Bill as Introduced

HB 1161 – AS INTRODUCED

2000 SESSION

00-2482
09/01

HOUSE BILL *1161*

AN ACT making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

SPONSORS: Rep. Milligan, Hills 18; Rep. Weyler, Rock 18; Rep. J. Flanders, Rock 18; Rep. Rubin, Rock 25

COMMITTEE: Transportation

ANALYSIS

This bill makes technical corrections to the New Hampshire Aeronautics Act. The bill establishes a committee to study whether state aeronautics laws should be revised based on changes in federal law and to recommend any legislation the committee finds necessary.

This bill was requested by the division of aeronautics, department of transportation.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2482
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Definition; Civil Air Regulations Changed to Federal Air Regulations. Amend RSA 422:3, XVI to read as follows:

XVI. "[~~Civil~~] ***Federal*** air regulations" means the regulations of the Federal Aviation Administration issued under the authority of the "Federal Aviation Act of 1958," or any federal regulations superseding those issued under the administration of that act.

2 Duties of the Commissioner. Amend RSA 422:14, III to read as follows:

III. Coordinating agencies and persons involved with aircraft search and rescue missions within the state[~~, including reimbursing aircraft owners for aircraft operation costs during search and rescue missions~~].

3 Committee Established. There is established a committee to study whether revisions should be made to state aeronautics laws to reflect changes made in federal law.

4 Membership and Compensation.

I. The voting members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. The following shall serve as non-voting members of the committee:

(a) The commissioner of the department of transportation, or designee.

(b) One member of the aviation users advisory board, appointed by the board.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall study whether revisions should be made to state aeronautics laws to reflect changes made in federal law.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

8 Repeal. The following are repealed:

I. RSA 21-L:12, XXXV, relative to rulemaking authority for certificates of public convenience and necessity.

II. RSA 422:24-a, relative to certificates of public convenience and necessity.

III. RSA 422:24-b, relative to rates and charges.

9 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Senate Transportation
March 27, 2000
2000-3956s
09/04

IF this amendment is adopted by the Committee, please deliver to the House Clerk (Room 317) or Senate Clerk (Senate Chamber), the 2 originals and 2 copies.

Amendment to HB 1161

Amend paragraph I of section 4 of the bill by replacing it with the following:

I. The voting members of the committee shall be 7 members of the house of representatives, appointed by the speaker of the house.

Amend the bill by replacing section 6 with the following:

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

Committee Minutes

Date: March 21, 2000
Time: 3:15 PM
Room: 104-LOB

The Senate Committee on Transportation held a hearing on the following:

HB 1161 making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

Members of Committee present: Senator Gordon
Senator Roberge
Senator Below
Senator Pignatelli

The Chair, Senator Edward M. Gordon, opened the hearing.
Senator Edward M. Gordon, D. 2: (TAPE MALFUNCTION)

Jack Ferns: ...airport related regulations relative to aircraft and airman registration, which are dated. Tall tower issues and many other old statutes. I encourage your support with passing House Bill 1161. I'll be glad to answer any questions.

Senator Edward M. Gordon, D. 2: Senator Pignatelli?

Senator Debora B. Pignatelli, D. 13: Thank you Mr. Chairman. Jack, tell me a little bit about what these laws are that we're repealing.

Jack Ferns: Ok. Sure. Let me take one earlier, relative to rulemaking authority for certificates of public convenience and necessity. That dates back to before the creation of the Federal Aviation Administration back in 1958. After deregulation, and I'm somewhat familiar with deregulation, and the removal of the Civil Aeronautics Board. We don't have, or we don't set rates. We don't have that rate setting authority anymore. So that's gone away, but yet it's still carried on our, in our statutes.

Relative to certificates of public convenience and necessity, example: Southwest came into the state of New Hampshire specifically Manchester, as we all know recently. We would in fact license them in the state of New Hampshire if this was activated. That's an old, old statute now being accomplished by the federal government.

And one of the last ones we had here, rates and charges. We used to set ticket prices, believe it or not. The state of New Hampshire and Division of Aeronautics used to set ticket prices. You know as well as I know, and if you don't I'll tell you that that's federal law. We don't have any jurisdiction over setting ticket prices.

And that's basically what those 3 are. We thought we'd gather a couple that we knew were so old and something that we had no authority over right now and just start with those. And there are others. And they've become a little more complex, but the same type of thing. Does that help answer those?

Senator Debora B. Pignatelli, D. 13: Yes. Let me just ask one other question. So we don't license carriers that want to come into the state? We have nothing to say about...?

Jack Ferns: That's right. The only time we might license a carrier is from an aircraft registration point of view. If we had a carrier that stayed within the state. Let's say we had a carrier that flew from Manchester to Whitefield, then we might have some licensing authority over that particular aircraft. Even so that's pretty remote.

Senator Debora B. Pignatelli, D. 13: So if a new airline wants to come into New Hampshire we don't charge them anything to register, they don't pay anything to the state?

Jack Ferns: That's right. We don't yet. We've thought about it but we don't have the... Maybe that's something that would come out of the study. But I think it has to do with interstate commerce.

Senator Debora B. Pignatelli, D. 13: Thank you.

Jack Ferns: You're welcome.

Senator Edward M. Gordon, D. 2: Certificates of public convenience and necessity could be restrooms at the airport.

Jack Ferns: We don't license those either.

Senator Edward M. Gordon, D. 2: Any other questions? Thank you.

Jack Ferns: Thank you.

Senator Edward M. Gordon, D. 2: Is there any one else who wishes to testify on House Bill 1161? Seeing no one I declare the hearing closed on House Bill 1161.

Hearing closed at 3:19 PM

Respectfully submitted,
Jillian Nina Mason, Secretary

Speakers

SENATE TRANSPORTATION COMMITTEE

Date 3-21-00 Time 3:15 PM Public Hearing on HB 1161

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☐	Rep. John W. Flanders Sr.	Kingston	Co-Sponsor
☐	Ronald W Wanner	NHDOT	Aeronautics
☑	Jack W. Ferns	NHDOT-Aeronautics	
☐	George R. Rubin	R-25	—
☐	Kenneth L. Weyler	R-18	
☑	Robert H Milligan	H-18	
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Appearing in OPPOSITION: (Please Print) **Please check box at left to speak.**

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Committee Report

Date: March 21, 2000 Time: 3:15 PM

The Senate Committee on Transportation held its hearing in Room 104-LOB, Concord, New Hampshire.

BILL NO.: HB 1161 TITLE: making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

Members of the Committee present: Senator Gordon
Senator Roberge
Senator Below
Senator Pignatelli

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☒ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: March 27,2000

THE COMMITTEE ON Transportation

to which was referred House Bill 1161

AN ACT making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

VOTE: 4-0

2000-3956s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Sheila Roberge
For the Committee

|HB1161 Docket

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Bill Title: making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

Date	Body	Description
1/5/2000	H	Introduced and ref to Transportation; HJ5, p89
1/5/2000	H	Copy to Chairman on 12/22/1999
1/5/2000	H	Hearing Jan 11 10:45 RM203,LOB
1/19/2000	H	Maj Report OTP for Jan 27 (vote 15-0;CC)
1/27/2000	H	Passed (Cons Cal, 2/3VV); HJ12, p296 + 309
2/3/2000	S	Introduced and Ref. to Transportation; SJ 2, [See Perm. Journal]
3/1/2000	S	Hearing March 21, Room 104, LOB, 3:15 p.m.; SC14, Pg.3
3/27/2000	S	Committee Report Ought to Pass with Amendment{3956}; 3/30/00, SC19, Pg.6
3/30/2000	S	Ought to Pass with Amendment{3956}, AA, VV; OT3rdg, MA, VV; SJ 8, Pg.239
4/13/2000	H	House Conc with Sen Am, Rep Packard MA VV; HJ35, p1058
4/13/2000	S	Enrolled Amendment{4147}, Adopted; SJ 10, Pg.299
4/13/2000	H	Enrolled Am{4147}, Adopted; HJ35, p1096
4/27/2000	S	Enrolled Bill, Adopted; SJ 12, Pg.339
5/2/2000	H	4/20/2000 Enrolled; HJ39, p1203
5/8/2000	H	Signed by the Governor on 5/8/2000 Eff: 7/7/2000 Chap: 0105

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Docket Abbreviations