

Section 1, shall be vested in the several Town Boards in any such county.

In order to permit more effective enforcement of such regulations any such towns may by resolution, duly adopted, apply to the board of county commissioners to establish in the office of the county engineer and under his supervision, a department, the duty of which shall be to make all investigations and to perform all acts necessary for the enforcement of such regulations. Upon the receipt of a certified copy of such resolution, the board of county commissioners may establish such department, and thereupon the county engineer shall have exclusive authority to issue building permits; to collect all fees for the issuance thereof, which fees shall be accounted for periodically to the county treasurer and credited to the county general revenue fund; to exercise all of the authority and duties herein and by such regulations imposed upon or vested in any officer of any such township relating to the application of this act, the issuance of permits, the making of investigations and the enforcement of any such regulations or building code. All fines imposed by any court for violation of this act or any of the regulations adopted by virtue of the authority herein granted, shall be paid to the county treasurer and credited to the county general revenue fund.

The authority of the county engineer shall not extend to any township unless the governing body of such township shall by resolution request or authorize the exercise of such authority. Thereafter, his right to exercise such authority shall be exclusive.

The county board shall provide the county engineer with such technical and clerical assistance and such equipment as may be required.

Approved April 16, 1947.

CHAPTER 363—H. F. No. 1310

An act relating to aeronautics and amending Minnesota Statutes 1945, Sections 360.013, Subdivision 20; 360.015 Subdivisions 3 and 13; 360.018 Subdivisions 7 and 9; 360.101; 360.102 Subdivision 6; 360.102 by adding a new Subdivision thereto to be numbered Subdivision 10; 360.106 Subdivision 4; 360.107 Subdivisions 7, 14 and 17; 360.108 Subdivision 5;

360.109 Subdivision 1; 360.111; 360.113 Subdivision 1; 360.107 by adding a new Subdivision thereto to be numbered Subdivision 18, and 360.101-360.123 by adding thereto two new Sections to be numbered 360.124 and 360.125.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1945, Section 360.013, subdivision 20, is amended to read as follows:

360.013. Subd. 20. Definitions. "Municipality" means a city of any class, including a city organized under a charter framed pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, a county, a town, a village, or a borough in this state, *the regents of the University of Minnesota*, and any other political subdivision, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

Sec. 2. Minnesota Statutes 1945, Section 360.015, subdivision 3, is amended to read as follows:

360.015. Commissioner; powers and duties. Subd. 3. Promulgate rules and regulations. He may perform such acts, issue and amend such orders, and make, promulgate, and amend such reasonable general or special rules, regulations, and procedure and establish such minimum standards, consistent with the provisions of Laws 1945, Chapter 303, as he shall deem necessary to carry out the provisions of Laws 1945, Chapter 303, and to perform his duties thereunder; all 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, using, or traveling in, aircraft, and of persons and property on land or water, and to develop and promote aeronautics in this State. No rule or regulation of the Commissioner shall apply to airports or other air navigation facilities owned or controlled by the Federal government within this State.

Whenever valid rules and regulations of the Commissioner and rules and regulations of a municipality are inconsistent, the rules and regulations of the Commissioner shall control and the rules and regulations of the municipality are void insofar as they are inconsistent with the rules and regulations of the Commissioner. *Nothing herein contained shall be construed to limit the right of a metropolitan airports commission created under Laws 1943, Chapter 500, as amended, to make its own rules and regulations governing the internal*

administrative operations of an airport owned or operated by it as distinguished from rules and regulations governing flight and flight operations promulgated by the Commissioner in the interests of safety.

Sec. 3. Minnesota Statutes 1945, Section 360.015, subdivision 13, is amended to read as follows:

Subd. 13. **Financial assistance to municipalities.** The Commissioner may render assistance in the acquisition, construction, improvement, or maintenance of airports and other air navigation facilities owned, controlled, or operated, or to be owned, controlled, or operated, by municipalities in this State, the cost of such assistance to be paid out of the State airport fund provided for by Laws 1945, Chapter 303, and from appropriations made by the Legislature for that purpose. State funds appropriated or made available for the acquisition, construction, improvement, or maintenance of such airports and other air navigation facilities may be expended only upon projects which are included in the State airways system established by the Commissioner. No such State funds shall be available for work upon any project that is not done upon the supervision of the Commissioner.

Sec. 4. Minnesota Statutes 1945, Section 360.018, subdivision 9, is amended to read as follows:

360.018. **Regulation of aircraft, airmen, airports, and air instruction.** Subd. 9. **Exceptions; federal use.** The provisions of subdivisions 6, 7 and 8 shall not apply to any airport, restricted landing area, or other air navigation facility owned or operated by the Federal government within this State, or by any public corporation created in and for contiguous cities of the first class in this State. No airport, restricted landing area or other air navigation facility shall be acquired or operated within 25 miles of the City Hall of either of two contiguous cities of the first class for which a public corporation has been created pursuant to Laws 1943, Chapter 500, without the consent of such corporation, *as provided in and limited by section 360.111, as amended.*

Sec. 5. Minnesota Statutes 1945, Section 360.018, subdivision 7, is amended to read as follows:

360.018. **Regulation of aircraft, airmen, airports, and air instruction.** Subd. 7. **Hearings on application for certificates and licenses.** Whenever the Commissioner makes an order granting or denying a certificate of approval of an airport or a restricted landing area, or any original license to use or

operate an airport, restricted landing area, or other air navigation facility, and the applicant or any interested municipality, within 15 days after notice of such order has been sent the applicant by registered mail, demands a public hearing, or whenever the Commissioner desires to hold a public hearing before making an order, such a public hearing in relation thereto shall be held in the municipality applying for the certificate of approval or license, or, in case the application was made by anyone other than a municipality, at the county seat of the county in which the proposed airport, restricted landing area, or other air navigation facility is proposed to be situated, at which hearing parties in interest and other persons shall have an opportunity to be heard. Notice of the hearing shall be published by the Commissioner in a legal newspaper of general circulation in the county in which the hearing is to be held, at least 15 days prior to the date of hearing. After a proper and timely demand has been made, the order shall be stayed until after the hearing, when the Commissioner may affirm, modify, or reverse it, or make a new order. If no hearing is demanded as herein provided, the order shall become effective upon the expiration of the time permitted for making a demand. Where a certificate of approval of an airport or restricted landing area has been issued by the Commissioner, he may grant a license for operation and use, and no hearing may be demanded thereon; *provided, however, and subject to the provisions of Section 360.111, as amended, should the airport for which a license is applied lie within the area under the jurisdiction of any corporation organized under Laws 1943, Chapter 500, as amended, the Commissioner, before issuing the first license for the operation of said airport, shall forthwith serve notice in writing of the application, together with a copy thereof to the said corporation. Within 15 days after service of such notice said corporation shall serve written notice upon the Commissioner whether or not it regards the acquisition and/or operation of said airport as constituting a hazard to the safe operation of an airport or airports owned or operated by it. If in the opinion of the corporation it does not constitute such a hazard, the Commissioner may thereafter proceed in the matter of granting or refusing to grant a license in accordance with and pursuant to the provisions of this act. If the corporation, however, be of the opinion that the acquisition and/or operation of such airport would create such a hazard, then the Commissioner shall set a time and place for a joint hearing upon the application for license and for consent to or approval by the corporation of the acquisition and/or operation of said airport, which hearing*

shall be held within 45 days after the service of such notice upon the applicant, the corporation and other interested parties, unless such time shall be extended by consent of all interested parties. At said hearing the corporation shall offer such evidence as it deems material to sustain its contention that the acquisition and/or operation of said airport would create such a hazard. Thereafter other interested parties supporting the view of the corporation shall be heard; and thereafter the applicant and other interested parties supporting applicant's view or their independent views shall be heard, and shall offer such evidence as they deem material to sustain their respective views and contentions. Each party shall have an opportunity of offering rebuttal testimony or rebuttal evidence. Within 10 days after the close of the hearing the corporation shall make its order in writing approving or refusing to approve the acquisition and/or operation of said airport, provided that if the order is one disapproving, it must be based solely upon the grounds that the acquisition and/or operation of said airport would constitute a hazard to the safe operation of the airport or airports owned or operated by it or presently to be constructed or being constructed to be operated by it, and its order shall set forth its findings of fact and its reasons for the conclusion reached.

The provisions of this proviso shall apply only to securing the first approval or disapproval of the establishment and operation of said airport or restricted landing area and once the same shall have been approved by the corporation renewal licenses may be issued therefor by the Commissioner of Aeronautics without notice to the corporation.

Sec. 6. Minnesota Statutes 1945, Section 360.101, is amended to read as follows:

360.101. Declaration of purposes. It is the purpose of Sections 360.101 to 360.123. to promote the public welfare and national security; serve public interest, convenience, and necessity; promote air navigation and transportation, international, national, state, and local, in and through this state; increase air commerce and promote the efficient, safe, and economical handling of such commerce; assure the inclusion of this State in national and international programs of air transportation; and to those ends to develop the full potentialities of the metropolitan areas in this State as aviation centers, and to correlate these areas with all aviation facilities in the entire State so as to provide for the most economical and effective use of aeronautic facilities and services in those areas; and to this end the corporation shall cooperate with

and assist the Federal government, the Commissioner of Aeronautics of this State and others engaged in aeronautics or the promotion of aeronautics and shall seek to coordinate its activities with the aeronautical activities of these bodies.

Sec. 7. Minnesota Statutes 1945, Section 360.102, subdivision 6, is amended to read as follows:

360.102. **Definitions.** Subd. 6. "Aeronautics" means the transportation by aircraft, the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities and air instruction, and powers incidental thereto.

Sec. 8. Minnesota Statutes 1945, Section 360.102, is amended by adding a new subdivision thereto, to read as follows:

360.102. **Definitions.** Subd. 10. "Rules, Regulations and Ordinances" means and includes rules, regulations and ordinances, and amendments thereto, of general application issued by the commission interpreting or regulating the application of, or regulating procedure under the statute which the commission is charged with administering, but shall not apply to rules, regulations and ordinances adopted by the commission relating to the internal operation of the commission, nor to rules, regulations or ordinances relating to the management of airports owned or operated by it unless such rule, regulation or ordinance affects substantial rights thereon.

Sec. 9. Minnesota Statutes 1945, Section 360.106, subdivision 4, is amended to read as follows:

360.106. **Officers.** Subd. 4. The corporation shall, as soon after the organization meeting as is practical, appoint an executive director, who shall be the executive and operating officer of the corporation, shall serve at the pleasure of the corporation, and shall receive such compensation as may be fixed by it. He shall have had experience as a business executive, preferably in connection with aviation and in the promotion of business enterprises. Under the supervision of the corporation, he shall be responsible for the operation, management, and promotion of all activities with which the corporation is charged, together with such other duties as may be prescribed by the corporation. He shall have such powers as are necessarily incident to the performance of his duties

and such others as may be granted by the corporation, but without authority to incur liability or make expenditures on behalf of the corporation without general or specific directions by the corporation, as shown by the by-laws or minutes of meetings thereof.

Sec. 10. Minnesota Statutes 1945, Section 360.107, subdivision 7, is amended to read as follows:

360.107. Powers of corporation. Subd. 7. In addition to the municipal airports taken over by the corporation under the provisions of Laws 1943, Chapter 500, the corporation may acquire by lease, purchase, gift, devise, or condemnation proceedings any existing airports, equip the same and make additions thereto or improvements thereon, pay therefor out of the funds obtained as hereinafter provided, and hold, maintain, operate, regulate, police, and dispose of them or any of them as hereinafter provided; provided, that said corporation shall have no authority to dispose of nor lease municipally-owned airports taken over under the provisions of Laws 1943, Chapter 500, *as amended; and provided further, that the corporation shall not acquire a municipally owned airport without the consent of such municipality, or, failing to secure such consent, without paying adequate compensation therefor either by agreement or through the exercise of the power of eminent domain; and, in addition thereto, affording or providing said municipality with airport facilities at least equivalent to those taken over or acquired, unless said municipality expressly waives its rights thereto.*

Sec. 11. Minnesota Statutes 1945, Section 360.107, subdivision 14, is amended to read as follows:

360.107. Powers of corporation. Subd. 14. It may accept from the United States or the State of Minnesota, or any of their agencies, moneys or other assistance, whether by gift, loan, or otherwise, for the purpose of carrying out the purposes of Laws 1943, Chapter 500, and developing airports and other aeronautic facilities, and may enter into such contracts with the United States *or the State of Minnesota*, or any of *their* agencies as it may deem proper and consistent with the purposes of Laws 1943, Chapter 500.

Sec. 12. Minnesota Statutes 1945, Section 360.107, subdivision 17, is amended to read as follows:

360.107. Powers of corporation. Subd. 17. It may from time to time make, adopt and enforce such rules, regulations, and ordinances as it may find expedient or necessary for

carrying into effect the purposes of this Act, *including those relating to the internal operation of the corporation and to the management of airports owned or operated by it*; and fix penalties for the violation thereof not exceeding for each offense 90 days' imprisonment in jail or workhouse, or a fine not exceeding \$100, with imprisonment not exceeding 90 days if the fine be not paid, *subject to the conditions and limitations hereinafter set forth.*

The prosecution may be in any municipal court sitting within either city. Every sheriff, constable, policeman, and other peace officer shall see that all rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders. The fines collected shall be paid into the treasury of the corporation, and all persons committed shall be received into any penal institution in the county in which the offense was committed. All persons shall take notice of such rules, regulations, and ordinances without pleading or proof of the same.

As to any rule, regulation or ordinance deemed immediately necessary by the corporation, it may adopt and put the same into effect, but it shall within 30 days thereafter hold a public hearing thereon, after giving at least 15 days notice thereof by publication in a daily newspaper of general circulation in each of the cities of Minneapolis and St. Paul, mailing a copy thereof at least 15 days prior to the hearing to all interested parties who have registered their names with the corporation for that purpose. As to all rules, regulations, or ordinances which the corporation does not deem immediately necessary, the corporation shall hold a public hearing thereon following the giving of at least 15 days notice thereof by publication and mailing as aforesaid, and such rules, regulations, or ordinances shall not be adopted and put into effect until after said hearing.

Not later than 90 days after the date on which this amendatory act becomes effective the corporation shall prepare and file with the Secretary of State its rules, regulations, and ordinances in effect at the time of the passage of this amendatory act, and as to rules, regulations and ordinances adopted hereafter, said rules, regulations and ordinances shall be filed with the Secretary of State within 20 days after the adoption thereof.

Any persons substantially interested or affected in his rights as to person or property by a rule, regulation or ordinance adopted by the corporation, may petition the corporation for a reconsideration of such rule, regulation or ordinance,

or for an amendment, modification or waiver thereof. Such petition shall set forth a clear statement of the facts and grounds upon which reconsideration, amendment, modification or waiver is sought. The corporation shall grant the petitioner a public hearing within 30 days after the filing of said petition.

Sec. 13. Minnesota Statutes 1945, Section 360.108, subdivision 5, is amended to read as follows:

360.108. Survey of existing airports; report to governor. Subd. 5. Thirty days after the submission of the findings and proposed plans provided for in this section, public hearings, of which two weeks' published notice shall be given by the corporation, shall be held in the cities involved, by the corporation. After such hearings the corporation shall adopt and file with the governor and the city councils and boards or commissions having jurisdiction of airports of the cities, a permanent plan of operation, which shall be subject to such additions, revisions and modifications as may from time to time seem to the corporation to be proper and best calculated to carry out the purposes of Laws 1943, Chapter 500, as amended, provided that when a material change in such plan is proposed by the corporation, there shall be public hearings of which two weeks' published notice shall be given by the corporation.

Sec. 14. Minnesota Statutes 1945, Section 360.109, Subdivision 1, is amended to read as follows:

360.109. Exercise of powers. Subdivision 1. Immediately after the adoption and filing of its permanent plan of operation, the corporation shall proceed to exercise the powers herein granted. These powers may be exercised at any place within 25 miles of the City Hall of either city, *except as limited by Section 360.111 as amended.*

Sec. 15. Minnesota Statutes 1945, Section 360.111, is amended to read as follows:

360.111. Corporation to exercise control and jurisdiction over existing airports. After taking over operation and maintenance of the municipally-owned airports, in accordance with the provisions of Section 360.109, subdivision 2, the corporation, shall exercise control and jurisdiction over any other airport within 25 miles of the City Hall of either city. *Control and jurisdiction of the corporation over any such other airport, whether licensed and operating at the time of the passage of this act or hereafter established, shall be*

limited to control and jurisdiction of the flight and traffic patterns of such airport in the interests of safety of the operation of any airport owned or operated by the corporation. No airport shall be acquired or operated within the area above set forth without first securing the approval of the corporation, provided, however, such approval shall not be withheld except after notice to all interested parties and a public hearing held thereon, as provided in Minnesota Statutes 1945, Section 360.018, Subdivision 7, as amended by this act, and then only upon a finding by the corporation that the acquisition or operation of such airport would create a flight hazard to any airport or airports owned or operated by it. As to any licensed airports existing at the time of the passage of this act or any airport thereafter established with the approval of the corporation, such airport shall not be acquired or taken over by the corporation except after notice to all interested parties, a public hearing had, and a finding by the corporation that the operation of such airport is inconsistent with the safety of flight to and from airports owned or operated or presently to be or being constructed to be operated by the corporation, and then only after payment of just compensation either by agreement or the commencement by the corporation of eminent domain proceedings.

Sec. 16. Minnesota Statutes 1945, Section 360.113, Subdivision 1, is amended to read as follows:

360.113. Public and governmental purposes. Subdivision 1. It is hereby determined and declared that the purposes of Laws 1943, Chapter 500, are public and governmental, and that the establishment of airport systems, in the State of Minnesota, including the airport system to be established by the corporation created by Laws 1943, Chapter 500, will promote the public safety and welfare of the State; that the acquisition, construction, development, extension, maintenance, and operation of such airport systems are essential to the development of air navigation and transportation in and through this State, and are necessary in order to assure the inclusion of this State in national and international systems of air transportation now being planned; that the airport systems to be developed under Laws 1943, Chapter 500, will benefit the people of the State as a whole, and will render a general public service; that the establishment of such airport systems as soon as practicable is essential in order to make adequate provision for state and national defense that the development of such airport systems will provide employment and will reduce unemployment after the war, and will

thereby aid in other ways and be of great public economic benefit in post war readjustment.

Sec. 17. Minnesota Statutes 1945, Section 360.17, is amended by adding one new subdivision thereto, to be numbered Subdivision 18, to read as follows:

360.107. **Powers of corporation.** *Subd. 18. It shall have the power to conduct investigations, inquiries and hearings concerning matters covered by the provisions of Laws 1943, Chapter 500, as amended, and orders, rules and regulations of the commission; and shall hold hearings as required by said Chapter 500, as amended. Notice of hearings to all interested parties shall be given as specified in said Chapter 500, as amended, in the instances specified, and otherwise in accordance with such rules as the commission may adopt. All hearings shall be open to the public, and shall be conducted by the commission itself or a committee or member thereof designated by the commission for such purposes. Where a hearing is conducted by a committee or a member of the commission, such committee or member shall make a full and complete report thereof, together with a transcript of all testimony and evidence taken at the hearing, to the commission and the commission shall proceed to a determination of the subject-matter of said hearing and make its findings and conclusions and order with respect thereto. Any member of the commission conducting or participating in the conduct of any hearing shall have the power to administer oaths and affirmations, to issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books and documents. The commission, or its directors, shall upon request of any party to a hearing issue subpoenas to compel the attendance and testimony of witnesses, and the production of papers, books and documents. In case of failure of any witness to comply with any subpoena served upon him, the commission may invoke the aid of any court of this state of general jurisdiction. The court may order the witness to comply with the subpoena and any failure so to do may be punished by the court as a contempt thereof. The testimony and other evidence at any and all hearings shall be taken by a reporter employed by the Commission, and any party in interest upon payment to said reporter of the going rates therefor shall be entitled to a transcript thereof. Witnesses shall receive the same fees and mileage as in court actions, and a witness before being required to respond to a subpoena shall be given his fees and mileage for one day's attendance.*

Sec. 18. *Minnesota Statutes 1945, Section 360.101 to Section 360.123, inclusive, is amended by adding an additional section to be designated as 360.124, the same to read as follows:*

360.124. New airport; public hearing. *In determining whether a new airport shall be acquired or established or an existing airport expanded, the corporation shall, before taking any action thereon, hold a public hearing in accordance with the procedure set forth in this Act.*

In determining whether a new airport shall be acquired, or an existing airport enlarged, altered, or improved, or additional facilities obtained or existing facilities abandoned or removed, and in the determination of the use of new or existing airports, the corporation shall take into consideration the adequacy of present airport facilities, the present or proposed location, size and lay out, the relationship of the proposed airport to a comprehensive plan for area-wide, state-wide and nation-wide development; whether there are safe areas available for expansion purposes; whether the adjoining area is free from obstructions based upon a proper glide ration, the nature of the terrain, the nature of the uses to which the enlarged or new airport will be put, and the possibilities for future development; the need for additional space and expansion of facilities on existing airports, the needs of aviation industries generally in the area, and the effect the creation of a new airport or the enlargement of an existing one will have upon the property in the surrounding area of said airport to be established or enlarged.

[360.125] **Sec. 19. Certiorari.** *A review of any order of the commission may be had upon certiorari in the district court of Ramsey County upon petition of any party to the proceedings before the commission. The court may, in its discretion, stay the operation of the order sought to be reviewed for such time and on such terms as it deems advisable.*

Approved April 16, 1947.

CHAPTER 364—S. F. No. 949

[Coded as Section 101.411]

An act relating to the spearing of rough fish.

Be it enacted by the Legislature of the State of Minnesota:

[101.411] **Spearing rough fish; limitations.** Section 1. Any resident person permitted by law to take fish by angling