

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING\***  
A Statement of Need and Fiscal Impact accompanies this form

**FILED**  
7-14-16 3:09 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Oregon Department of Aviation  
Agency and Division

738  
Administrative Rules Chapter Number

Lauri Kunze

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**RULE CAPTION**

Eliminates the ODA-issued airport license exemption for airports holding an FAA Part 139 certification.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

**ADOPT:**

**AMEND:**

738-020-0030

**REPEAL:**

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**

ORS 835.035, 835.112, 836.105

**Other Authority:**

None

**Statutes Implemented:**

ORS 835.015, 835.025, 836

**RULE SUMMARY**

The Legislature amended ORS 836.105 by changing the fee to be paid for airport licenses and airport license renewals. Currently, OAR 738-020-0030 exempts airports holding an FAA Part 139 certification from being required to hold an airport license issued by ODA. It is the intent of the Department to align the rule with the statute and collect the corresponding airport license fees.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

08-22-2016 8:30 a.m.

Lauri Kunze

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Last Day (m/d/yyyy) and Time  
for public comment

Rules Coordinator Name

Email Address

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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Eliminates the ODA-issued airport license exemption for airports holding an FAA Part 139 certification.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

the amendment of OAR 738-020-0030

**Statutory Authority:**

ORS 835.035, 835.112, 836.105

**Other Authority:**

None

**Statutes Implemented:**

ORS 835.015, 835.025, 836

**Need for the Rule(s):**

The Legislature amended ORS 836.105 by changing the fee to be paid for airport licenses and airport license renewals. Currently, OAR 738-020-0030 exempts airports holding an FAA Part 139 certification from being required to hold an airport license issued by ODA. It is the intent of the Department to align the rule with the statute and collect the corresponding airport license fees.

**Documents Relied Upon, and where they are available:**

None

**Fiscal and Economic Impact:**

See statements below.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

Any fiscal impact will be to airports currently exempt from requirement for an airport license issued by ODA. With the amendment to the rule, these airports will be required to pay annual airport license fees in accordance with ORS 836.105. Airport license fees are contingent upon the airport classification; the maximum fee is \$150 per year.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

None

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

None

**c. Equipment, supplies, labor and increased administration required for compliance:**

None

**How were small businesses involved in the development of this rule?**

Small businesses were not involved in the development of these rules because there is no impact to small businesses.

**Administrative Rule Advisory Committee consulted?:No**

**If not, why?:**

The purpose of the amendment to the rule is to align the OAR with the statute and eliminate the existing inconsistency.

08-22-2016 8:30 a.m.  
Last Day (m/d/yyyy) and Time

Lauri Kunze  
Printed Name

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for public comment

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