

THE LAWS

AERONAUTICS

CHAPTER 1

S. B. No. 40

(Brant for the Legislative Research Committee
at the request of the Division of Aeronautics).

CREATING NORTH DAKOTA AERONAUTICS COMMISSION

AN ACT

Relating to aeronautics; creating a state aeronautics commission and the office of director of aeronautics; prescribing the powers and duties of such commission and director; prescribing penalties; authorizing issuance of certificates; requiring the filing of tariffs; imposing fees; repealing chapter 2-01 of the North Dakota Revised Code of 1943, and chapter 38 of the Session Laws of 1945, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AERONAUTICS COMMISSION; CREATION; MEMBERSHIP.] There is hereby created the "North Dakota aeronautics commission" to consist of five members, who shall be appointed by the governor for a term of five years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. Each member of the commission shall be a qualified elector of this state and shall be appointed by the governor. The governor shall appoint the members of the aeronautics committee as the first members of the commission, who shall serve their respective terms to which they were appointed as members of the committee. Thereafter prior to the expiration of the term of each commissioner, or in case of a vacancy, the governor shall appoint a successor as herein provided. Any member of the commission may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office. Each member of said commission shall receive the sum of eight dollars per day for each day actually engaged in the performance of the duties of his office, and

with traveling expenses as provided by section 54-0609 of the North Dakota Revised Code of 1943 to be claimed as provided therein, and his board and lodging while away from his home in the performance of his official duties as provided by section 44-0804 of the North Dakota Revised Code of 1943, provided that where charges are made for money expended in the performance of official duties, all items of one dollar or more so expended and charged for shall be covered by a sub-voucher or receipt as provided in section 54-1404 of the North Dakota Revised Code of 1943.

§ 2. DIRECTOR OF AERONAUTICS; APPOINTMENT; QUALIFICATIONS; COMPENSATION.] A director of aeronautics shall be appointed by the commission to serve at the pleasure of the commission. He shall devote his entire time to the duties of his office, and he shall have no pecuniary interest in or any stock or bonds of any civil aeronautical enterprises. He shall receive such compensation as the commission may determine and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties, at the same rates and under the same conditions for the payment of traveling expenses and board and lodging as is provided in section 1 hereof.

§ 3. POWERS AND DUTIES OF DIRECTOR.] The director shall be the executive officer of the commission. He shall attend, but not vote at, all meetings of the commission. At the direction of the commission, he shall, together with the chairman of the commission, execute all contracts entered into by the commission which are legally authorized. The director shall appoint, subject to the approval of the commission such employees as may be necessary for the proper discharge of the functions of the commission.

§ 4. COMMISSION ORGANIZATION; REPORTS; OFFICES.] The commission shall, within thirty days after its appointment, organize, and make such rules and regulations for its administration, as it may deem expedient. On or about December 1st of each year, the commission shall submit a written report to the governor of its proceedings during the preceding fiscal year, an itemized statement of all revenue and of all expenditures made, and any additional information which may be required by the governor. The commission shall maintain its office in the state capitol.

§ 5. DUTY OF COMMISSION IN DEVELOPMENT OF AERONAUTICS.] The commission shall have general supervision over aeronautics within this state and shall:

1. Encourage the establishment of airports and air navigation facilities;

2. Cooperate with and assist the federal government, the municipalities of this state, and other persons in the development and coordination of all aeronautical activities;
3. Represent the state in aeronautical matters before state and federal agencies;
4. Participate as party plaintiff or defendant or as intervener on behalf of the state or any municipality or citizen thereof in any controversy which involves the interest of the state in aeronautics.

§ 6. FEDERAL AID.] The commission may act as agent of all municipalities in accepting, receiving, receipting for, and disbursing federal moneys, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of municipal airports or air navigation facilities. The commission, as principal on behalf of the state, and for any municipality, may enter into any contracts, with the United States, with any municipality, or with any person, which may be required in connection with a grant or loan of federal moneys for municipal airport or air navigation facility purposes, provided that no contract shall be entered into on behalf of any municipality except pursuant to written request of such municipality. All federal moneys accepted under this section shall be accepted and transferred or 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 state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purpose for which the moneys were made available, and held by the state for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

§ 7. STATE AIRWAYS.] The commission may designate, design, and establish, expand, or modify a state airways system which will best serve the public interest.

§ 8. RULES, REGULATIONS, STANDARDS.] The commission may perform such acts, issue and amend such orders, and make, promulgate, and amend such reasonable rules, regulations, and procedures, and establish such minimum standards, as it shall deem necessary.

§ 9. RECKLESS OPERATION OF AIRCRAFT.] No person shall operate an aircraft in the air, or on the ground or water,

while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, nor operate an aircraft in the air or on the ground or water, in a careless or reckless manner so as to endanger life or property.

§ 10. REGISTRATION OF AIRMEN.] Every individual who pilots, maintains, and certifies airworthiness of an aircraft within this state shall register with the commission and shall renew such registration each year thereafter in which he pilots, maintains, or certifies airworthiness of an aircraft within this state. The commission shall charge for any one or more such registrations for each individual or company, and for each annual renewal thereof, a fee of one dollar.

§ 11. AIRCRAFT REGISTRATION; FEES.] Every aircraft operating within this state for more than thirty (30) days shall be registered with the commission for each year in which the aircraft is operated within this state, subject to rules and regulations established by the commission. The commission shall charge for each such registration, and for each annual renewal thereof, the following fees:

Gross Weight in Pounds		License Fees
0 to	1,000	\$ 15.00
1,001 to	1,500	18.75
1,501 to	2,000	22.50
2,001 to	2,500	30.00
2,501 to	3,000	37.50
3,001 to	3,500	45.00
3,501 to	4,000	52.50
4,001 to	5,000	60.00
5,001 to	6,000	75.00
6,001 to	7,000	90.00
7,001 to	8,000	105.00
8,001 to	9,000	120.00
9,001 to	10,000	135.00
10,001 to	15,000	150.00
15,000 to	20,000	225.00
20,001 to	30,000	300.00
30,001 to	40,000	450.00
40,001 to	50,000	600.00
50,001 to	75,000	750.00
75,001 to	100,000	1,125.00
100,001 and over	1,500.00

The above fees to be reduced ten per cent (10%) each year after the initial registration until the fee reaches a figure equal to fifty per cent (50%) of the original registration fee, which shall be the fee each year thereafter. All weights shall

be based upon the maximum permissible take-off weight. The above registration fee shall be in lieu of personal property taxes upon such aircraft. Seventy-five per cent (75%) of each registration fee so collected by the commission shall be returned by the commission to the treasurer of the county of the registrant's residence or if the registrant is not a resident of North Dakota then to the treasurer of the county in which is located the airport at which the registrant's aircraft is based and the county treasurer shall pay such remittances over to the municipality operating an airport within said county; provided that if there is more than one publicly owned and operated airport within said county, that the said moneys shall be prorated between said public airports on the same ratio that the assessed value of each municipality operating an airport shall bear to the total assessed value of all municipalities operating airports within said county; and if there are no publicly owned or operated airports in said county, said remittances so paid to the county treasurer shall be held and retained by said treasurer in a separate fund to be used in the future for airport purposes.

§ 12. LICENSING OF AIR SCHOOLS AND AERONAUTICS INSTRUCTORS.] The commission may provide for the licensing of air schools, and of aeronautics instructors giving instructions in ground subjects pertaining to aeronautics. For each license it shall charge an annual fee of ten dollars.

§ 13. INVESTIGATIONS, HEARINGS.] The commission may hold investigations and hearings concerning matters covered by the provisions of this Act which shall be open to the public and shall be held upon such call or notice as the commission shall deem advisable. Each member of the commission may administer oaths and issue subpoenas.

§ 14. ENFORCEMENT OF AERONAUTICS LAWS.] *The* commission, its members, the director, officers and the employees of the commission, and every state patrolman and all peace officers shall enforce and assist in the enforcement of this Act.

§ 15. COMMON CARRIER CERTIFICATE REQUIRED.] No person shall engage in the business of a common carrier by aircraft unless there is in force a certificate issued by the commission authorizing such person to engage in such business according to rules and regulations promulgated by the commission and after public hearing. The commission shall

charge and collect the following fees for common carrier certificates:

For certificate	\$150.00
For transfer of certificate	50.00
For duplicate certificate	10.00

For the purposes of this section, "common carrier" shall mean aircraft operating on a definite schedule between fixed termini.

§-16. FILING OF TARIFFS; REQUIRED.] Every common carrier by aircraft 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 by any other common carrier by aircraft when through air commerce service and rates have been established, together with all classifications, rules and regulations applicable to such air commerce.

§ 17. PENALTY.] Any person violating any of the provisions of this Act shall be guilty of a misdemeanor.

§ 18. REPEAL.] That chapter 2-01 of the North Dakota Revised Code of 1943 and chapter 38 of the Session Laws of North Dakota for the year 1945 are hereby repealed.

§ 19. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 22, 1947.