

COMMITTEE DRAFT REQUEST

1 of 3 **2016 Session** (max. of 3 requests by Nov. 24, 2015; excluding Ways and Means and House Rules)

Request Date: 11/23/15

_____ **2017 Session**

Phone: 6-1539

Staff person making request Adam Crawford on behalf of _____
(committee administrator's name)

House Ag and Natural Resources

(committee name)

SUGGESTED CONSULTATION

Name: _____

Phone: _____

PLEASE PROVIDE THE FOLLOWING INFORMATION FOR THIS REQUEST:

① PROBLEM (describe the problem)

There are two issues this bill needs to resolve.

- 1) The definition of "Rural Airport" in the Through The Fence (TTF) Airport codes (ORS 836.640) needs to be changed. As currently written, TTF applies only to non-tower controlled airports. Aurora State Airport has a brand new Air Traffic Control Tower and is the poster child for effective TTF success with over 1,000 jobs around the airport, many on privately owned TTF property. In ORS 836.640, a TTF airport cannot have a permanent air traffic control tower. The technical change is to remove the clause that defines a TTF airport as NOT having an air traffic control tower.
- 2) The second change is one that has been in ORS 837.020 for over 20 years but has never been interpreted as requiring out of state pilots to register and pay registration fees in Oregon for transient operations in the state. A recent interpretation by DOJ stated that the law is written in such a way as to require transient pilots entering Oregon, even if registered or domiciled in another state to register in Oregon. This caused a significant backlash against the law by the business aviation community and multiple calls and letters to Oregon legislators. (It is the equivalent of requiring a Washington resident to be required to get an Oregon drivers' license just for driving into Oregon.)

② PROPOSED SOLUTION TO THE PROBLEM

For issue 1, please amend the TTF statute as follows removing 4a:

836.640 Definitions for ORS 836.640 and 836.642. As used in this section and ORS 836.642:

(1) "Airport boundary" includes the combined public and private properties that are permitted to have direct access to the airport runway by aircraft.

(2) "Customary and usual aviation-related activity" includes activities described in ORS 836.616 (2) and includes activities that a local government may authorize pursuant to ORS 836.616 (3).

(3) "Pilot site" means a rural airport identified to participate in the pilot program pursuant to ORS 836.642.

(4) "Rural airport" means an airport described in ORS 836.610 (1) that:

~~(a) Does not have a permanent air traffic control tower; and~~

(b) Principally serves a city or metropolitan statistical area with a population of 500,000 or fewer.

(5) "Through the fence operation" means a customary and usual aviation-related activity that:

(a) Is conducted by a commercial or industrial user of property within an airport boundary; and

(b) Relies, for business purposes, on the ability to taxi aircraft directly from the property employed for the commercial or industrial use to an airport runway. [2005 c.820 §2; 2009 c.11 §100; 2009 c.398 §1]

For issue 2, please rewrite ORS 873.020 to more closely align with original intent and interpretation that only those nonresident pilots needing to register in Oregon are those with commercial aviation business operating in Oregon. Yellow highlighted text is to be removed and blue highlighted text is to be added.

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837.020 Registration of pilots; renewal. (1) In the interest of public safety and the safety of those people traveling by air or receiving aviation instruction, every pilot operating within this state shall register with the Oregon Department of Aviation within 60 days of issuance of any appropriate effective federal certificate, permit, rating or license relating to competency as a pilot except that student pilots shall register prior to their first solo flight. A nonresident pilot of a scheduled or nonscheduled airline, certificated by the appropriate federal agency, is not required to register under the provisions of this section. ~~unless the nonresident pilot engages in the piloting of aircraft other than such certificated operation. Nonresidents operating within this state, other than in a commercial operation, shall register with the department within 60 days of the date of arrival within the state.~~ Nonresident pilots operating ~~commercially~~ a commercial aviation business based in the state shall register prior to any commercial operation.

(2) Every registered pilot shall renew the first registration on the anniversary of the first registration date. After the first renewal, each pilot shall renew registration on the anniversary of the first registration date in the first year of each two-year period in which the pilot is active as a pilot.

(3) Every registered pilot shall notify the department in writing within 30 days of a change of address or name. The notification shall contain the old and new residence address or name and the pilot registration number. [Formerly 493.040; 1991 c.186 §1; 2007 c.768 §57]

3 HAS THIS BEEN INTRODUCED IN A PRIOR SESSION?

Year _____ Bill # _____

4 DO YOU KNOW WHETHER THIS AMENDS A CURRENT LAW OR PROGRAM?

Yes (specify) 836.640, 837.020 No

ATTACHMENTS: (please specify)

NOTES

- Completing the Problem and the Solution statements (Parts 1 & 2, above) is the best way to ensure that the draft accomplishes your objective. Attaching mock statutory language, without explaining the Problem and the Solution, lessens the likelihood of drafting the language correctly.
- Persons other than the committee Chair, the Chair's staff or committee staff **must** present a written note from the committee Chair, the Chair's staff or committee staff authorizing this request at the time the request is presented.

THANK YOU