TITLE 40

AERONAUTICS

Chapter 491. Board of Aeronautics
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493. Aircraft Operation

Chapter 491

1955 REPLACEMENT PART

Board of Aeronautics

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491.010 Oregon State Board of Aeronautics; creation; composition. (1) The Oregon State Board of Aeronautics hereby is created and established.

(2) The board shall be composed of five persons who are residents of Oregon and citizens of the United States, and who have resided in this state for a period of not less than one year previous to their appointment. A majority of the board shall be pilots who have had sufficient experience to qualify for a Civil Aeronautics Authority airman's certificate and who have had not less than 200 solo hours' experience in flying. Of the two remaining members, one shall be a public official of a political subdivision of the State of Oregon, owning or operating an airport, and one shall be from the public at large.

491.020 Appointment of members; terms of office; vacancies. The Governor shall appoint the members of the board. He shall annually appoint one person to serve for a period of five years. He shall fill any vacancy in the board by appointment for the unexpired term.

491.030 Oath. Each board member shall take and subscribe an oath of office calling for the faithful performance of duty and loyalty to the State of Oregon and the United States of America. The oath shall be filed with the Secretary of State.

491.040 Board organization; meetings; seal. (1) The board shall elect from its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed and qualified. Three members of the board present at any meeting shall constitute a quorum.

(2) The board shall meet at Salem, Oregon, or at such other place as may be designated by the chairman, at regular intervals as determined by the board. The meetings are open to the public.

(3) The board shall adopt a seal for its official use.

491.050 Development of aeronautics. The board shall incorporate as part of its program a definite plan for the development of airports, state airways, airplane industries and aviation generally. It shall cooperate with and assist the Federal Government, the municipalities of the state, and other persons in the development of aeronautical activities. Municipalities are authorized to cooperate with the board in the development of aeronautics and aeronautic facilities in this state.

491.060 Contracts by board. The board may enter into any contracts necessary to the execution of the powers granted it by this chapter. All contracts made by the board, either as the agent of the state or as the agent of any municipality, shall be made pursuant to the laws of the state governing the making of like contracts; provided, that where the planning, acquisition, construction, improvement, maintenance or operation of any airport, or any navigation facility is financed wholly or in part with federal money, the board as the agent of the state or any municipality may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder.

491.070 Use and administration of federal and other moneys. The board may accept, receive, receipt for, disburse and expend federal moneys and other moneys, public or private, made available to accomplish in whole or in part the acquisition, construction, improvement, maintenance and operation of airports, and other aeronautical facilities in this state. All federal moneys accepted under this section and ORS 492.140 shall be accepted and transferred or expended by the board upon such terms and conditions as are prescribed by the United States. All moneys received by the board pursuant to this section and ORS 492.140 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 purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys hereby are 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.

491.080 Power to conduct hearings. The board is authorized to administer oaths, take affidavits, summon witnesses and take testimony as to matters pertaining to its duties.

491.090 Employment of personnel. The board shall employ such experts, attorneys, field and office assistants, clerks and other employes as may be required and authorized

292.520,

for the proper discharge of the functions of the board.

491.100 General board powers; exemption of United States facilities from board orders. (1) The Oregon State Board of Aeronautics may perform such acts, adopt or amend and issue such orders, rules and regulations, and make, promulgate and amend such minimum standards, all consistent with the provisions of this chapter, as it deems necessary to carry out the provisions of this chapter and to perform its duties thereunder.

(2) No such rule, regulation or order of the board shall apply to airports or air navigation facilities owned or operated by the United States.

(3) All authority, power and duty delegated to the board by the provisions of this section shall be exercised and performed in all respects commensurate with and for the purpose of protecting and insuring the general public interest and safety, the safety of persons receiving instruction concerning, or operating, or using or traveling in aircraft, and of persons or property on land or water, and to develop and promote aeronautics in this state.

491.110 Limitations on rules and regulations; filing; effective date. (1) All rules and regulations prescribed by the board under authority of the aeronautics laws of this state shall be kept in conformity with, and limited to, as nearly as may be, the then current federal legislation governing aeronautics, the regulations duly promulgated thereunder, and rules and standards issued from time to time pursuant thereto.

(2) It shall keep on file with the Secretary of State, and at the principal office of the board, a copy of all its rules and regulations for public inspection, and shall publish and make such rules available to the public.

(3) The rules, regulations and standards promulgated and made by the board shall take effect when approved by the Governor and after the same have been filed as required by this section.

491.120 Aeronautics director; appointment; qualifications and compensation. A Director of Aeronautics shall be appointed by the board. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly vested in and imposed upon him. He shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have a pecuniary interest in or any stock in or bond of any civil aeronautics enterprise. Except as otherwise provided by ORS ~~292.317~~, he shall receive such compensation as the board may determine. He shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

491.130 Bond of director; action on bond. (1) The director shall before entering upon the performance of his duties give bond to the state, to be approved by the Attorney General, in the penal sum of $25,000, conditioned for the faithful performance of his duties. If a surety company bond is given the premium may be paid from the funds available for the payment of the department.

(2) The state, the several governmental subdivisions thereof, or any person damaged by a wrongful act of commission or omission of the director in the performance of his official duties, may maintain an action on such bond for the recovery of damages so sustained.

491.140 Director's general duties and powers. The director shall keep a record of board proceedings and file a copy in the office of the Secretary of State within 10 days immediately following any meeting of the board. The record shall at all times during business hours be open to public inspection. He shall be the executive officer of the board and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics. He shall attend, but not vote at, all meetings of the board. He shall be in charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the board he shall, together with the chairman of the board, execute all contracts entered into by the board which are legally authorized. The board may, by written order filed in its office, delegate to the director any of the powers or duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the board.

491.150 State Aeronautic Account; appropriation; use. All examination fees and other moneys received by the Oregon State Board of Aeronautics, except moneys received under the provisions of ORS 491.070 and ORS 492.140, shall be paid to the board, which shall pay the same into the State Treasury monthly. The State Treasurer shall credit such payments to the State Aeronautic Account in the General Fund. Payments so made shall constitute, and hereby are made, an appropriation of such sums from the General Fund for the purpose of carrying out the provisions of this chapter. None of the funds in this section appropriated or hereafter made available for aeronautic purposes shall be expended upon any aeronautics project which is not carried out under the supervision and direction of the state board of aeronautics.

491.160 Audit and payment of expenses. All necessary expenses of the Oregon State Board of Aeronautics incurred in carrying out the provisions of this chapter shall be audited by the Secretary of State and paid from the State Aeronautic Account in the same manner as other claims against the state are paid, after due approval thereof by the chairman of the Oregon State Board of Aeronautics, or as provided by law.

491.170 Accounts; annual report; fiscal year. (1) The director shall keep a true and accurate account of all sums received and of vouchers issued by the board.

(2) The board shall report in writing to the Governor on or about December 1 of each year. The report shall contain a summary of its proceedings during the preceding calendar year, a detailed and itemized statement of all revenues and of all expenditures made by or in behalf of the board, such other information as it may deem necessary or useful, and any additional information which may be requested by the Governor.

(3) The fiscal year of the board shall conform to the fiscal year of the state.

491.180 Per diem and expenses allowed board. (1) The board members shall receive mileage, at the rate per mile allowed to other state officials, for each mile necessarily traveled in going to and from any board meeting, their hotel bills and incidental expenses, and the sum of $10 per day while attending any board meeting or engaged in the transaction of business specifically authorized by the board.

(2) Mileage and other incidental expenses necessarily connected with the board shall be paid only out of the State Aeronautic Account. [Amended by 1955 c.202 §1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel