

1947

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Recommended Citation

L. L. Schroeder, *Activities of the National Association of State Aviation Officials (NASAO) 1941-1947*, 14 J. Air L. & Com. 72 (1947)
<http://scholar.smu.edu/jalc/vol14/iss1/9>

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STATE AND LOCAL

Department Editor: Madeline C. Dinu*

ACTIVITIES OF THE NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS (NASAO) 1941-1947

By L. L. Schroeder†

WITH the advent of the war in 1941, NASAO unanimously agreed to become inactive when many of the members were called to active duty in the armed forces. Dexter Martin, Director of Aeronautics for South Carolina, was named to serve as interim president.

In late 1942 and in 1943, the first Lea bill, H.R. 1012, was introduced in Congress under active sponsorship. At the first National Aviation Clinic at Oklahoma City in November, 1943 an effort was made to gain the endorsement of the delegates to this proposed legislation. Since the bill appeared to be inimical to the interests of the States, the small group of state aviation officials who were delegates to that Clinic, hastily met, reactivated the NASAO with Dexter Martin as president, for the purpose of taking an aggressive interest in proposed national and state aviation legislation.

On January 8, 1944, representatives of all major segments of the aviation industry gathered in Washington under the auspices of Roscoe Turner and formed, at the national level, the Civil Aviation Joint Legislative Committee, now reorganized as the Civil Aviation Legislative Council. At this and subsequent meetings, NASAO representatives were successful in their efforts to delete the objectionable features of H.R. 1012 and subsequently H.R. 3420.

To insure that these activities would not be construed as entirely destructive, the Executive Committee of NASAO determined to attempt to perfect an acceptable re-draft of the old Uniform Aeronautics Regulatory Act of 1935.¹ Mr. William C. Green, Assistant Attorney General for the State of Minnesota, was requested to assist in the first draft of such a revision. First steps were consultations with Dr. Fred D. Fagg, Jr. of Northwestern University and with George B. Logan of St. Louis to pick up the threads of the work that had been done in the past. By the time of the second National Aviation Clinic in 1944 at Oklahoma City, a revised draft was ready for consideration and NASAO held its annual meeting prior to the Clinic. Invitations were extended to representatives of the Civil Aeronautics Administration, the Civil Aeronautics Board, and the Federal-State Relations Division of the Department of Justice, to attend. Three stormy days and nights were devoted to an examination of the draft, word-by-word and section-by-section. Attention was also given to a proposed revision of the State Airports Enabling Act. When the session was over, a draft had been completed which was accepted in principle by everyone present. This session marked the beginning of vastly improved relations

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¹ Adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Assn. at Los Angeles, July, 1935, 11 Uniform L. Anno. 173, 1936 USAvR 384. Withdrawn from the active list of Uniform Acts recommended for adoption by the states, in August, 1943. See Handbook of N.C.C.U.S.L., 1943, 66.

between NASAO and the federal agencies interested in aeronautics. Sheldon B. Steers, recently returned from military service, and Director of Aeronautics for Michigan, was named president of NASAO for 1945.

During the 1945 state legislative sessions, the Uniform Aeronautics Department Act, drafted at the 1944 convention at Oklahoma City, was considered by the legislatures of most of the 44 states holding sessions in 1945. Some disagreement still remained, however, so that the Executive and Legislative Committees of NASAO returned to the task of revising and re-drafting, this time with very active assistance from the Civil Aeronautics Administration and the Department of Justice. By the time of the 1945 annual meeting of NASAO, which was held in St. Louis, further revisions were ready for consideration. Again representatives of the Civil Aeronautics Administration, the Civil Aeronautics Board, and the Department of Justice attended for the purpose of discussing the Uniform Acts so that an acceptable compromise might be reached. This was not accomplished, with the result that the convention directed its newly elected president, William L. Anderson, and his Executive Committee, to discuss the matter directly with the heads of the interested federal agencies. As a consequence, a meeting was held in February of 1946, with T. P. Wright, William A. M. Burden, George Burgess and their staffs for the purpose of discussing the disagreement and formulating an acceptable statement of policy to guide the revision of the State Aeronautics Department Act. With the valuable assistance of the State Relations Division of the Department of Justice and the persistent efforts of George Burgess and William L. Anderson, such a statement of policy was finally adopted which has been the guide, with some subsequent modifications, for all federal-state relations to date.

The long process of re-drafting an acceptable Uniform State Department Act again occupied a considerable portion of time of the Executive Committee of NASAO until late spring of 1946 when a Uniform Aeronautics Commission or Department Act was evolved which, with a few minor changes, received endorsement outright or in principle of virtually every segment of the aviation industry. It has been endorsed by the Civil Aeronautics Administration, the State Relations Division of the Department of Justice, and the Council of State Governments.

The following major changes of substance were made in the approved revision:

1. The revised Act includes a new section (section 13) making it a violation of state law to operate an aircraft in a careless or reckless manner, punishable in the state courts by fine or imprisonment and by a prohibition against operation of an aircraft within the state for a period of time prescribed by the court, but not to exceed one year (section 23); which punishments are coupled with a system of reporting between state and federal agencies (section 24).

2. Provisions of the former bill concerning state registration of federal airmen and aircraft certificates have been deleted, and there is included in the act a new section (section 15) providing for resident pilot and aircraft registration annually, based solely upon the possession of appropriate federal certificates and the payment of required fees. Pilot registration fees are to be nominal, not exceeding \$1.00, while fees for aircraft registration are to be in lieu of all personal property taxes which might otherwise be levied upon aircraft. As an aid to enforcement of section 13 (discussed in paragraph 1 above) it is provided in section 23 (b) that section 13 convictions shall be noted upon the violators' certificates of pilot registration. However, neither pilot nor aircraft registrations are made revocable for any reason.

3. The provisions relating to the licensing of airports have been considerably revised in new section 17. There has been substantial alteration of the provisions relating to state owned and operated airports, in new section 7.

4. The "conformity" provision of the old act (former section 6, subdivision 4) has been rewritten to specify that no state regulation shall be inconsistent with federal laws or regulations (see new section 12 (b), with a footnote appended to suggest the use of the old provision only where that suggested in the text of the revised act would be unconstitutional.

These same groups, which worked on the difficult State Aeronautics or Department Act, also developed in cooperation with the National Institute of Municipal Law Officers acceptable revisions of the Municipal Airports Enabling Act and the Uniform Zoning Act, each of which is being presented to the legislative bodies of the several states with the recommendation that their existing state legislation be amended to conform as nearly as possible to these recommended acts, or that new legislation be adopted conforming to these recommended acts.

In the discussions of the State Aeronautics Department Act, it was constantly recognized that there were certain promotional or fostering responsibilities which could best be discharged by a state agency. Similarly, it was generally recognized from the start that responsibility for general air traffic rules, operating standards, the competency of airmen and the airworthiness of aircraft should rest at the federal level. The disputed points were the extent of the state's authority in the field of regulation, enforcement, and the licensing or registration. During the period of the constant redrafting in 1945 and 1946, civil aviation was surging to a new high level following the cessation of hostilities, and the urgent need for full coordination between municipal, state, and federal governments was demonstrated. This increased activity aided recognition on the part of both the states and the federal government of the need for the acceptance of some responsibility at the state level. Through diligent work on the part of the officers of NASAO and representatives of federal agencies, and through the effect of outside factions which began to demand a solution to the problem, a pattern for close administrative coordination between municipal, state, and federal authorities was established. At present it is confined to the area of safety regulations, enforcement, and fostering the development of airports. Whether this same cooperation can and should ultimately reach into the area of economic regulation remains to be seen. Certainly, should this extension become necessary, the task should not be difficult as state, municipal and federal agencies have demonstrated in the drafting of the Uniform Codes that they can, with the assistance of industry consultants, find an answer reasonably acceptable to federal, state and all others concerned.

In the year 1947, NASAO is attempting to extend the spirit of cooperation into the area of technical administrative problems. Sub-committees on airport design standards and procedures, radio communication, air marking, weather reporting, legal problems, foreign relations, and aviation education, are exploring pertinent technical problems with all agencies and segments of the aviation industry having special interests therein. This is being done in an effort to evolve uniform administrative procedures based on reasonably uniform concepts and standards. The extent to which this can be accomplished will be the ultimate demonstration of the ability of the several levels of government and industry to solve their mutual problems by cooperative effort.