

Sec. 19. **Sums reappropriated.**—Section 26 of Chapter 225, Laws 1923, (Mason's Minnesota Statutes of 1927, Section 6055), is hereby amended so as to read as follows:

“Section 26. Any sums received and paid into the state treasury under any of the provisions of this act are hereby appropriated and made available for disbursement *for the purposes and in the manner provided herein.*”

Sec. 20. **Laws repealed.**—(a) Chapters 148 and 245, Laws 1931, and the following numbered Sections of Chapter 225, Laws 1923: Section 6, Section 8 as amended by Section 1, Chapter 226, Laws 1925, Sections 13 and 14, Section 15 as amended by Section 5, Chapter 244, Laws 1925, and Sections 17, 25 and 27, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

(b) All rights and obligations heretofore arising, vested or accrued under the provisions of Chapter 225, Laws 1923, or any amendment thereof, or under Chapters 148 and 245, Laws 1931, and all remedies for the enforcement thereof, shall remain unimpaired and are hereby confirmed.

Sec. 21. **Effective July 1, 1933.**—This Act shall take effect and be in force from and after July 1, 1933; provided, however, that a Conservator may be appointed and the appointment confirmed prior to July 1, 1933, but he shall not assume office until that date.

Approved April 22, 1933.

CHAPTER 430—S. F. No. 1684

An act to regulate aeronautics.

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

Section 1. **Definitions.**—When used in this Act,

(a) “Aeronautics” means the act or practice of the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports, landing fields, emergency landing strips, air navigation facilities, or air instruction.

(b) “Aircraft” means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air, except a parachute or other contrivance designed for such navigation, but used primarily as safety equipment.

(c) "Public Aircraft" means an aircraft used exclusively in the governmental service, including military and naval aircraft, or of any state or territory thereof.

(d) "Civil Aircraft" means any aircraft other than a public aircraft.

(e) "Airport" means any area, either of land or water, which is used or which is made available for the landing and take-off of aircraft, and which provides facilities for the shelter, supply, and repair of aircraft, and which, as to size and design, has at least 1,800 feet of effective landing length in all directions, with clear approaches, and which field shall be in good condition for landing at all times, or has landing strips not less than 500 feet wide, permitting landing in at least six directions at all times, with at least one landing strip aligned with the general direction of the prevailing wind, the landing strips not to cross or converge at angles at less than 40 degrees, nor any one of the landing strips to be less than 1,800 feet in effective length with clear approaches, or has two landing strips, one aligned with the general direction of the prevailing wind, permitting at least 4-way landing at all times and having clear approaches, the landing strips to be at least 500 feet wide and at least 2,500 feet in effective length, and not to cross or converge at an angle less than 60 degrees; and which, in any case hereinbefore mentioned, meets the minimum requirements as to surface, marking, equipment and management as may from time to time be provided, by the Minnesota aeronautics commission.

(f) "Landing field" means any area, either of land or water, which is used or which is made available for the landing and take-off of aircraft, which may or which may not provide facilities for the shelter, supply and repair of aircraft, and which meets the minimum requirements as to size, design, surface, marking, equipment and management as may from time to time be provided by the Minnesota aeronautics commission.

(g) "Emergency landing strip" means an area, either of land or water, which is available for the landing and take-off of aircraft, having not less than 200 feet of useable width and not less than 1,000 feet of useable length, the use of which shall, except in case of emergency, be only as provided from time to time by the regulations of the Minnesota aeronautics commission.

(h) "Person" means any individual, association, copartnership, firm, company, corporation, or other association of individuals.

(i) "Air instruction" means the imparting of aeronautical information in any air school, flying club, or by any aviation instructor.

(j) Any person engaged in giving instruction, or offering to give instruction in aeronautics—either in flying or ground subjects, or both—for or without hire or reward, and advertising, representing, or holding himself or itself out as giving or offering to give such instruction, shall be termed and considered an “Air School.”

(k) Any person (other than an individual) who, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction, pleasure, or both, shall be termed and considered a “Flying Club.”

(l) “Aviation instructor” means any individual engaged in giving instruction, or offering to give instruction, in aeronautics—either in flying or ground subjects, or both—for or without hire or reward, without advertising such occupation, without calling his facilities an “Air school” or anything equivalent thereto, or without employing or using other instructors.

Sec. 2. Pilots must be licensed.—The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that aircraft operating within this state should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States government with respect to navigation of civil aircraft subject to its jurisdiction, it shall be unlawful for any person to operate or navigate, or cause or authorize to be operated or navigated, any aircraft within the State unless such aircraft has an appropriate effective license, issued by the Department of Commerce of the United States, and is registered by the Department of Commerce of the United States; provided, however, that this restriction shall not apply to military aircraft of the United States or public aircraft of any state, territory, or possession thereof, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft.

Sec. 3. Exceptions.—The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that a person engaging within this State in navigating aircraft in any form of navigation, shall have the qualifications necessary for obtaining and holding a pilot's license issued by the Department of Commerce of the United States, it shall be unlawful for any person to navigate any aircraft in this State unless such person is the holder of a correct, effective pilot's license issued by the Department of Commerce of the United States; provided, however, that this restriction shall not apply to those persons operating military aircraft of the United States, or public aircraft of any state, territory, or possession thereof, or operating any aircraft licensed by a foreign country with which the United

States has a reciprocal agreement covering the operation of such licensed aircraft.

Sec. 4. Pilots to carry licenses.—The certificate of the license required for pilots shall be kept in the personal possession of the licensee when he is operating aircraft within this State and must be presented for inspection upon the demand of any passenger, or any peace officer of this State, any authorized official or employee of the Minnesota aeronautics commission or any official, manager, or person in charge of any airport in this State upon which he shall land, or upon the reasonable request of any other person. The aircraft license must be carried in the aircraft at all times and must be conspicuously posted therein where it may be readily seen by passengers or inspectors; and such license must be presented for inspection upon the demand of any passenger, any peace officer of this State, any authorized official or employee of the Minnesota aeronautics commission or any official, manager, or person in charge of any airport in this State upon which it shall land, or upon the reasonable request of any other person.

Sec. 5. Minnesota aeronautics commission created.—There is hereby created an aeronautics commission to be known as the Minnesota aeronautics commission, consisting of five persons to be appointed by the Governor and to serve without pay; provided, however, that at least three members of the commission must be, or have been, actively engaged in and have had at least three years of practical experience in civil aeronautics. The Governor shall from time to time designate the member of the commission who shall be its chairman and who shall so serve during the term of his appointment. Three of said persons, including the chairman, shall be appointed for a period of four years from and after the second Monday in the January following their appointment, and two for a period of two years from and after the second Monday in the January following their appointment, and upon the expiration of the terms of such respective commissioners the Governor shall appoint their successors, each to serve for a term of four years, and all to serve until their successors are appointed and qualified.

Sec. 6. Organization.—The commission shall, within thirty days after its appointment, organize, adopt a seal for the commission and make such rules and regulations for the administration of the commission not inconsistent herewith as it may deem expedient, and may from time to time amend such rules and regulations.

Sec. 7. Officers—records.—The commission may appoint a secretary to the commission, whose duty it shall be to keep a full

and true record of all its proceedings, and keep the books and records in the general office of the commission, and to perform such other duties as the commission may prescribe.

Sec. 8. May employ assistants.—The commission may employ such clerical and other employees and assistants as it may deem necessary for the proper transaction of its business, and shall fix their salaries, subject to the amount appropriated for the purposes of this act.

Sec. 9. Secretary of State to furnish offices.—The Secretary of State shall provide suitable offices for the commission in the city of Saint Paul, Minnesota, and the commission may maintain offices in any other city in the State of Minnesota, that the commission may designate, and may incur, subject to the amount appropriated for the purposes of this Act, the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the enforcement of this Act, and the general promotion of aeronautics within the State.

Sec. 10. Duties of commission.—It shall be the duty of the Commission to foster air commerce within the State of Minnesota and the Commission shall have supervision over the aeronautical activities and facilities within the State, which authority shall include supervision and control over all airports, landing fields, emergency landing strips, air instruction, air marking, air beacons, and all other air navigation facilities, and the registration of all pilots and aircraft. Accordingly the commission is empowered to prescribe such reasonable rules and regulations as it may deem necessary and advisable for the public safety and for the promotion of aeronautics governing the designing, laying out, location, building, equipping, operation, and use, of all airports, landing fields, or emergency landing strips. The commission is further empowered to prescribe such reasonable rules and regulations as it may deem necessary governing the curriculum, equipment, personnel, and operation and management of all air instruction, for the purpose of protecting the health and safety of students receiving or to receive such instruction, and insuring, so far as may be, the public safety through the proper training and instruction of student aviators. The commission is further empowered to prescribe such reasonable rules and regulations as it may deem necessary and advisable for the public safety and safety of those engaged in aeronautics, and for the promotion of aeronautics, governing the establishment, location, maintenance and operation of all air markings, air beacons, and other air navigation facilities. The commission is further empowered to prescribe such reasonable air traffic rules and other regulations as it shall deem necessary for public

safety and the safety of those engaged in aeronautics, and for the promotion of aeronautics; provided, however, that all rules and regulations prescribed by the commission under the authority of this section shall not be inconsistent with the then current Federal legislation governing aeronautics and the regulations duly promulgated thereunder.

Sec. 11. **Same.**—The commission shall assist in the development of aviation and aviation facilities within the State for the purpose of safeguarding the interests of those engaged in all phases of the industry and of the general public and of promoting aeronautics. Accordingly, the commission is empowered to expend any or all of the moneys allocated to, and deposited in, the State Aviation Fund, for the acquisition or enlargement by purchase, grant, lease, condemnation, or other means, and for the construction, operation and maintenance of, airports, landing fields, or emergency landing strips within this State, and/or of other aeronautic facilities or services within this State for the safety and advancement of aeronautics, which shall include the joint establishment or provision of such aeronautic facilities or services in cooperation with other State or Federal department or with other political subdivisions of this State.

Sec. 12. **Airport operators to make application for approval—licenses.**—Within sixty days after the commission is created, all owners and/or operators of all airports, landing fields, air schools, and flying clubs, and the owners and/or operators of all air beacons and air navigation facilities, shall make application to the commission for its approval of such airport, landing field, air school, flying club, air beacon, or other air navigation facility, and the commission shall immediately consider and pass upon such applications. Within the same period all pilots and owners and/or operators of all aircraft shall register the Federal License of said airmen and of said aircraft in such manner as the commission may by regulation prescribe. All proposed airports, landing fields, air schools, flying clubs, air beacons, or other air navigation facilities shall first be approved by the commission before they or any of them shall be so used or operated. It shall be unlawful for any airport, landing field, air school, flying club, air beacon, or other navigation facility to be used or operated without the approval of the commission; and it shall be unlawful for air aircraft, except in case of emergency, to land upon or take off from any area in the State of Minnesota, other than an airport, landing field, or emergency landing strip; provided, however, that no license, rule, order, or regulation promulgated under the authority of this section or of this entire Act shall apply to airports, landing fields, air

beacons, air markings, or other air navigation facilities owned or operated by the Government of the United States or by this State, by cities of the first class or any department thereof, except that in the conduct of such municipal airports, landing fields or emergency landing strips, the governing body thereof shall not prescribe rules and/or regulations contrary to current legislation of the State of Minnesota or of the federal government. The commission is hereby authorized to issue a certificate of its approval in each case and to make the following charges therefor:

For the issuance of each certificate of registration of each Federal license for pilots and aircraft, no fee shall be charged.

For issuance of each annual airport license, \$10.00.

For issuance of each annual landing field license, \$10.00.

For issuance of each annual air school license, \$10.00.

For issuance of each annual flying club license, no fee shall be charged.

For issuance of each annual air beacon license, no fee shall be charged.

For issuance of each annual other air navigation facility license, no fee shall be charged.

Sec. 13. Commission may conduct investigation.—The commission, or any commissioner, or officer of the commission designated by the commission, shall have the power to hold investigations, inquiries and hearings concerning matters covered by the provisions of this Act, and all accidents in aeronautics within this State. All hearings conducted by the commission shall be open to the public. Each commissioner, and every officer of the commission designated by it to hold any inquiry, investigation, or hearing, shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, and documents. In case of failure to comply with any subpoena or order issued under authority of this Act, the Minnesota aeronautics commission, or its authorized representative, may invoke the aid of any Court in this State. The court may thereupon order the witness to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Any failure to obey the order of said court may be punished by the court as a contempt thereof.

Sec. 14. Conduct of investigation.—In order to facilitate the making of investigations by the Minnesota aeronautics commis-

sion, in the interest of the public safety and the promotion of aeronautics, the public interest requires and it is therefore provided that the reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any suit, action, or proceedings growing out of any matter referred to in said investigation, hearings, or report thereof, nor shall any commissioner or employee of the Minnesota aeronautics commission be required to testify to any facts ascertained in, or information gained by reason of, his official capacity, and, further, no commissioner or employee of the Minnesota aeronautics commission shall be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft.

Sec. 15. Commission to keep copy of rules and regulations on file.—The commission shall keep on file with the Secretary of State, and at the principal office of the commission, a copy of all their rules and regulations, for public inspection. On or before the thirty-first day of December, in each year, the commission shall make to the Governor a full report of its proceedings for the year ending the first day of December in each year, and may submit with such report such recommendations pertaining to its affairs as seem to it to be desirable.

Sec. 16. Commission to enforce act.—It shall be the duty of the commission, its members and employees, and every county and municipal officer charged with the enforcement of State and municipal laws, to enforce, and assist in the enforcement of this Act. The commission is further authorized in the name of "The State of Minnesota" to enforce the provisions of this act by injunction in the District Courts of this State. Other departments and political subdivisions of this State are further authorized to cooperate with the Minnesota aeronautics commission in the development of aeronautics and aeronautic facilities within the State.

Sec. 17. Powers of commission.—In any case where the commission rejects an application for permission to operate or establish an airport, landing field, air school, flying club, air beacon, or other air navigation facilities, or in any case where the commission shall issue any order requiring certain things to be done, it shall set forth its reasons therefor and shall state the requirements to be met before such approval will be given or such order modified or changed.

In any case where the commission may deem it necessary it may order the closing of any airport, landing field, or order any air school, flying club, or air beacon, or other air navigation facility to cease operations until it shall have complied with the requirements laid down by the commission. To carry out the provisions of this

Act the Minnesota aeronautics commission and any officers, State or municipal, charged with the duty of enforcing this Act, may inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where such airports, landing fields, air schools, flying clubs, air beacons, or other air navigation facilities are operated. Any order made by this commission pursuant to this Act shall be served upon the interested person by registered mail or in person before such order shall become effective.

Sec. 18. Appeal to District Court.—Any person against whom an order has been entered may within thirty days after the service thereof appeal to the District Court of the county in which any part of the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined.

Sec. 19. Rights waived.—If no appeal is taken from the order of the commission within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order.

Sec. 20. Violation a misdemeanor.—Any person failing to comply with the requirements of, or violating any of the provisions of this Act, or the rules and regulations for the enforcement of this Act made by the Minnesota aeronautics commission, shall be guilty of a gross misdemeanor and punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both.

Sec. 21. State aviation fund created.—There is hereby created a fund to be known as the "State Aviation Fund." All moneys received from the licensing of airports, landing fields, air schools, or other licenses issued under the provisions of this Act, shall be paid into the State Treasury and credited to such fund.

Sec. 22. Funds to be used for expenses of commission.—Any monies or fees coming into the hands of said Commission may be used for the necessary expenses of the Commission essential to the carrying out of this act but no overdraft shall be created by reason of any such expenditures.

Sec. 23. Provisions separable.—If any provision of this Act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Sec. 24. **Inconsistent acts repealed.**—All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

Approved April 22, 1933.

CHAPTER 431—H. F. No. 2013

An act to amend Mason's Minnesota Statutes for 1927, Section 2867, relating to the sale of bonds by the board of education of unorganized school territory in certain counties.

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

Section 1. Sale of bonds by unorganized school territory.—That Mason's Minnesota Statutes for 1927, section 2867, be amended so as to read as follows:

"2867. The board of education of any unorganized territory in the state is hereby authorized and fully empowered by unanimous vote of such board to issue and sell bonds of such unorganized territory for the purpose of providing school sites and school buildings, for paying any judgment lawfully rendered against them or for refunding outstanding bonds or floating indebtedness, in such amounts and at such periods as the board may decide; said bonds to be payable in such amounts and at such times, not exceeding twenty years, as the board may determine, with interest thereon not to exceed six per cent (6%) per annum, which bonds shall be signed by the chairman and the treasurer of said board and countersigned by the clerk thereof; provided that the total bonded indebtedness of such unorganized territory shall at no time exceed seven and one-half per cent (7½%) of its assessed valuation. Any bonds issued hereunder shall be sold conformably to the provisions of section 1856 General Statutes 1913. *Provided that in any county of this state now or hereafter having unorganized territory with an assessed valuation of all taxable real and personal property, including money and credits of more than \$3,000,000, and having at any time an area of more than 3,500 square miles, the board of education of such unorganized territory shall have authority, and is hereby empowered, by the unanimous vote of such board, to issue and sell the bonds of such unorganized territory as above provided, for the sole purpose of funding any floating indebtedness now or hereafter existing as authorized by the provisions of this section, not exceeding seven and one-half per cent (7½%) of the assessed valuation*