

CHAPTER 160

AN ACT

Relating to the salaries of the Governor and Secretary of State; excluding such officers from the state personnel laws; and providing for an effective date.

(S.B. 57)

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

Section 1. Salary of Governor and Secretary of State: Full Compensation for Services. The annual compensation fixed by law for the Governor and Secretary of State shall be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office, and shall be paid throughout their respective terms of office unless such office or offices become vacant.

Sec. 2. Exclusion of Governor and Secretary of State from State Personnel Laws. Notwithstanding the provisions of any other law, the Governor and Secretary of State are not to be deemed employees of the state for the purpose of

state personnel laws relating to the hours of employment, annual leave, sick leave, overtime, compensatory time, and travel allowances, of such employees. Nothing herein shall be construed to deprive the Governor and Secretary of State, respectively, of the right to participate in the state retirement system or in state group insurance plans.

Sec. 3. Subsequent Legislation. The provisions of this Act shall not be superseded or modified by any subsequent legislation except to the extent that such legislation shall do so expressly.

Sec. 4. Effective Date. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 22, 1960

CHAPTER 161

AN ACT

To provide for the regulation of civil aeronautics in Alaska; prescribing penalties; and providing for an effective date.

(C.S.S.B. 87)

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

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

Sec. 2. Declaration of Policy. The purpose and policy of this Act in regulating air commerce is as follows:

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

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

(3) To promote adequate, economical and efficient service by such carriers, and reasonable charges therefor, without unjust discriminations, undue preferences

or advantages, and unfair or destructive competitive practices.

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

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

(6) To provide for the administration and enforcement of this Act so as to avoid conflict with the regulation of air carriers by the federal government.

(7) To maintain air transport services in Alaska on an economically sound

basis, pending a study of the air transport needs of Alaska and the relationship of intrastate air services to the interstate and foreign air services subject to regulation by the federal Civil Aeronautics Board.

This Act shall be administered and enforced with a view to carrying out the above declaration of policy.

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(1) "air carrier" means any 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 property for compensation or hire in intrastate commerce within the state, including the carriage by aircraft of persons or property which move partly by aircraft and partly by other forms of transportation.

(3) "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation or flight in the air.

(4) "air taxi operator" means an air carrier coming within the classification of "Alaskan air taxi operators," as defined and established by Part 293 of the Economic Regulations of the federal Civil Aeronautics Board, adopted on December 30, 1958, and made effective on February 3, 1959.

(5) "commission" means the state Public Service Commission or its designated representative.

(6) "person" means any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and includes, without limitation, any trustee, receiver, assignee or other person or persons acting in a representative capacity.

(7) "state" means the State of Alaska.

Sec. 4. Organization. The commission shall employ a director and employees as it shall deem necessary in exercising and performing its powers and duties.

The compensation of all officers and employees of the commission shall be fixed in the manner provided by law.

From time to time the commission may engage, for temporary service, such duly qualified persons, including without limitation, engineers, attorneys, technicians, accountants and other qualified persons, as may be necessary or appropriate in the administration of this Act, and may fix the compensation of such persons. Such compensation and the expense of such employment shall be paid out of the monies appropriated by the legislature for the administration of this Act.

Sec. 5. General Powers and Duties of the Commission.

a. **Administration and Enforcement.** It shall be the duty of the commission to administer the provisions of this Act, and to that end the commission shall have authority to make and amend such general or special rules and regulations and to issue such orders as may be necessary to carry out the policy and purposes of this Act. The commission shall issue the general rules, regulations, and orders pursuant to the provisions of the Administrative Procedure Act.

b. **Joint Hearings and Cooperation.** The commission is authorized to confer with or to hold joint hearings with any authorities of the government of the United States, having jurisdiction with respect to matters affecting air commerce. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such authorities as fully as may be practicable in the enforcement or administration of any provisions of this Act.

c. **Interstate Rates and Service.** When the interstate rates, fares, charges or classifications of air carriers affecting the commerce of this state are, in the opinion of the commission excessive or discriminatory or are levied or imposed in violation of the Act of Congress entitled "Federal Aviation Act of 1958," and the acts amendatory thereof and supplementary thereto, or in conflict with the rulings, orders or regulations of the authorities having jurisdiction thereof, or when interstate services are, in the opinion of the commission inadequate, unsatisfactory, or discriminatory, the commission

may apply by petition to the authorities having jurisdiction thereof for relief, and may present to such authorities all facts coming to the commission's knowledge as to violations of the rulings, orders, or regulations of such authorities, or as to violations of the said Federal Aviation Act of 1958 or acts amendatory thereof or supplementary thereto.

d. **Conduct of Proceedings.** The commission shall conduct its proceedings in such manner as will be conducive to the proper dispatch of business and to the ends of justice. Any person may appear before the commission and be heard in person or by attorney. Every official act of the commission shall be entered of record and the proceedings shall be open to the public upon the request of any interested party.

Sec. 6. Certificates Required. Subject to the provisions of Sec 7, no person may engage in any air commerce unless there is in force a certificate issued by the commission authorizing such person to engage in such air commerce as a certificated carrier, contract carrier, or air taxi operator.

Sec. 7. Authority for Air Carriers. Persons may engage in air commerce as follows:

(1) **Certificated Carriers.** Any person holding a certificate of public convenience and necessity issued under the provisions of this Act or issued on or before March 1, 1960 pursuant to federal statutory authority authorizing intrastate air commerce within Alaska,

(a) may engage in air commerce along the routes and between the points covered by such certificate or any amendments thereto as authorized on March 1, 1960 or as may be subsequently authorized under the provisions of this Act, and may engage in air commerce along the routes and between the points covered by any exemption, regulation, or order in effect on March 1, 1960, or as subsequently issued under the provisions of this Act.

(b) may make charter trips and render other special services between points on routes which it is authorized by its certificate to serve. Charter trips and other special services may also be

rendered to or from any other point within or outside the state if such trips originate at or are destined to a point on a route the carrier is authorized by its certificate to serve.

(2) **Carriers Exempted by Civil Aeronautics Board.** Any person who was authorized on March 1, 1960 to engage in air commerce within Alaska solely pursuant to an exemption issued by the federal Civil Aeronautics Board, may continue to engage in air commerce to the extent authorized on March 1, 1960 but is subject to the conditions and limitations of the exemption as effective on that date.

(3) **Contract Carriers.** Any person who is authorized under this Act to engage in air commerce as a contract carrier, or who, as a contract carrier, was a resident authorized and engaged in air commerce between September 1, 1959 and the effective date of this Act, may engage or continue to engage in air commerce to the extent that contract carriers were authorized on December 31, 1959 but subject to the conditions and limitations of the authority as effective on that date.

(4) **Air taxi Operators.** Any person who is authorized under this Act to engage in air commerce as an air taxi operator or who was a resident engaged in air commerce as an air taxi operator between September 1, 1959 and May 1, 1960, may engage or continue to engage in air commerce as an Alaska air taxi operator subject to the following limitations and conditions.

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

(b) such person at all times shall comply with the conditions and limitations contained in Secs. 293.1, 293.2, 293.3 and 293.17 (a) of Part 293 of the Economic Regulations of the federal Civil Aeronautics Board, adopted December 30, 1958 and made effective February 3, 1959, subject to the following modifications of the provisions contained in those sections: (1) an Alaskan air taxi operator may utilize in air transportations in all areas of Alaska

west of 138° west longitude, aircraft having a "maximum certificate take off weight" (as that term is defined in Sec. 293.1 of the said Economic Regulations) of 12,500 pounds or less; (2) an Alaskan air taxi operator is authorized both to employ or hire pilots and to lease, rent, and own aircraft without limitation as to number.

(5) Resident. The term "resident" as used in subsections (3) and (4) of this section means any person, if an individual or a partnership, who has resided in Alaska for at least one year immediately prior to the passage of this Act, and if a corporation, which has been incorporated under the laws of Alaska and which has as stockholders owning at least 75% of the stock, persons who have resided in Alaska for at least one year prior to the passage of this Act.

Sec. 8. Temporary Exemption of Air Carriers. From time to time when an emergency requires, the commission may exempt from the requirements of this Act or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, any air carrier or class of air carriers, if the commission finds that the enforcement of this Act or such provision, or such rule, regulation, term, condition or limitation is or would be an undue burden on such air carrier or class of air carriers by reason of the emergency, or unusual circumstances affecting the operation of such air carrier or class of air carriers, and is not in the public interest. The commission shall issue any regulation or order for a temporary exemption pursuant to the provisions of the Administrative Procedure Act.

Sec. 9. Applications for Certificates.

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

b. Notice and Hearing. Upon the receipt of an application for a certificate, the commission shall give due notice thereof (1) to the public by posting a notice of such application in the office

of the commission; and (2) to such persons, and by such means, as the commission shall determine by regulation. Any interested person may file with the commission a statement of issues as provided by the Administrative Procedure Act or a memorandum in support of the issuance of a certificate. A public hearing shall be held on such application if the applicant, or any person having a substantial interest in the proceeding, shall so request within such time as the commission shall provide by regulation.

c. New Service Investigations. Whenever it deems such action advisable, the commission upon its own initiative may conduct an investigation to determine whether additional air commerce appears to be needed. If after such investigation the commission is of the opinion that such procedure is appropriate, it may encourage the filing of applications for certificates authorizing the furnishing of such commerce.

Sec. 10. Issuance of Certificates.

a. Findings Required. Subject to the provisions of subsection b. of this section, the commission shall issue a certificate authorizing the applicant to engage in air commerce as a contract carrier or air taxi operator, or authorizing the whole or any part of the operation covered by an application for a certificate for a certificated carrier.

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

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

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

If all of the findings required in paragraphs (1) and (2) above are not made

in each case, then the application shall be denied.

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

Sec. 11. Terms and Conditions of Certificate.

a. General Terms and Conditions. Each certificate issued to a certificated carrier under this Act shall specify the points between which, or the areas within which, the holder is authorized to engage in operations as an air carrier and the service to be rendered. There shall be attached to the exercise of the privileges granted by a certificate issued under the provisions of this Act, or amendment to any certificate, such reasonable terms, conditions, and limitations as the public interest may require.

b. Effective Date and Duration of Certificates. (1) Subject to the provisions of paragraph (2) of this subsection b., unless and until a certificate is modified, suspended or revoked, as hereafter provided, each certificate shall be effective from the date specified therein, and shall continue in effect indefinitely, or, if issued for a limited period of time shall continue in effect until the expiration thereof.

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

c. Emergency Operations. No certificated carrier or carrier exempt under Sec. 7 (2) of this Act shall be deemed to have violated any term, condition or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate, or by operating during an emergency, under regulations which may be prescribed by the commission between terminal and intermediate points other than those specified in its certificate.

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

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

Aircraft weighing 4000 pounds gross weight or less	\$ 25.00
Aircraft weighing over 4000 pounds but less than 7900 pounds gross weight	50.00
Aircraft weighing 7900 pounds but less than 12,500 pounds gross weight	75.00
Aircraft weighing 12,500 pounds but less than 27,000 pounds gross weight	100.00
Aircraft weighing 27,000 pounds but less than 50,000 pounds gross weight	150.00
Aircraft weighing 50,000 pounds gross weight or more	200.00

Sec. 12. Modification, Suspension or Revocation of Certificates. Upon a petition or upon an accusation filed by any person or the commission pursuant to the Administrative Procedure Act, and after notice and opportunity for hearing, the commission by order may alter, amend,

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

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

(2) For voluntary discontinuance of operations.

(3) For intentional failure to comply with any provision of this Act or any order, rule, or regulation issued hereunder.

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

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

Sec. 14. Abandonment or Discontinuance of Service by Certificated Carrier. No certificated carrier or carrier exempt under Sec. 7 (2) of this Act shall abandon or discontinue any service or part thereof for which a certificate has been issued by the commission, unless upon the application of such carrier, after notice and opportunity for hearing, the commission shall find such abandonment or discontinuance to be in the public interest. Any interested person may file with the commission a protest or memorandum of opposition to or in support of any such abandonment. The commission may, by regulations or otherwise, authorize such temporary suspension of service as may be in the public interest.

Sec. 15. Security for the Protection of the Public. No certificate shall be issued to an air carrier nor shall any certificate remain in force unless such carrier com-

plies with such reasonable rules and regulations as the commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, in such reasonable amount as the commission may require. Such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities shall be conditioned to pay, within the amounts thereof, any final judgment recovered against such carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance or use of aircraft under such certificate, or for the loss or damage to property of others. Nothing in this Act shall relieve a certificate holder from any liability for negligence, whether or not it has complied with the requirements of this section.

Sec. 16. Tariffs.

a. **Filing of Tariffs Required.** Every air carrier except contract carriers shall file with the commission and make available to the public, tariffs showing all rates, fares and charges for air commerce between points served by it, and between points served by it and points served by any other carrier when through air commerce service and rates have been established, and all classifications, rules, regulations, practices, and services in connection with such commerce.

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

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

d. Observance of Tariffs, Rebating Prohibited. No air carrier except contract carriers shall charge or demand or collect or receive a greater or less or different compensation for air commerce, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs. No such carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities, with respect to matters required by the commission to be specified in such tariffs, except those specified therein. In the event that an excessive rate, fare, or charge is stated in a currently effective tariff through error, the air carrier may, in accordance with regulations prescribed by the commission, make appropriate refunds to any person paying such charge.

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

f. Notice of Change in Tariff. No change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge or the value of the service thereunder, specified in any effective tariff of any certificated carrier, air taxi operator or carrier exempt under Sec. 7 (2) of this Act, except after 30

days' notice of the proposed change filed, and made available to the public in accordance with subsections a. and b. of this section. Such notice shall plainly state the change proposed to be made and the time such change will take effect. In the public interest the commission, by regulation or otherwise, may allow such change upon notice less than that herein specified, or modify the requirements of this section with respect to filing and posting of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

Sec. 17. Rates and Service.

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

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

(2) To provide adequate and reasonable service, equipment, and facilities, in connection with such commerce.

(3) To establish, observe and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to such commerce.

b. Discrimination. No certificated carrier or carrier exempt under Sec. 7 (2) of this Act shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in any respect whatsoever or subject any particular person, port, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

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

or joint rate, fare or charge demanded, charged, collected, or received by any certificated carrier or carrier exempt under Sec. 7 (2) of this Act for air commerce performed by it, or any classification, rule, regulation, or practice affecting such rate, fare or charge, or the value of the service thereunder, is or will be unjust or unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, the commission shall determine and prescribe the lawful rate, fare or charge (or the maximum or minimum, or the maximum and minimum thereof) thereafter to be demanded, charged, collected or received, or the lawful classification, rule, regulation, or practice thereafter to be made effective.

d. **Suspension of Rates.** Whenever any certificated carrier or carrier exempt under Sec. 7 (2) of this Act shall file with the commission a tariff stating a new individual or joint rate, fare or charge for air commerce or any classification, rule, regulation, or practice affecting such rate, fare or charge, or the value of the service thereunder, the commission is empowered, upon complaint or upon its own initiative, at once, and if it so orders, without answer or other formal pleading by such carrier, but upon reasonable notice, to enter upon an investigation concerning the lawfulness of such rate, fare or charge, or such classification, rule, regulation, or practice. Pending such investigation and the decision thereon, the commission, by filing with such tariff, and delivering to the certificated carrier or the carrier exempt under Sec. 7 (2) of this Act affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such rate, fare or charge, or such classification, rule, regulation, or practice, for a period of 90 days. If the proceeding has not been concluded and a final order made within such period, the commission, may from time to time, extend the period of suspension, but not for a longer period in the aggregate than 180 days beyond the time when such tariff would otherwise go into effect; and before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the commission, after opportunity for hearing, may make such order with reference thereto as would be proper in a

proceeding instituted after such rate, fare, charge, classification, rule, regulation, or practice had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect at the end of such period; provided, that this subsection shall not apply to any initial tariff filed by any such carrier.

e. **Power to Establish Through Transportation Service.** The commission shall, whenever required by the public convenience and necessity, after notice and hearing, upon complaint or upon its own initiative, establish through service and joint rates, fares or charges (or the maxima and minima thereof) for air commerce performed by certificated carriers or carriers exempt under Sec. 7 (2) of this Act, or the classification, rules, regulations, or practices affecting such rates, fares, or charges, or the value of service thereunder, and the terms and conditions under which such through service shall be operated.

f. **Schedules.** Certificated carriers and carriers exempt under Sec. 7 (2) of this Act shall publish, post and file with the commission in accordance with general or special regulations prescribed by the commission, schedules showing the time of arrival and departure of regularly scheduled aircraft engaged in air commerce.

Sec. 18. Federal Laws and Regulations. To the extent that the Civil Aeronautics Board or any other agency of the federal government acting pursuant to federal statute exercises jurisdiction by order or regulation with respect to tariffs, rates and services of air carriers and there is compliance with such order or regulation by the air carrier or air carriers concerned, such shall be deemed to be compliance with the provisions of Secs. 16 and 17 of this Act and any regulation or order of the commission issued thereunder. However, the commission may require the filing with it of any or all tariffs and schedules which an air carrier is required to file with the Civil Aeronautics Board of the United States or any other federal agency with respect to such air commerce.

Sec. 19. Accounts, Records and Reports.

a. **Filing of Reports.** The commission is empowered to require annual reports from any air carrier covering any or all operations or business. The commission may also require monthly, periodical, and special reports from any air carrier; may prescribe the manner and form in which such reports shall be made; and may require from any such carrier specific answers to any questions pertaining to air commerce performed by it within the state, and the books, records, properties or operations in connection therewith upon which the commission may deem information to be necessary. Such annual, monthly, periodical, and special reports and answers to questions shall be under oath whenever the commission so requires. The contents of such regular reports and the form thereof shall conform as nearly as may be to that required of air carriers by the Civil Aeronautics Board or other agency of the federal government under the Act of Congress entitled "Federal Aviation Act of 1958" and the acts amendatory thereof and supplementary thereto. The commission may also require any air carrier to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such carrier and any other carrier or person, in relation to any traffic affected by the provisions of this Act.

b. **Form of Accounts.** The commission shall prescribe the forms of any and all accounts, records, and memoranda to be kept by air carriers, including the accounts, records and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records and memoranda shall be preserved. The forms of accounts, records and memoranda prescribed by the commission as provided above shall conform as nearly as may be to those from time to time prescribed by the Civil Aeronautics Board or other agency of the federal government under the Act of Congress entitled "Federal Aviation Act of 1958," and the acts amendatory thereof and supplementary thereto.

c. **Inspection of Accounts and Property.** At all times the commission shall

have access to all lands, buildings and equipment of any air carrier and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by such carriers; and it may employ special agents or auditors, who shall have authority under the orders of the commission to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda.

d. **Federal Requirements.** If an air carrier maintains records and accounts and furnishes reports in compliance with lawful regulations of the Civil Aeronautics Board of the United States or other agency of the federal government with respect to operations and business in the state, then this shall constitute compliance with the provisions of subsections a. and b. of this section and the regulations, rules and orders promulgated thereunder by the commission. The commission may require of any such carrier that it furnish the commission with copies of all reports furnished the Civil Aeronautics Board of the United States or other agency of the federal government, and in addition, the commission in its discretion may require the preparation and furnishing of such special reports, records, and accounts as it deems necessary.

Sec. 20. Methods of Competition. The commission, upon its own initiative or upon complaint by any air carrier or ticket agent, if it considers that such action by it would be in the interest of the public, may investigate and determine whether any air carrier or ticket agent has been or is engaged in unfair or deceptive practices or unfair methods of competition in air commerce or the sale thereof. If the commission shall find, after notice and opportunity for hearing, that such air carrier or ticket agent is engaged in such unfair or deceptive practices or unfair methods of competition, it shall order such air carrier or ticket agent to cease and desist from such practice or methods of competition.

Sec. 21. Complaint to and Investigations by the Commission.

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

omitted to be done by any person in contravention of any provision of this Act, or of any requirement established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, it shall be the duty of the commission to investigate the matters complained of. The state Department of Public Safety shall assist the commission in the investigations. Whenever the commission is of the opinion that any complaint does not state facts which warrant an investigation or action on its part, it may dismiss such complaint without hearing.

b. Investigations. The commission is empowered at any time to institute an investigation, on its own initiative, in any case and as to any matter or thing concerning which complaint is authorized to be made to or before the commission by any provisions of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The commission shall have the same power to proceed with any investigation instituted on its own motion as though it had been appealed to by complaint.

c. Enforcement. If the commission finds, after notice and opportunity for hearing, in any investigation instituted upon complaint or upon its own initiative, that any person has failed to comply with any provisions of this Act or any requirement established pursuant thereto, the commission shall issue an appropriate order to compel such person to comply therewith.

Sec. 22. Orders, Notice, Service.

a. Effective Date of Commission's Orders. Except as otherwise provided in this Act, all orders, rules, and regulations of the commission, shall take effect within the time provided in the Administrative Procedure Act if applicable and if not applicable within such reasonable time as the commission may prescribe, and shall continue in force until its further order, rule or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation or as prescribed by the Administrative Procedure Act where applicable.

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

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

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

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

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

Sec. 23. Judicial Enforcement.

a. In General. If any person violates any provision of this Act, or any rule, regulation, requirement, or orders thereunder, or any term, condition or limitation of any certificate or permit issued under this Act, then the commission, or in the case of a violation of Secs. 6 or 7 of this Act any party in interest (without prior resort to the commission), may apply to the Superior Court of the State of Alaska for the enforcement of said provision, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, its officers, agents, employees and representatives, from further violation of said provision or of such rule, regulation, requirement, order, term, condition or limitation, and enjoining upon them obedience thereto.

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

Sec. 24. Administrative and Judicial Review. Any order, affirmative or nega-

tive, issued by the designated representative of the commission under this Act shall be subject initially to review by the commission in the manner prescribed by regulation issued by the commission, and shall be subject thereafter to judicial review as prescribed by the Administrative Procedure Act.

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

Sec. 26. Public Disclosure of Information. Any person may make written objections to the public disclosure of information contained in any application, report or document filed pursuant to the provisions of this Act or of information obtained by the commission pursuant to the provisions of this Act, stating the grounds for such objection. Whenever any such objection is made, the commission shall order such information withheld from public disclosure when in its judgment a disclosure of such information would adversely affect the interest of such person and is not required in the interest of the public.

Sec. 27. Effective Date. This Act shall take effect on January 1, 1961.

Approved April 22, 1960

CHAPTER 162

AN ACT

Amending Sec. 33-3-131, ACLA 1949 as amended by Ch. 16, SLA 1949 as amended by Ch. 122, SLA 1951; and providing for an effective date.

(C.S.H.B. 312)

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

Section 1. Sec. 33-3-131, ACLA 1949, as amended by Ch. 16, SLA 1949, as

amended by Ch. 122, SLA 1951, is hereby amended to read as follows:

Sec. 33-3-131. **Bounty on Hair Seal Declared.** There is hereby placed on