commission are hereby declared to be 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 Territory in the manner and for the purposes enumerated in this Act shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

Functions executed for public purposes.

B. The Commission shall grant no exclusive right for the use of any airway, airport, or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases and other arrangements pursuant to Section 5 of this Act.

No exclusive rights to be granted.

C. The Commission may: (a) draft and recommend suitable legislation to advance the interest of the Territory in aeronautics; (b) represent the Territory in aeronautical matters before the Federal agencies and other Territorial agencies; (c) participate as party plaintiff or defendant on behalf of the Territory or as intervenor in any controversy which involves the interest of the Territory in aeronautics.

General functions.

Section 9. MUNICIPAL AIRPORT ASSISTANCE.

A. Technical Service of the Commission. The Commission may, insofar as is practicable, make available its engineering and other technical services, with or without

Technical services.

charges, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities.

B. Territorial Financial Assistance: The Commission may render financial assistance by grant or loan, or both, subject to the provisions of Section 5A of this Act, to any person or municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, or person. Such financial assistance may be furnished in connection with Federal or other financial aid for the same purpose.

Financial assistance by Territory.

C. Federal Aid: A prerequisite to eligibility of a municipality to participate under the Federal Airport Act shall be approval of its application by the Commission. The Commission is authorized to approve or disapprove or cause modifications of any municipal application for direct participation by the municipality under the Federal Airport Act, it being the purpose to bring about allotments of available Federal money in line with best serving the overall aviation needs of the Territory. If and when such an application is approved, the municipality may thereafter deal directly with the Federal Government without intervention of the Commission.

Municipalities must deal through Commission.

Section 10. MISCELLANEOUS POWERS AND DUTIES OF COMMISSION.

A. Joint Hearings: The Commission is authorized to confer with or to hold joint hearings with any agency of the United States in connection with any matter arising under this Act, or relating to the sound development of aeronautics.

Joint hearings.

B. Reciprocal Services: The Commission is author-

Reciprocal
services.

ized to avail itself of the cooperation, services, records and facilities of the agencies of the United States as fully as may be practicable in the administration and enforcement of this Act. The Commission shall, upon request, furnish to the agencies of the United States its cooperation, services, records and facilities, insofar as may be practicable.

Report of acci-
dents.

C. Accident reporting: The Commission, or any Territorial or municipal police officer, shall report to the appropriate agency of the United States all accidents in aeronautics in this Territory of which it is informed, and shall, insofar as is practicable, preserve, protect and prevent the removal of the component parts of any aircraft involved in any accident being investigated by it until the Federal agency institutes an investigation.

Extra copy of
reports to
Commission.

D. Periodic Reports: No periodic reports need be made to the Commission by any aircraft operator, except that an additional copy of any report rendered to any other governmental department or agency may be required of such operator.

Interchange of
violation reports.

E. Exchange of Information Regarding Violations: The Commission is authorized to report to the appropriate Federal agencies and agencies of states, all proceedings instituted charging violation of any sections of this Act and all penalties, of which it has knowledge, imposed upon airmen or the owners or operators of aircraft for violations of the law of this Territory relating to aeronautics, or for violations of the rules, regulations or orders of the Commission. The Commission is authorized to receive reports of penalties and other data from agencies of the Federal government and states and, when necessary, to enter into agreements with Federal agencies and the agencies of states governing the delivery, receipt, exchange and use of reports and data. The Commission may make the reports and data of the Federal agencies, the agencies of states, and the courts of this

Territory available, with or without request therefor, to any and all courts of this Territory and to any officer of the Territory or of a municipality, authorized to enforce the aeronautics laws.

Section 11. AERONAUTICS TRAINING.

A. Policy. The Commission shall assist and cooperate with the Territorial Department of Education, the University of Alaska, the Civil Air Patrol, the Civil Aeronautics Administration and all other civic, territorial and Federal agencies in the development of a sound aeronautical educational program in Alaska by providing such financial and material aid as is within its means and the use of territorial aviation facilities and equipment whenever possible.

Educational
training
programs.

Section 12. PENALTIES: GENERAL: SPECIAL.

A. General: Any person violating any of the provisions of this Act, or any of the rules, regulations or orders made and issued pursuant thereto shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500.00 or by imprisonment of not more than 90 days, or both.

Penalties.

General.

B. Special: For any violation of any section of this Act, in addition to, or in lieu of, the penalties provided by Subsection A of this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, the court in its discretion may prohibit the violator from operating an aircraft within the Territory for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court. Whenever a conviction is obtained hereunder, the prosecuting authority shall notify the Aeronautics Division.

Special.

Section 13. ENFORCEMENT OF AERONAUTICS LAWS.

Designation of enforcement officers.

A. Enforcement Officers: It shall be the duty of the Commission, its members, the Director, the Supervisor, officers and employees of the Department, and every Territorial and municipal officer charged with the enforcement of Territorial and municipal laws, to enforce and assist in the enforcement of this Act and of all rules, regulations and orders issued pursuant thereto and any other Territorial regulations or laws pertaining to the operation of aircraft.

Examination of property.

B. Examination of Aircraft and Premises: In that connection each of the aforesaid persons is authorized to 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. In aid of the enforcement of this Act, the rules, regulations and orders issued pursuant thereto and of all other laws of the Territory relating to aeronautics, general police powers are hereby conferred upon the Commission, each of its members, the Director, the Supervisor, and such of the other officers and employees of the Commission as may be designated by it to exercise such powers.

Section 14. AERONAUTICAL FUND.

Fund created.

A. There is hereby created the "Alaska Aeronautical Revolving Fund" to carry out the purposes and provisions of this Act. Said fund shall be made up of the following monies which shall be deposited therein:

1. All fees or other income derived from the administration of this Act or operations hereunder.

2. Monies herein or hereafter appropriated to carry out the provisions hereof.

3. Matching funds or other monies received from the Government of the United States for the construction of airports, airways, navigational aids or any other aeronautical purpose.

4. Proceeds of tax on motor fuel from sale or use of aviation gas and oil as collected under Section 48-5-2 ACLA 1949 to be determined as follows:

The Tax Commissioner shall estimate the appropriate amounts of such monies collected from the sale or use of aviation gas and oil and shall notify the Territorial Highway Engineer of such estimate who shall then issue vouchers to the Alaska Aeronautical Revolving Fund in amounts of the estimate provided that not more than one-third of the total monies collected under Section 48-5-2 ACLA 1949 shall be so diverted.

Allocation of tax collections.

The sum of \$50,000.00 or so much thereof as may be necessary is hereby appropriated out of money in the Motor Fuel Oil Tax Fund.

Appropriation.

5. Disbursements from the fund for administrative expenses of the Commission during each of its fiscal years shall not exceed 15% of tax monies and other revenues (exclusive of appropriations) deposited in the Alaska Aeronautical Revolving Fund during each such period.

Administrative expense limit.

6. The Commission is hereby authorized to expend during each fiscal biennium an amount not exceeding \$20,000.00 for the search and rescue of lost planes and personnel.

Search and rescue money.

7. The Commission is authorized and directed to allot such funds, from appropriations made by the legislature for such purposes, or so much thereof as may be necessary for disbursement by the Supervisor, to carry on the operations of the Communications Division hereunder.

Communication allotment.

Savings clause.

Section 15. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Section 16. AMENDMENT: Secs. 32-6-5 to 32-6-8 inc. ACLA 1949 are hereby amended by striking the words "Territorial Treasurer" wherever appearing in said sections and substituting therefor the words "Division of Aeronautics".

Title.

Section 17. SHORT TITLE. This Act may be cited as the Alaska Aeronautics Act.

Repeals.

Section 18. REPEALS. Secs. 32-4-1 to 32-4-4 inc., Secs. 32-5-1 to 32-5-9 inc., and Sec. 32-6-1 and Sec. 32-6-9 and the last sentence of Sec. 32-3-8 ACLA 1949 are hereby repealed.

Section 19. EFFECTIVE DATE. The effective date of this Act shall be June 1, 1949.

Approved March 26, 1949.

CHAPTER 124

AN ACT

[S. B. 51]

To appropriate \$20,000.00 for annual Fairs for the biennium ending March 31, 1951.

Be it enacted by the Legislature of the Territory of Alaska: