

## CHAPTER 360

## AERONAUTICS

360.015	Commissioner; powers and duties.	360.037	Appropriation and expenditure of moneys.
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**360.015 COMMISSIONER; POWERS AND DUTIES.**

*[For text of subds 1 to 3, see M.S.1980]*

Subd. 4. **Conformity with federal rules.** All rules adopted by the commissioner under the authority of sections 360.011 to 360.076, shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

Subd. 5. **Adoption of rules.** Rules provided for under the authority of sections 360.011 to 360.076, shall be adopted in accordance with the procedures of the administrative procedure act.

*[For text of subds 6 to 15, see M.S.1980]*

Subd. 16. **Distribution of rules.** Rules adopted by the commissioner shall be distributed as follows:

(a) by mailing copies to all owners and operators or managers of airports and to all air schools licensed or registered in the state; and,

(b) by having a reasonable number of copies available at the offices of the department, to be furnished to interested persons upon request.

*[For text of subds 17 to 20, see M.S.1980]*

**History:** 1981 c 253 s 32-34

**360.021 STATE AIRPORTS; ACQUISITION, OPERATION.**

Subdivision 1. **Authority to establish.** The commissioner is authorized and empowered, on behalf of and in the name of this state, within the limitation of available appropriations, to acquire, by purchase, gift, devise, lease, condemnation proceedings, or otherwise, property, real or personal, for the purpose of establishing and constructing restricted landing areas and other air navigation facilities and to acquire in like manner, own, control, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and police such restricted landing areas and other air navigation facilities, either within or without this state; and to make, prior to any such acquisition, investigations, surveys, and plans. He may maintain, equip, operate, regulate, and police airports, either within or without this state. He may maintain at such airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers. He may dispose of any such property, airport, restricted landing area, or any other air navigation facility, by sale, lease, or otherwise, in accordance with the laws of this state governing the disposition of other like property of the state. He may not acquire or take over any restricted landing area, or other air navigation facility without the consent of the owner. He shall not acquire any additional state airports nor establish any additional state-owned airports. He may erect, equip, operate, and maintain on any airport buildings and equipment necessary and proper to maintain, and conduct such airport and air navigation facilities connected therewith. He shall

not expend money for land acquisition, or for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the governmental unit involved has or is establishing a zoning authority for that airport, and the authority has made a good faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. Notwithstanding the foregoing prohibition, the commissioner may continue to maintain the state owned airport at Pine Creek.

Subd. 2. **Airport protection privileges.** Where necessary in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports and restricted landing areas acquired or operated under the provisions of sections 360.011 to 360.076, he is hereby granted authority to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports or restricted landing areas, and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports and restricted landing areas, and the safe and efficient operation thereof. He is also hereby authorized to acquire, in the same manner, the right of easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit the right, power, or authority of the state or any municipality to zone property adjacent to any airport or restricted landing area pursuant to any law of this state. The commissioner shall make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.

*[For text of subds 3 to 7, see M.S.1980]*

**History:** 1981 c 357 s 100,101

### **360.035 EXEMPTION FROM TAXATION.**

Any properties, real or personal, acquired, owned, leased, controlled, used, or occupied by a municipality for any of the purposes of sections 360.011 to 360.076, are declared to be acquired, owned, leased, controlled, used, or occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any of its political subdivisions. Nothing contained in sections 360.011 to 360.076 shall be construed as exempting properties, real or personal, leased from the municipality to a tenant or lessee who is a private person, association, or corporation from assessments or taxes. Leased municipal airport property that is not located at the airport operated by the metropolitan airports commission shall not be subject to payment of any portion of rentals under section 272.68, subdivision 3.

**History:** 1Sp1981 c 1 art 2 s 23

### **360.037 APPROPRIATION AND EXPENDITURE OF MONEYS.**

*[For text of subd 1, see M.S.1980]*

Subd. 2. **In excess of tax limitation.** Irrespective of any limitation, by general or special law or charter, as to the amount or total of taxes that may be levied, a municipality may levy taxes for the purposes authorized by sections 360.011 to 360.076, in excess of such limitations, in such amount as may be authorized by an ordinance or resolution referred to and approved by the voters of

such municipality by popular vote; provided, such levies shall be within the limits fixed by sections 275.11, 275.32, and 275.44.

Subd. 3. **Use of revenues.** The revenues obtained from the ownership, control, and operation of any such airport or other air navigation facility shall be used, first, to finance the maintenance and operating expenses thereof and, second, to make payments of interest on and current principal requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. Revenues in excess of the foregoing requirements shall be applied to finance the extension or improvement of the airport or other air navigation facilities.

**History:** 1981 c 209 s 13; 1Sp1981 c 4 art 1 s 166

### 360.305 EXPENDITURES.

*[For text of subds 1 to 3, see M.S.1980]*

Subd. 4. (1) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation, these costs are referred to as project costs, in connection with which the assistance of the state is sought.

(2) For any airport, whether key, intermediate or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

- (a) the project costs,
- (b) acquisition costs of the land and clear zones, "acquisition costs."

Where federal, state and local funds are to be used, the contribution shall not be less than one-tenth of the sum.

(3) The commissioner may pay the total cost of radio and navigational aids.

(4) Notwithstanding clause (2), the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

(5) Notwithstanding clause (2), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this clause exceed five percent of the amount appropriated for construction grants.

(6) To receive aid under this section for acquisition costs the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public for a period of twenty years after the date that the state funds are received by the municipality. The agreement may contain other conditions as the commissioner deems reasonable.

(7) The commissioner shall establish a hangar construction revolving account which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of

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hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this clause, the "construction" of hangars shall include their design.

(8) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in clause (6).

(9) This subdivision shall apply only to project costs or acquisition costs of municipally owned airports which are incurred after June 1, 1971.

*[For text of subd 5, see M.S.1980]*

**Subd. 6. Zoning required.** The commissioner shall not expend money for land acquisition, or for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the governmental unit involved has or is establishing a zoning authority for that airport, and the authority has made a good faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. The commissioner shall make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.

**Subd. 7. Reimbursements.** Reimbursements from municipalities for striping runways shall be deposited in the state airport fund.

**History:** 1981 c 209 s 14; 1981 c 357 s 102,103

## 360.55 EXEMPTIONS.

*[For text of subs 1 to 5, see M.S.1980]*

**Subd. 6. Hot air balloons.** Any hot air balloon shall be registered for an annual registration fee of \$25. The registration fee is in lieu of the taxes provided for in sections 360.511 to 360.67. For the purpose of this subdivision, hot air balloon means any lighter-than-air aircraft that is not engine driven.

**Subd. 7. Non-resident aircraft used in air shows or expositions.** A non-resident owner of an aircraft operated for compensation or hire and used solely for an air show or exposition shall secure a temporary permit to operate the aircraft from the commissioner or the commissioner's designee prior to its use in this state. The fee for the temporary permit is \$25 and the permit is valid for not more than three days. The permit fee is in lieu of all other taxes provided for in sections 360.511 to 360.67. An aircraft owned by a non-resident of this state and operated or used in this state solely for display or exhibition is exempt from the provisions of sections 360.511 to 360.67.

**History:** 1981 c 209 s 15