

CHAPTER 75.

AN ACT

[H. B. 87]

Creating the Alaska Aeronautics and Communications Commission, making provisions for the regulation of aeronautics and communications within the Territory, making an appropriation therefor, and providing penalties for the violation thereof; repealing Article V, Chapter XXVII, Compiled Laws of Alaska, 1933, and Section 503, Article I, Chapter I, Title Two, Civil Code, Compiled Laws of Alaska, 1933; amending Sections 510, 512, 513 and 514, Article I, Chapter I, Title Two, Civil Code, Compiled Laws of Alaska, 1933.

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

The Alaska
Aeronautics
Act.

Section 1. This Act shall be known and may be cited as "The Alaska Aeronautics Act."

Aeronautics and
Communication
Commission
created.

Section 2. There is hereby created an Aeronautics and Communications Commission consisting of the Governor of the Territory and four other persons to be appointed by him. One member of this commission shall be chosen from each of the four judicial divisions, and persons so chosen shall be resident in, and legally qualified voters in, the divisions from which they are chosen. Persons qualified to serve as members of this Commission shall be directly interested in the aviation business in the Territory. Members of the Aeronautics and Communications Commission, hereinafter referred to as the Commission, shall be appointed to serve for a period of two years, or until their successors are appointed and qualified. The Governor shall serve as Chairman of the Commission, and all members thereof shall serve as Commissioners without compensation.

Regulations
and orders.

Section 3. Regulations and Orders. The Commission shall have supervision over aeronautics and communica-

tions within the Territory, and shall from time to time make recommendations for:

(a) The establishment, location, maintenance, operation and use, of airports, landing fields, airmarkings, air beacons, and other navigation facilities.

(b) The establishment, operation, management, and equipment of all air schools, flying clubs, and other persons giving air instruction. The Commission shall, whenever it deems such action necessary in the interest of general safety, or the safety of those engaged in aeronautics, adopt and promulgate rules and regulations establishing minimum standards with which all air navigation facilities, air schools and flying clubs, must comply, and shall adopt and enforce rules, regulations and orders, to safeguard from accident and to protect the safety of persons operating or using aircraft, and persons and property on the ground, and to develop and promote aeronautics and communications in the Territory; provided, that such rules, regulations and orders shall not duplicate or conflict with the aeronautical and communications regulations in force by the Department of Commerce of the United States, and/or the Federal Communications Commission, and/or the provisions of the Federal Air Commerce Act of 1926.

Section 4. Investigations and Hearings. The Commission shall have the power to conduct investigations, inquiries and hearings, concerning matters covered by the provisions of this Act, and accidents or injuries incident to the operation of aircraft occurring within the Territory. The Commission shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses and the production of papers, books and documents. If any person shall fail to comply with any subpoena or order issued under the authority of this Act, the Commission may invoke the aid of

Investigations
and hearings.

any court in this Territory. The said court may thereupon order such person to comply with the requirements of the subpoena, or order of the Commission, or to give evidence upon the matter in question. Any failure to obey the order of the court shall be punishable by the court as contempt thereof.

Evidence—Admissibility of, etc.

Section 5. Admissibility in evidence of Investigations and Hearings; Testimony of the Commission. In order to facilitate the making of investigations by the Commission, in the interest of the public safety and the promotion of aeronautics and communications the public interest requires, it is therefore provided that the reports of investigations and hearings, or any part thereof, or any testimony given thereat, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in said investigation, hearing, or report thereof, except in case of criminal or other proceedings instituted by, or in behalf, of the Commission, under the provisions of this Act, nor shall any Commissioner, or employee of the Commission, be required to testify to any facts ascertained in, or information gained by reason of his official capacity, and, further, no Commissioner or employee of the Commission shall be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft.

Proviso.

Communications provided for.

Section 6. Communications: Establishment and Operation. The Commission is further authorized and directed to provide for, and to promulgate and adopt regulations governing the following:

(a) Requiring the installation of two-way radio receivers and transmitters on all passenger-carrying airplanes operating twenty-five miles, or more, airline distance from their immediate landing fields.

(b) The establishment of radio transmitters, adopted to the use of either phone or code, of such power and on such frequencies as may be needed, and for which permits can be obtained from the Federal Communications Commission, at, or in, the cities of Ketchikan, Juneau, Cordova, Anchorage, Fairbanks, and Nome, or as many thereof as the Commission shall deem necessary for a thorough communications coverage.

(c) The establishment of schedules for operation of said ground stations, together with the necessary arrangements for said stations to participate in all weather or other data available through other communication agencies.

(d) The use of said stations for commercial purposes, other than aviation, where no other communications service is available, provided that such commercial use shall be limited to getting communications to the nearest United States Signal Corps station only, or to its destination where no such Signal Corps station is located.

(e) Other uses to which said ground stations can be put, on the frequencies, and under the licenses, on which they are authorized to operate.

(f) The proper protection of the records of the proceedings of the Commission and the filing and publicizing of every rule, regulation and order of the Commission, so that they will be accessible to the interested public and generally known by the interested public.

(g) The fixing of tolls to be collected from patrons using the stations for commercial purposes, and the manner and method of accounting for the same.

(h) The covering of all net tolls into the Territorial Treasury, there to be kept in the special fund which

is designated "Radio Telephone Fund", to be expended for the maintenance and operation of this radio telephone system.

(i) The establishment of such additional radio telephone stations, or the relocation of stations already established, which, in the sound opinion of the Commission, are necessary, and from which the benefits and advantages fairly expected to be derived, justify the cost of installation and maintenance.

Territorially-
owned Radio
Telephone
Transmitters
transferred to
the Commission.

Section 7. Transfer of present Territorially-owned Radio Telephone Transmitters to the Commission. All radio telephone transmitters owned by the Territory, or installed and operating under the provisions of Article V. Chapter XXVII, Compiled Laws of Alaska, 1933, are hereby transferred to the control of the Commission, to be operated by the Commission under the provisions of this Act hereafter.

Supervisor.

Section 8. Supervisor. The Commission shall appoint and at pleasure remove, a supervisor of aeronautics and communications, who shall have such powers and duties, and perform such functions consistent with the provisions of this Act, as may be delegated to him by the Commission. Said Supervisor shall receive as compensation as [an] amount not to exceed Three Thousand Six Hundred Dollars (\$3,600.00) per annum.

Salary of
supervisor.

Qualifications.

Section 9. Qualifications of Supervisor. The Supervisor shall be qualified by education, training, and experience, to perform all technical duties that may arise in the installation, supervision, operation and maintenance of radio transmitting and receiving equipment.

Duties.

Section 10. Duties of Supervisor. The Supervisor shall recommend suitable equipment and personnel and submit plans for the installation, coverage and station

schedules for approval by the Commission; he shall also supervise the installation, operation and maintenance of said stations, and shall coordinate the operations of said stations with one another, and with other fixed and mobile stations from which weather reports, or other commercial or emergency communications may be received, or to which such communications may be transmitted. The Supervisor shall provide for the filing of station log books, and other records, and shall perform such other duties as the Commission shall designate.

Section 11. Transportation of Technicians. Any aviation concern which shall avail itself of the service provided under this Act shall make no charge for the transportation of the Supervisor, or his technical assistants, in connection with any trips that are made purely in the interest of the service herein designated; provided, however, that such trips shall be made at the convenience of the carrier.

Transportation
of technicians.

Section 12. Community and Private Cooperation. It shall be considered an obligation on the part of the aviation concerns which avail themselves of this service, or the cities in which these stations are located, to furnish space in a suitable room, without cost to the Territory, where such radio transmitting and receiving equipment may be installed and operated. No radio, telephone station shall be established or operated at any place, except the six major stations herein provided, unless the inhabitants of the community in which it is to be established, or the community residing adjacent thereto, provide for operation and/or maintenance, or as much thereof as the Commission shall require.

Community and
Private
Cooperation.

Section 13. That Section 510, Article I, Chapter I, Title Two, Civil Code, Compiled Laws of Alaska, 1933, be, and the same is, hereby amended to read as follows:

Amended.

Aircraft operators to make monthly reports.

“Sec. 510. OPERATOR TO MAKE MONTHLY REPORT. Any person operating a civil aircraft in the Territory shall, on the last day of each month, report to the office of the Alaska Aeronautics and Communications Commission at Juneau upon blanks furnished by said Alaska Aeronautics and Communications Commission, the following information: Number of trips flown during the month, total miles flown, number of passengers carried, total number of passenger miles, amount of express carried, in pounds, and amount of freight carried, in pounds, and shall furnish such other information pertaining to operations as may be requested by the Alaska Aeronautics and Communications Commission.”

Amended.

Section 14. That Section 512, Article I, Chapter I, Title Two, Civil Code, Compiled Laws of Alaska, 1933, be, and the same is hereby amended to read as follows:

Aircraft operators to exhibit license and permit on request.

“Sec. 512. LICENSE AND PERMIT EXHIBITED ON REQUEST. Any person operating an aircraft in the Territory shall upon request of the Alaska Aeronautics and Communications Commission or its representative or any passenger or shipper produce for examination the license or permit required by this chapter.”

Amended.

Section 15. That Section 513, Article I, Chapter I, Title Two, Civil Code, Compiled Laws of Alaska, 1933, be, and the same is, hereby amended to read as follows:

Limited temporary permit authorized in extreme emergency.

“Sec. 513. TEMPORARY PERMIT IN EXTREME EMERGENCY—LIMITED. In case of an extreme emergency where life or property may be involved, the Alaska Aeronautics and Communications Commission is hereby authorized and empowered to issue a temporary permit to an airman or aircraft during such emergency. However, such permit must be specific as to its purpose and cannot extend beyond such emergency nor for a period of more than thirty days.”

Section 16. That Section 514, Article I, Chapter I, Title Two, Civil Code, Compiled Laws of Alaska, 1933, be, and the same is, hereby amended to read as follows: Amended.

“Sec. 514. EMERGENCY RATIONS CARRIED— Emergency rations carried, when.—
WHEN. The Alaska Aeronautics and Communications Commission is hereby authorized and directed to promulgate regulations requiring aircraft when flying over sparsely settled country to carry rations, clothing and other special facilities for the protection of passengers and pilots in case of emergency. However, no such regulation shall require more than seven pounds per person.”

Section 17. Constitutionality. If any provision of this Act, or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable. Saving clause.

Section 18. Repealing Clause. Article V, Chapter XXVII, Compiled Laws of Alaska, 1933, and Section 503, Article I, Chapter I, Title Two, Civil Code, Compiled Laws of Alaska, 1933, are hereby repealed. Repealing clause.

Section 19. Penalty. Any person failing to comply with the requirements, or violating any of the provisions, of this Act, or the rules, regulations, or orders adopted by the Alaska Aeronautics and Communications Commission, shall be guilty of a misdemeanor and punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than ninety days, or both. Penalty.

Section 20. Transfer of Funds. All unexpended moneys in the fund provided under Chapter 90, Session Transfer of radio telephone funds.

Laws of Alaska, 1935, for the establishment, maintenance and operation of radio telephones, are hereby transferred to, and made available for carrying out the provisions of this Act.

Appropriation. Section 21. Appropriation. There is hereby appropriated out of the monies of the Territorial Treasury not otherwise appropriated, the sum of Forty Thousand Dollars (\$40,000.00), or so much thereof as may be necessary for the carrying out of the provisions of this Act.

Payment made, when—. Section 22. Payment to be Made. Payments for expenditures under the provisions of this Act shall be made by the Territorial Treasurer upon properly prepared and certified vouchers that have been approved by the Supervisor and the Governor.

Approved March 11, 1937.

CHAPTER 76.

AN ACT

[H. B. 54]

To establish a Fisheries Experimental Laboratory in this Territory; to create a Fisheries Experimental Commission; to prescribe its duties; to appropriate the sum of Twenty Thousand Dollars (\$20,000.00), and to declare the effective date of this Act.

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

Fisheries
Experimental
Laboratory
established.

Section 1. Fisheries Experimental Laboratory Established. There is hereby created and established a Fisheries Experimental Laboratory in the Territory of Alaska to be known as the "Alaska Fisheries Experimental Laboratory," which shall be located and established at