

359.03 SEAL; REGISTER

Laws 1947, Chapter 372, does not require the changing of the phraseology of the notarial commission previously used; nor does the amendment repeal or modify the provisions of section 359.01 and 359.02 (4). OAG June 5, 1947 (320-1).

359.05 DATE OF EXPIRATION OF COMMISSION AND NAME TO BE ENDORSED

HISTORY. RS 1851 c 4 art 6 s 4; 1858 c 27 s 4; PS 1858 c 5 s 94; GS 1866 c 26 s 4; GS 1878 c 26 s 4; GS 1894 s 2271; 1905 c 48 s 1; GS 1913 s 5712; 1921 c 430 s 1; GS 1923 s 6941; MS 1927 s 6941; 1947 c 372 s 3.

Laws 1947, Chapter 372, does not require the changing of the phraseology of the notarial commission previously used; nor does the amendment repeal or modify the provisions of sections 359.01 and 359.02 (4). OAG June 5, 1947 (320-L).

359.09 PROTESTS

HISTORY. RS 1851 c 4 art 6; 1856 c 5 s 4; 1858 c 27 s 6; PS 1858 c 5 s 96; GS 1866 c 26 s 8; 1868 c 44 s 1; GS 1878 c 26 s 7; GS 1894 s 2274; RL 1905 s 2662; GS 1913 s 5718; GS 1923 s 6947; MS 1927 s 6947.

CHAPTER 360**AERONAUTICS**

In Minnesota the initial enactment was Laws 1921, Chapter 433, regulating the operation of aircraft over cities of the first class. Laws 1925, Chapter 406, provided for the inspection, certification, and regulation of aircraft and licensing of pilots. The law was administered by the adjutant general. Laws 1927, Chapter 62, authorized certain cities of the first class to acquire and equip airports. Laws 1929, Chapter 125, extended the privilege to all cities of the first class and authorized the raising of funds; Laws 1929, Chapter 217, extended the privileges to all cities, villages, towns, and counties; and Laws 1931, Chapter 214, authorized political subdivisions of the state to acquire air rights over property adjacent to a public airport.

Laws 1933, Chapter 430, was the first complete code relating to aeronautics. It did not expressly repeal any of the existing provisions of law, but some of the sections were impliedly superseded. It created the Minnesota Aeronautics Commission consisting of five persons appointed by the governor. It authorized the registration and licensing of pilots and aircraft. A state aviation fund was established.

Laws Ex1934, Chapter 55, related to certain villages.

The State Aeronautics Department, as now constituted, was created by Laws 1943, Chapter 653. It expressly repealed sections 360.01 through 360.53 and established a department of aeronautics under a commission appointed by the governor. This law was variously amended by Laws 1945, Chapter 303, and again by Laws 1947, Chapters 175 and 548.

The Uniform Airports Act originated with Laws 1945, Chapter 303, Sections 10 to 23 inclusive.

The Airport Zoning Act originated with Laws 1945, Chapter 303, Sections 24 to 37, inclusive.

The Metropolitan Airports Commission was created by Laws 1943, Chapter 500, and amended by Laws 1947, Chapter 363; the Reciprocity Act originated with Laws 1945, Chapter 175. The Minnesota Aeronautics Fund and appropriations originated with Laws 1945, Chapter 469, and has been materially amended by Laws 1947,

MINNESOTA STATUTES 1953 ANNOTATIONS

360.011 AERONAUTICS

974

Chapters 22, 548, and 585; Laws 1949, Chapter 688; Laws 1951, Chapters 335 and 506; and Laws 1953, Chapter 636; and the Aircraft Registration and Taxation Act originated with Laws 1945, Chapter 411, and has been amended and extended by Laws 1949, Chapter 161. The law relating to jointly owned airports originated with Laws 1949, Chapter 590.

It has been the policy of the legislature, beginning with the enactment of Laws 1943, Chapter 653, to conform as closely as possible to the model State Aeronautics Commission Act, the Revised Uniform Airports Act, and the State Airport Zoning Act as those model Acts were promulgated by the Council of State Governments, and the 1947 enactments follow closely the suggestions found in a brochure promulgated by the Council of State Governments entitled "Suggested State Legislation Program for 1947." Complete instruction as to compliance with section 550.13 of the rules and regulations of the federal administrator of civil aeronautics for the benefit of municipalities planning to become sponsors of airports and to obtain federal aid, including compliance with the Channeling Act, Laws 1947, Chapter 22, is found in Opinion of the Attorney General, June 30, 1947 (234).

Laws 1943 Chapter 653, Sections 3 through 19, were repealed by Laws 1945, Chapter 303, Section 38.

The Minnesota statutes relating to aircraft are now in harmony with the legislative enactments of other states and with the federal law, and are adequate and sufficient to enable Minnesota municipalities to comply in all respects with the provisions of the Federal Airport Act and the regulations promulgated thereunder with reference to sponsors, and are in a position to make application under Rule 550.13 promulgated by the federal administrator of civil aeronautics.

STATE AERONAUTICS DEPARTMENT

360.011 DECLARATION

The State Aeronautics Department Act and Revised Uniform Airports Act, enacted at the 1945 legislative session, are taken from the uniform state aviation code proposed by the national association of state aviation officials, in 1944, as was also the uniform state aviation code. Three separate and distinct Acts are contained in the 1945 aeronautics code: (1) State Aeronautics Department Act, (2) Revised Uniform Airports Act, and (3) Airport Zoning Act. 32 MLR 367.

In an action for injuries sustained where plaintiff, while embarking on an airplane at defendant's airport, slipped on a rubber roller and fell between a removable stairway and the airplane to which it was adjacent, the evidence on the issue as to plaintiff's contributory negligence was for the jury, and an award of \$50,000 to the plaintiff who became afflicted with multiple sclerosis was not excessive under the evidence which indicated that prior to the accident the plaintiff was young, healthy and capable of earning a substantial living as an accountant and capable of operating a profitable enterprise and that as a result of the accident he would be crippled for life. *Weller v Northwest Airlines*, M, 58 NW(2d) 739.

Airport zoning regulations adopted by municipalities are not required to be filed for record in the office of register of deeds. OAG Sept. 24, 1952 (234-B).

360.012 SOVEREIGNTY

In actions against a commercial airline for the death of passengers in an airplane crash the evidence presented a fact question for the jury as to negligence proximately causing the crash and warranted a finding that the pilot was negligent in coming in for a landing below level of the airport which was located on rim-rock 400 feet above the adjacent valley and that such negligence caused the accident. *Orchard v Northwest Airlines*, 236 M 42, 51 NW(2d) 645.

A commercial airline providing service for and on behalf of the United States pursuant to a written contract did not solely by virtue of such contract become the agent of the United States so as to gain governmental immunity. Where evi-

MINNESOTA STATUTES 1953 ANNOTATIONS

975

AERONAUTICS 360.018

dence in actions against the commercial airline warranted a finding that the pilot was negligent the court's instruction as to plaintiff's contention that the action was due primarily to the fact that the pilot let the airplane get too low as it approached the airport was not erroneous in view of the general instructions. *Orchard v Northwest Airlines*, 236 M 42, 51 NW (2d) 645.

In an action by the operator of a mink farm against the United States to recover for destruction of mink because the Navy airplanes flew low over the farm, the evidence established that the damage resulted from the negligence of pilots in flying too low. *Leisy v United States*, 102 F. Supp. 769.

The public right of freedom of transit in air commerce through the navigable air space of the United States is subject to the paramount rights of the federal government to promulgate air regulations and air bans under its exclusive sovereignty in air space under the provisions of 49 USC 176a. *United States v Perko*, 108 F. Supp. 315.

360.013 DEFINITIONS

HISTORY. 1943 c 653 s 1; 1945 c 303 s 1; 1947 c 363 s 1; 1953 c 738 s 1, 2.

Metropolitan airports commission. 33 MLR 41.

360.014 DEPARTMENT OF AERONAUTICS, OFFICERS, SALARIES

HISTORY. 1943 c 653 s 2; 1949 c 739 s 10; 1951 c 619 s 2; 1951 c 713 s 32; 1953 c 713 s 1.

360.015 COMMISSIONER, POWERS, DUTIES

Powers and duties of commissioner of aeronautics. 33 MLR 29.

Metropolitan airports commission. 33 MLR 31.

The record of investigation of aircraft accidents made by the department of aeronautics is confidential and the information contained therein is not open to the public.

In answer to a subpoena from a court having jurisdiction, the commissioner should obey the commands of the subpoena and if the subpoena is duces tecum, the necessary records should be presented. When called upon to testify the witness should inform the court of the provisions of section 360.015, subdivision 12, and the court may excuse him from testifying. If the court insists the witness must proceed with the testimony and obey the order of the court. The case of *Lowen v Pates*, 219 M 566 controls. OAG April 19, 1949 (851-I) (234).

Granting of a license to operate an airport by the commissioner of aeronautics does not supersede the zoning ordinance of a village. OAG Sept. 25, 1947 (234-B).

360.016 FEDERAL AID

HISTORY. 1945 c 303 s 4; 1947 c 175 s 2.

360.0161 FEDERAL AID, APPLICATION FOR; DISBURSEMENT OF

HISTORY. 1947 c 22 s 1-3.

Federal aid to airports. 33 MLR 28.

360.018 AIRCRAFT, AIRMEN, AIRPORTS; AIR INSTRUCTION; REGULATION

HISTORY. 1945 c 303 s 6; 1947 c 175 s 3, 4; 1947 c 363 s 4, 5; 1953 c 738 s 3, 4.

The aeronautics code and the Metropolitan Airports Commission Act as amended by Laws 1947, Chapter 363, are constitutional and on certiorari the court is not

MINNESOTA STATUTES 1953 ANNOTATIONS

justified in holding that the commission acted arbitrarily or capriciously, there being evidence to sustain a finding by the commission that the operation of the airport in question might be attended with danger. Refusal of the commission to approve the operation of the airport in question does not constitute a deprivation of property without compensation. The commission is not required as a matter of law to acquire by the exercise of the power of eminent domain the right to prevent property from being operated as an airport. *State ex rel v Minneapolis-St. Paul Met. Airports Comm.*, 223 M 175, 25 NW(2d) 718.

Under the provisions of sections 360.018 and 360.111, no airport can be acquired or operated within 25 miles of the city hall of either Minneapolis or St. Paul without the approval of the Minneapolis-St. Paul Metropolitan Airports Commission; and the commission's power of approval extends to properties used as public airports prior to April 16, 1947, but not actually used or licensed as such on that date. The commission is justified in refusing to approve the operation of an airport too close for safety to a public airport known as the Wold-Chamberlain field, owned and operated by the commission. *State ex rel v Minneapolis-St. Paul Met. Airports Comm.*, 223 M 175, 25 NW(2d) 718.

All persons dealing with aircraft are charged with the duty of inquiring at the central recording office of the federal civil aeronautics administration with respect to any aircraft in which they might be concerned. The lien of a chattel mortgage duly recorded in accordance with the provisions of 49 USCA, 401 et seq, is senior to a possessor in lien under the state law for repair work on an aircraft after recordation of the mortgage. *In re Veterans' Air Express Co.*, 76 F. Supp. 684.

The Metropolitan Airports Commission was without authority to renew the license of the Holman Field Airport. The right to renew such license lay entirely within the powers of the commissioner of aeronautics. OAG May 12, 1947 (234-3).

360.0215 COMMISSIONER MADE ATTORNEY TO ACCEPT PROCESS; EXTENSION OF TIME TO ANSWER

HISTORY. 1947 c 46 s 1.

Commissioner of aeronautics, attorney to accept process. 33 MLR 29.

UNIFORM AIRPORTS

360.031 DEFINITIONS

HISTORY. 1945 c 303 s 10.

Where the city charter did not require competitive bidding as a condition to leasing city property, it was unnecessary for the city to advertise for bids and award a contract or lease based thereon to a person who was to be hired as manager of the city's municipal airport. OAG Dec. 10, 1951 (234-B).

360.032 MUNICIPALITIES MAY ACQUIRE AIRPORTS

Under section 360.032, the county may institute eminent domain proceedings for condemnation of land for airport purposes, and such proceedings are governed by the provisions of section 117.20. OAG Feb. 16, 1948 (234-B).

When property is acquired by condemnation for municipal airport purposes the title must be acquired in fee simple; but that does not prevent recognition of existing easement to a pipe line company or the granting of an easement to a pipe line company unless such easement interferes with full use for airport purposes. OAG Feb. 24, 1948 (234-B).

Where a city is engaged in acquiring land for a municipal airport situated outside the corporate limits of the city, possession may be taken prior to the completion of the condemnation proceedings under the terms of section 360.032, and

MINNESOTA STATUTES 1953 ANNOTATIONS

977

AERONAUTICS 360.037

section 360.032 controls and is paramount over the charter provisions of the city. The necessity for taking the property is determined by a resolution of the city council which resolution should in a general way describe the property so needed and order its condemnation. OAG Feb. 17, 1949 (234-B).

A city may without an election issue revenue warrants payable out of the airport revenue, and if the city is not required to devote certain moneys to a special purpose, it may pledge surplus revenue of a city housing project. OAG July 25, 1950 (234-B).

Where the cost is in excess of \$5,000 it is necessary for the voters of South St. Paul, under its home rule charter, to authorize the acquisition of additional land. OAG Jan. 2, 1951 (224-B).

360.035 EXEMPTION FROM TAXATION

A municipally owned and operated airport is authorized to lease to private parties, for agricultural purposes, portions of the tract constituting the airport, without depriving the airport of exemption for general property taxation. OAG March 2, 1948 (414-A-11).

360.036 PURCHASE PRICE; COST OF IMPROVEMENT

HISTORY. Amended, 1951 c 163 s 1.

The requirement of the rule of the administrator of civil aeronautics that every municipality of the state desiring to obtain federal aid as a sponsor under the Federal Airport Act must show legal power to raise necessary funds to meet the sponsor's share of the project costs and to finance the operation and maintenance of the airport as fulfilled under the provisions of sections 360.036, 360.037, 360.301 through 360.306. OAG June 30, 1947 (234).

The city of Eveleth owns and operates a municipal airfield. It operates under a per capita tax limitation. Bonds to pay for the costs of surveying, constructing, improving and equipping an airport in accordance with the provisions of Laws 1945, Chapter 303, cannot be issued until the issuance has been approved by the voters and in any event taxes cannot be levied in excess of the per capita tax limitation. OAG Aug. 18, 1949 (234-B).

360.037 APPROPRIATION AND EXPENDITURE OF MONEYS

Proceeds of a bond issue authorized for the acquisition of an airport site at Austin may not be used for making substantial improvements at the present airport. OAG May 31, 1949 (59-A-7).

The requirement of the rule of the administrator of civil aeronautics that every municipality of the state desiring to obtain federal aid as a sponsor under the Federal Airport Act must show legal power to raise necessary funds to meet the sponsor's share of the project costs and to finance the operation and maintenance of the airport as fulfilled under the provisions of sections 360.036, 360.037, and 360.301 through 360.306. OAG June 30, 1947 (234).

All villages are subject to the per capita tax law, section 275.11, and in any village of less than 3,000 population for 1947 the limit is \$57.50 per capita, in 1948, \$55 per capita and reduced gradually each year until in 1950 it reaches \$50 per capita. The total tax levy cannot exceed these per capita limitations. Under section 412.32 the total tax levy for the general fund cannot exceed 20 mills. Levy for the airport expenditure is controlled by section 360.037, subdivision 2. Money for water supply should come out of the general fund, except as supplied by bond issues, water rentals, and assessments on benefited property. If the county poor system prevails the village needs no poor fund; but if the township system is in effect, a tax levy for poor funds is subject to no limitation. Under section 441.253 a levy may be made upon the property of the village for construction or repair of streets. This levy is in addition to the 20 mill levy for general corporate purposes. Section 134.07 controls the levy for library purposes, limited to five mills.

MINNESOTA STATUTES 1953 ANNOTATIONS

360.038 AERONAUTICS

978

All taxes voted and levied must be in specific amounts and not in percentage of the assessed valuation. OAG Nov. 4, 1947 (519-I).

360.038 SPECIFIC POWERS OF MUNICIPALITIES

A municipality is authorized to lease airport property for cafe purposes. OAG Nov. 17, 1949 (59-A-40).

Under its charter the city of Virginia may sell real estate no longer needed for municipal purposes. It may plat and subdivide such real estate into lots prior to selling to the highest bidder. OAG Sept. 6, 1951 (59-A-40).

The Revised Uniform Airports Act is applicable to the City of Owatonna. Said city under its charter may sell a portion of real estate acquired for municipal airport purposes, if the city has no further use for the property for aeronautic purposes or other municipal purposes. OAG Sept. 23, 1952 (59-A-40).

As to the requirement of the rule by the administrator of civil aeronautics that every municipality of the state desiring to obtain federal aid as a sponsor under the Federal Airport Act must show legal power to establish, maintain and operate an airport, the power of compliance is found in sections 360.032 to 360.045. OAG June 30, 1947 (234).

The city council having charge of the operation of a city airport may appoint airport guards or police, or may appoint an officer, a board, or a commission if necessary for the proper conduct of the airport. If policemen are authorized it may be done by resolution but if a supervisor or a supervisory commission is created the appointment should be made and rules and regulations prescribed by ordinance. OAG Nov. 20, 1947 (234-B).

Municipalities may lease land acquired for airport purposes, and not required for aeronautical purposes, to others for farming but the municipality may not engage in the farming thereon by itself. OAG Nov. 17, 1949 (469-A-9).

360.039 FEDERAL AID

Where a city charter requires advertisement for bids if the amount to be expended is over \$600, any contract for the improvement of an airport where the amount is in excess of that amount must be by advertising. OAG March 3, 1948 (59-A-3).

The requirement of the rule of the administrator of civil aeronautics that every municipality of the state desiring to obtain federal aid as a sponsor under the Federal Airport Act must show legal power to raise necessary funds to meet the sponsor's share of the project costs and to finance the operation and maintenance of the airport as fulfilled under the provisions of sections 360.036, 360.037, and 360.301 through 360.306. OAG June 30, 1947 (234).

As to the requirement of the rule by the administrator of civil aeronautics that every municipality of the state desiring to obtain federal aid as a sponsor under the Federal Airport Act must show legal power to establish, maintain, and operate an airport, the power of compliance is found in sections 360.032 to 360.045. OAG June 30, 1947 (234).

The charter of the city of International Falls has the force and effect of a state law. There is nothing in sections 160.41 or 360.039 which repeals or amends the charter requirement. Any appropriation for the airport in excess of \$600 should be made by ordinance and contracts should be let by advertisement in case the amount to be expended is over \$600. OAG March 3, 1948 (59-A-3) (234-B).

360.041 AIRPORTS ON WATERS AND RECLAIMED LAND

As to the requirement of the rule by the administrator of civil aeronautics that every municipality of the state desiring to obtain federal aid as a sponsor under the

MINNESOTA STATUTES 1953 ANNOTATIONS

979

AERONAUTICS 360.075

Federal Airport Act must show legal power to establish, maintain and operate an airport, the power of compliance is found in sections 360.032 to 360.045. OAG June 30, 1947 (234).

360.045 JURISDICTION EXCLUSIVE

Evidence that the defendant's plane was in good condition and weather conditions normal; that its pilot, without authorization, explanation, or excuse, left his authorized beamed airway for a dangerous terrain; and that wreckage of his plane was found subsequently 40 miles to the west of his course is sufficient to sustain a jury finding that the pilot chose a more hazardous road and was guilty of negligence. Where the evidence is sufficient to sustain a finding of negligence based upon the specific acts of defendant's employee, it is unnecessary to determine whether the doctrine of *res ipsa loquitur* would render defendant liable, in the absence of proof in such specific acts. *Gill v Northwest Airlines*, 228 M 164, 36 NW(2d) 785.

AIRPORT ZONING

360.061 DEFINITIONS

HISTORY. 1945 c 303 s 24; 1951 c 116 s 1.

360.063 ZONING REGULATIONS

HISTORY. 1945 c 303 s 26; 1951 c 116 s 2-4.

A zoning ordinance adopted by the joint airport zoning board serving the county of Blue Earth and city of Mankato, after adoption, must be published in accordance with the city charter of the city of Mankato. OAG Dec. 1, 1949 (234-B).

Airport zoning regulations adopted by municipalities are not required to be filed for record in the office of the register of deeds. OAG Sept. 26, 1952 (234-B).

360.065 REGULATION, PROCEDURE FOR ADOPTION

HISTORY. 1945 c 303 s 28; 1951 c 116 s 5.

Where proposed regulation relating to the approach zone of a runway of an airport meets minimum standards prescribed by the commissioner of aeronautics, he must approve of the regulation. OAG June 3, 1952 (234-B).

360.067 PERMITS, VARIANCES

HISTORY. 1945 c 303 s 20; 1951 c 116 s 6.

360.071 BOARD OF ADJUSTMENT

HISTORY. 1945 c 303 s 33; 1951 c 116 s 1.

Village council members cannot serve on a board of adjustment to airport zoning because the duties thereof are incompatible with the duties of village council membership. OAG Feb. 8, 1951 (358-E-9).

360.075 VIOLATIONS; PENALTIES

HISTORY. 1945 c 303 s 37; 1947 c 175 s 7; 1951 c 115 s 1, 2.

Where the pilot of an airplane flew at too low an altitude and "buzzed," a criminal complaint may be based upon the language found in section 360.075 (15). OAG Sept. 18, 1947 (234-A).

Airport zoning regulations adopted by municipalities are not required to be filed for record in the office of the register of deeds. OAG Sept. 24, 1952 (234-B).

360.076 Unnecessary.

METROPOLITAN AIRPORTS COMMISSION

360.101 DECLARATION OF PURPOSES

Violations of rules, regulations, and ordinances of the metropolitan airports commission may be tried in municipal courts of cities of the first class for which special airports commission has been created. OAG Nov. 28, 1951 (234-A).

360.102 DEFINITIONS

HISTORY. 1943 c 500 s 2; 1947 c 363 s 7, 8; 1953 c 734 s 4.

360.104 MEMBERSHIP, GOVERNMENT

HISTORY. 1943 c 500 s 4; 1951 c 72 s 1.

360.105 ORGANIZATION, CORPORATE SEAL; BYLAWS

HISTORY. 1943 c 560 s 5; 1953 c 734 s 1.

360.106 OFFICERS

HISTORY. 1943 c 500 s 6; 1947 c 363 s 9; 1949 c 369 s 1; 1951 c 72 s 2.

The requirement of the rule of the administrator of civil aeronautics that every municipality of the state desiring to obtain federal aid has a sponsor under the Federal Airport Act, must show legal power to execute all necessary covenants and agreements, and to assume the obligations of sponsorship as required by the regulations of the administrator, is followed under sections 360.016 and 360.039. OAG June 30, 1947 (234).

The metropolitan airports commission is not authorized to deposit moneys in banks outside of the state. OAG Sept. 28, 1948 (454-E).

360.107 POWERS OF CORPORATION

HISTORY. 1943 c 500 s 7; 1947 c 363 s 10, 11, 12, 17; 1949 c 369 s 2, 3; 1953 c 734 s 2.

Where a leasehold and a building on the leased premises belonging to the lessee are taken under the right of eminent domain, the compensation for the taking should be the market value of the property taken as a unit and not the sum of the values of the parts thereof considered separately, even though as between the lessor and the lessee the building is regarded as personalty; and an offer to sell the property may be proved against the owner as an admission of its value at or near the time of the offer. *Minneapolis-St. Paul Airports Commission v Hedberg-Freidheim Co.*, 226 M 282, 32 NW (2d) 569.

Property leased by the metropolitan airports commission to Northwest Airlines, Inc., for a period in excess of three years is not used by the government for public purposes and is therefore subject to taxation. OAG Sept. 5, 1952 (234).

Violations of rules, regulations, and ordinances of the metropolitan airports commission may be tried in the municipal courts of the cities of the first class for which such airport's commission has been created. The territorial jurisdiction of municipal courts in contiguous cities of the first class for which a metropolitan airports commission has been created is increased. OAG Nov. 28, 1951 (234-A) (306-B).

An employee of the metropolitan airports commission formerly employed by the city of St. Paul is entitled to continue as a member of the public employees retirement association. OAG Oct. 4, 1949 (331-B-1).

MINNESOTA STATUTES 1953 ANNOTATIONS

981

AERONAUTICS 360.125

360.1071 SECONDARY AIRPORTS; ACQUISITION, CONSTRUCTION, IMPROVEMENT

HISTORY. 1951 c 646 s 1.

360.111 EXISTING AIRPORTS, CONTROL; JURISDICTION

HISTORY. 1943 c 500 s 10; 1947 c 363 s 15; 1949 c 369 s 4.

The aeronautics code and the Metropolitan Airports Commission Act as amended by Laws 1947, Chapter 363, are constitutional and on certiorari the court is not justified in holding that the commission acted arbitrarily or capriciously, there being evidence to sustain a finding by the commission that the operation of the airport in question might be attended with danger. Refusal of the commission to approve the operation of the airport in question does not constitute a deprivation of property without compensation. The commission is not required as a matter of law to acquire by the exercise of the power of eminent domain the right to prevent property from being operated as an airport. State ex rel v Minneapolis-St. Paul Metropolitan Airports Commission, 223 M 175, 25 NW(2d) 718.

Under the provisions of sections 360.018 and 360.111, no airport can be acquired or operated within 25 miles of the city hall of either Minneapolis or St. Paul without the approval of the Minneapolis-St. Paul metropolitan airports commission; and the commission's power of approval extends to properties used as public airports prior to April 16, 1947, but not actually used or licensed as such on that date. The commission is justified in refusing to approve the operation of an airport too close for safety to a public airport known as the Wold-Chamberlain Field, owned and operated by the commission. State ex rel v Minneapolis-St. Paul Metropolitan Airports Commission, 223 M 175, 25 NW(2d) 718.

360.112 RENTALS FIXED

HISTORY. 1943 c 500 s 11; 1953 c 734 s 3.

360.113 PUBLIC AND GOVERNMENTAL PURPOSES

The budget of the metropolitan airports commission as finally determined shall be apportioned to the cities in the same proportion as the last assessed valuation of the real and personal property in each city. As the final "assessed valuation" available as of this date is that of the year 1947, the apportionment must be made on the assessed valuations of that date. OAG Oct. 19, 1948 (234).

360.114 BUDGET

The budget of the metropolitan airports commission as finally determined shall be apportioned to the cities in the same proportion as the last assessed valuation of the real and personal property in each city. As the final "assessed valuation" available as of this date is that of the year 1947, the apportionment must be made on the assessed valuations of that date. OAG Oct. 19, 1948 (234).

360.117 BONDS, ISSUANCE

HISTORY. 1943 c 500 s 16; 1953 c 666 s 1.

The budget of the metropolitan airports commission as finally determined shall be apportioned to the cities in the same proportion as the last assessed valuation of the real and personal property in each city. As the final "assessed valuation" available as of this date is that of the year 1947, the apportionment must be made on the assessed valuations of that date. OAG Oct. 19, 1948 (234).

360.125 CERTIORARI

An actor who participates with or without formal pleading or intervention, as an active contestant on the merits for the determination of issues of law or fact, and who by outcome of the proceeding will be bound and affected either favorably or ad-

MINNESOTA STATUTES 1953 ANNOTATIONS

360.126 AERONAUTICS

982

versely with respect to an asserted interest peculiar to him as distinguished from an interest common to the public or other taxpayers in general, is a party to the proceeding, and the fact that the relator aviation company is a taxpayer is not alone sufficient to give it a right by certiorari to review the proceedings of the metropolitan airports commission, involving the exercise of a legislative or administrative function, without a showing that the relator possessed an interest not common to all taxpayers. State ex rel v Minneapolis-St. Paul Airports Commission, 226 M 272, 32 NW(2d) 561.

360.126 DETACHMENT OF CERTAIN MAJOR AIRPORTS FROM CITIES, VILLAGES, AND SCHOOL DISTRICTS

HISTORY. 1953 c 715 s 1.

360.127 MAJOR AIRPORT, DEFINITION

HISTORY. 1953 c 715 s 2.

360.128 VALUATION AND ASSESSMENT OF TAXABLE PROPERTY IN DETACHED AREA

HISTORY. 1953 c 715 s 3.

360.129 CERTIFICATION OF AMOUNT TO BE RAISED ON TAXABLE PROPERTIES IN AREA; IMPOSITION AND COLLECTION OF TAX

HISTORY. 1953 c 715 s 4.

360.131 VALUATION OF PROPERTIES FOR PURPOSE OF BOND ISSUE BY SCHOOL DISTRICTS

HISTORY. 1953 c 715 s 5.

360.132 BOUNDARIES OF MAJOR AIRPORTS

HISTORY. 1953 c 715 s 6.

360.133 SCHOOL DISTRICTS, AID TO

HISTORY. 1953 c 722 s 1.

RECIPROCITY

360.201 MUNICIPALITIES IN ADJOINING STATES MAY ACQUIRE NAVIGATION FACILITIES IN STATE

HISTORY. 1945 c 175 s 1 sbd 1.

360.202 RIGHTS SAME AS LOCAL MUNICIPALITIES

HISTORY. 1945 c 175 s 1 sbd 2.

AERONAUTICS FUND AND APPROPRIATION

360.301 MINNESOTA AERONAUTICS FUND CREATED; TAX LEVIES

HISTORY. 1945 c 469 s 1.

360.302 CERTIFICATES OF INDEBTEDNESS

HISTORY. 1945 c 469 s 2.

MINNESOTA STATUTES 1953 ANNOTATIONS

983

AERONAUTICS 360.511

360.303 AUTHORIZED INVESTMENT

HISTORY. 1945 c 439 s 3.

360.304 APPROPRIATION

HISTORY. 1945 c 469 s 4.

360.305 EXPENDITURE

HISTORY. 1945 c 469 s 5; 1947 c 548 s 1.

360.311 ADDITIONAL TAX LEVIES FOR MINNESOTA AERONAUTICS FUND

HISTORY. 1947 c 585 s 1.

360.321 CERTIFICATES OF INDEBTEDNESS, SERIES II

HISTORY. 1947 c 585 s 2.

360.331 AUTHORIZED INVESTMENT

HISTORY. 1947 c 585 s 3.

360.34 Obsolete.

360.341 EXPENDITURE

HISTORY. 1947 c 585 s 5.

360.351 TRANSFERS FROM STATE AIRPORTS FUND

HISTORY. 1947 c 585 s 6.

360.361 APPROPRIATION IS ADDITIONAL TO OTHERS

HISTORY. 1947 c 585 s 7.

360.371 ADDITIONAL TAX LEVIES FOR MINNESOTA AERONAUTICS FUND

HISTORY. 1949 c 608 s 1-8.

360.381 REAPPROPRIATIONS, UNEXPENDED BALANCES

HISTORY. 1951 c 335 s 1.

360.382 ADDITIONAL TAX LEVIES, AERONAUTICS FUND

HISTORY. 1951 c 506 s 1-8.

360.383 ADDITIONAL MONEYS, AERONAUTICS FUND

HISTORY. 1953 c 636 s 1-6.

AIRCRAFT REGISTRATION AND TAXATION

360.511 DEFINITIONS

HISTORY. 1945 c 411 s 1.

MINNESOTA STATUTES 1953 ANNOTATIONS

360.521 AERONAUTICS

984

360.521 LIMITATION

HISTORY. 1945 c 411 s 2.

360.531 TAXATION

HISTORY. 1945 c 411 s 3; 1949 c 161 s 1-4.

360.54 SUBJECT TO TAX; EXCEPTIONS

HISTORY. 1945 c 411 s 4; 1949 c 161 s 5.

360.55 EXEMPTIONS

HISTORY. 1945 c 411 s 5; 1949 c 161 s 6.

360.56 EQUIPMENT; ACCESSORIES

HISTORY. 1945 c 411 s 6.

360.57 SWORN STATEMENT BY MANUFACTURER

HISTORY. 1945 c 411 s 7.

360.58 OPERATION WITHOUT REGISTRATION AND PAYMENT OF TAX

HISTORY. 1945 c 411 s 8.

360.59 REGISTRATION AND LISTING

HISTORY. 1945 c 411 s 9; 1949 c 161 s 7-9.

360.60 CERTAIN SECTIONS OF MOTOR VEHICLE REGISTRATION LAWS APPLICABLE

HISTORY. 1945 c 411 s 10; 1949 c 161 s 10, 11.

360.61 DUE DATE OF TAX; PENALTY

HISTORY. 1945 c 411 s 11.

360.62 CERTAIN SECTIONS MADE APPLICABLE

HISTORY. 1945 c 411 s 12; 1949 c 161 s 12.

360.63 DEALERS LICENSE

HISTORY. 1945 c 411 s 13; 1949 c 161 s 13.

360.64 TAXATION; IN HANDS OF DEALERS

HISTORY. 1945 c 411 s 14; 1949 c 161 s 14.

360.65 MANUFACTURERS; EXEMPTIONS

HISTORY. 1945 c 411 s 15.

360.66 STATE AIRPORTS FUND

HISTORY. 1945 c 411 s 16.

360.67 VIOLATIONS AND PENALTIES

HISTORY. 1945 c 411 s 17; 1949 c 161 s 15.

MINNESOTA STATUTES 1953 ANNOTATIONS

985

VESSELS NAVIGATING LAKES AND RIVERS 361.25

JOINTLY OWNED AIRPORTS

360.68 AIRPORTS JOINTLY OWNED BY MUNICIPALITIES

HISTORY. 1949 c 590 s 1.

360.69 INSURANCE

HISTORY. 1949 c 590 s 2.

360.70 RENTALS

HISTORY. 1949 c 590 s 3.

360.71 REVENUE CERTIFICATES

HISTORY. 1949 c 590 s 4.

360.72 REFUND CERTIFICATES

HISTORY. 1949 c 590 s 5.

360.73 CHARTER NOT TO AFFECT

HISTORY. 1949 c 590 s 6.

CHAPTER 361

VESSELS NAVIGATING LAKES AND RIVERS

361.01 DEFINITIONS

Jurisdiction under state and federal Workmen's Compensation Acts over maritime injuries. 33 MLR 421.

MOTOR-BOATS

361.22 MOTOR-BOAT

A municipality cannot regulate travel and commerce upon the Mississippi River, or public waters beyond its corporate limits. Municipalities may by license permit motor-boats to be operated with muffler or cut-out open while engaged in competitive racing. OAG Sept. 4, 1952 (273-D-2).

361.25 MUFFLERS OPEN IN RACES

A municipality cannot regulate travel and commerce upon the Mississippi River, or public waters beyond its corporate limits, but it may license, regulate and control the operation of speed-boats and motor-boats with mufflers or cut-outs open while engaged in competitive races. OAG Sept. 4, 1952 (273-D-2).

A village has no authority by itself or in conjunction with other municipalities to issue licenses or permits for the launching or landing of boats on shores of the Mississippi River. OAG June 26, 1953 (273-D-2).