

## CHAPTER 165.

[ H. B. 265. ]

## STATE AERONAUTICS COMMISSION.

AN ACT relating to aeronautics, airports and air facilities; creating a State Aeronautics Commission and Director of Aeronautics and fixing the duties thereof; providing for the acquisition of property; defining offenses and prescribing penalties; making an appropriation and repealing chapter 252, Laws of 1945 (secs. 10964-60 to 10964-68, incl., Rem. Rev. Stat.; secs. 297d-51, -53, -55, -57, -59, -61, -63, -65, -67, -69, -71, incl., PPC), and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Definitions. As used in this act, unless the context clearly indicates otherwise: (a) "Aeronautics" means the science and art of flight and including but not limited to 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, extension, operation, improvement, repair, or maintenance of airports or air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

Definitions.

Aero-  
nautics.

(b) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

"Aircraft."

(c) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

"Airport."

(d) "Commission" means the State Aeronautics Commission.

"Commis-  
sion."

"Director." (e) "Director" means the Director of Aeronautics of this state.

"State" or "this state." (f) "State" or "this state" means the State of Washington.

"Air navigation facility." (g) "Air navigation facility" means any facility, other than one owned or operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

"Operation of aircraft" or "operate aircraft." (h) "Operation of aircraft" or "operate aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon any airport within this state.

"Airman." (i) "Airman" means any individual who engages, as the person in command or as pilot, mechanic, or member of the crew in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator; but does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him.

"Aeronautics instructor." (j) "Aeronautics instructor" means any individual who for hire or reward engages in giving instruction or offering to give instruction in flying or ground subjects pertaining to aeronautics, but

excludes any instructor in a public school, university or institution of higher learning duly accredited and approved for carrying on collegiate work, who instructs in flying or ground subjects pertaining to aeronautics, while in the performance of his duties at such school, university or institution.

(k) "Air school" means any person who advertises, represents or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics whether for or without hire or reward; but excludes any public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work. "Air school."

(l) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof. "Person."

(m) "Municipal" means pertaining to a municipality, and "Municipality" shall mean any county, city, town, authority, district or other political subdivision or public corporation of this state. "Municipal."

(n) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off. "Airport hazard."

(o) "State airway" means a route in the navigable airspace over and above the lands or waters of this state, designated by the commission as a route suitable for air navigation. "State airway."

SEC. 2. It is hereby declared that the purpose of this act is to further the public interest and aeronautical progress by providing for the protection and promotion of safety in aeronautics; by cooperating in effecting uniformity of the laws and regulations relating to the development and regulation of aeronautics in the several states consistent with Legislative purpose and policy.

federal aeronautics laws and regulations; by granting to a state agency such powers and imposing upon it such duties that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property within such jurisdiction, assist in the development of a statewide system of airports, cooperate with and assist the municipalities of this state and others engaged in aeronautics, and encourage and develop aeronautics; by establishing only such regulations as are essential in order that persons engaged in aeronautics of every character may so engage with the least possible restriction, consistent with the safety and the rights of others; and by providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state.

Commission  
created.

Terms of  
office.

Political  
party.

SEC. 3. There is hereby created the "Washington State Aeronautics Commission," to consist of six members, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office, as designated by the Governor at the time of appointment, through the last day of the second, third, fourth, fifth, sixth and seventh calendar years, respectively, following the passage of this act. The successors of the members initially appointed shall be appointed for terms of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. No more than four of the members shall be appointed from the same political party and one member shall be chosen from each congressional district. All members of the Commission shall be citizens and bona fide residents of the state. No more than three members shall have

any direct or indirect financial or pecuniary interest in civil aviation. No member shall receive any salary for his services, but shall be reimbursed for actual and necessary expenses incurred by him in the performance of his duties and shall be paid the sum of twenty-five dollars (\$25) per diem for each day actually spent in attending to his duties as a member of the Commission, but no member shall receive more than five hundred dollars (\$500) in any one year as per diem. The members of the Commission may be removed by the Governor for inefficiency, neglect of duty, or malfeasance in office in the manner provided by law for the removal of other public officials for like cause.

Compensation.

Expenses.

Removal of Commissioner.

SEC. 4. A Director of Aeronautics shall be appointed by the Commission and shall serve at the pleasure of the Commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly vested in and imposed upon him. He shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation, or employment, nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise. He shall receive a salary of not to exceed seven thousand five hundred dollars (\$7,500) per year and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

Director.

Salary.

Expenses.

He shall be the executive officer of the Commission and under its supervision shall administer the provisions of this act and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics. He shall attend, but not vote at, all meetings of the Commission. He shall be in charge of the offices of the Commission and responsible to the Commission for the prepara-

Director's duties.

tion of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the Commission, he shall, together with the chairman of the Commission, execute all contracts entered into by the Commission.

Appointment  
of agents,  
employees,  
etc.

The Director shall appoint, subject to the approval of the Commission such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the Commission and for whose services funds have been appropriated.

Delegation  
of powers  
by Com-  
mission.

The Commission may, by written order filed in its office, delegate to the Director any of the powers or duties vested in or imposed upon it by this act. Such delegated powers and duties may be exercised by the Director in the name of the Commission.

Organization  
of Com-  
mission.

SEC. 5. The Commission shall, within thirty days after its appointment, organize, adopt a seal, and make such rules and regulations for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such rules and regulations. At such organization meeting it shall elect from among its members a chairman, a vice-chairman, and a secretary to serve for one year, and annually thereafter shall elect such officers; all to serve until their successors are appointed and qualified. The Commission shall at its initial meeting fix a date and place for its regular meeting. Four members shall constitute a quorum, and no action shall be taken by less than a majority of the Commission. Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the Commission's established offices, but, whenever the convenience of the public or of the parties may be promoted, or delay or expense may be prevented, it may hold meetings, hearings or proceedings at any other place designated by it. The Commission shall transmit a report

Seal.

Meetings.

Quorum.

in writing to the Governor before December 1 of each year, which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and of all expenditures made by or in behalf of the Commission, such other information as it may deem necessary or useful, and any additional information which may be requested by the Governor. The fiscal year of the Commission shall conform to the fiscal year of the state.

Report to  
Governor.

SEC. 6. Suitable offices and office equipment shall be provided by the state for the Commission in a city in the state that it may designate and the Commission may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this act.

Offices.

Expenses.

SEC. 7. The Commission shall have general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and to encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the Commission in the development of aeronautics and aeronautical facilities in this state.

Powers and  
duties of  
Commission.

SEC. 8. The Commission may draft and recommend necessary legislation to advance the interests of the state in aeronautics, represent the state in aeronautical matters before federal agencies and other state agencies, and participate as party plaintiff or defendant or as intervener on behalf of the state or any municipality or citizen thereof in any

Representa-  
tion of state  
at hearings,  
litigation,  
etc.

controversy which involves the interest of the state in aeronautics.

Assistance and loans to municipalities.

SEC. 9. The Commission may make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

Maximum loans.

The Commission may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, out of appropriations made by the Legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes: *Provided*, That no grant or loan or both shall be in excess of one hundred thousand dollars (\$100,000) for any one project: *Provided further*, That no grant or loan or both shall be granted unless the municipality or municipalities acting jointly shall from their own funds match any funds made available by the Commission.

Agent for municipalities.

The Commission is authorized to act as agent of any municipality or municipalities acting jointly, upon the request of such municipality or municipalities, in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of a municipal airport or air navigation facility; and if requested by such municipality or municipalities may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipali-

May accept financing.



ties are authorized to designate the Commission as their agent for the foregoing purposes. The Commission, as principal on behalf of the state, and any municipality on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of Federal moneys for municipal airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the Commission upon such terms and conditions as are prescribed by the United States. All moneys received by the Commission pursuant to this section shall be deposited in the State Treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

Deposit  
of funds.

Trust.

Appropriation  
for  
purposes  
of trust.

SEC. 10. The Commission is authorized on behalf of and in the name of the state, out of appropriations and other moneys made available for such purposes, to plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports, air navigation facilities, and air markers and/or air marking systems, either within or without the state, including the construction, installation, equipment, maintenance and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. For such purposes the Commission may by purchase, gift, devise, lease, condemnation or otherwise, acquire property, real or personal, or any interest therein, including ease-

May acquire,  
construct  
and main-  
tain air  
navigation  
facilities, etc.Acquisition  
of lands.

ments or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, marking or lighting of obstructions or airport hazards, or to prevent the establishment of airport hazards. In like manner the Commission may acquire existing airports and air navigation facilities: *Provided*, That it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of such municipality. The Commission may by sale, lease, or otherwise, dispose of any such property, airport, air navigation facility, or portion thereof or interest therein. Such disposal by sale, lease, or otherwise, shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposals to any municipality or state government or the United States for aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the Commission may deem in the best interest of the state. The Commission may exercise any powers granted by this section jointly with any municipalities, agencies or departments of the state government, with other states or their municipalities, or with the United States.

Sale or disposal of property.

Exercise of powers jointly.

Authority to zone not restricted.

Condemnation.

SEC. 11. Nothing contained in this act shall be construed to limit any right, power or authority of the state or a municipality to regulate airport hazards by zoning.

SEC. 12. In the condemnation of property authorized by this section, the Commission shall proceed in the name of the state in the manner that property is acquired by the State Highway Department for public uses.

SEC. 13. In operating an airport or air navigation facility owned or controlled by the state, the Commission may enter into contracts, leases and other arrangements for a term not exceeding twenty-five years with any persons granting the privilege of using or improving such airport or air navigation facility or any portion or facility thereof, or space therein for commercial purposes, conferring the privilege of supplying goods, commodities, things, services or facilities at such airport or air navigation facility, or making available services to be furnished by the Commission or its agents at such airport or air navigation facility. In each case the Commission may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the cost of operation to the state: *Provided*, That in no case shall the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or portion or facility thereof.

Operation of airports, etc.

Contracts leases.

Fees for uses and services.

Equal use by public.

SEC. 14. The Commission may by contract, lease or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed twenty-five years the privilege of operating, as agent of the state or otherwise, any airport owned or controlled by the state: *Provided*, That no such person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the Commission might not have undertaken under section 13 herein.

Lease of airports.

SEC. 15. To enforce the payment of any charges for repairs to, improvements, storage or care of any personal property made or furnished by the Com-

Liens for charges, repairs, etc.

mission or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state shall have liens on such property, which shall be enforceable by the Commission as provided by law.

Authority to  
expend  
monies.

SEC. 16. The Commission is authorized to accept, receive, receipt for, disburse and expend federal moneys, and other moneys public or private, made available to accomplish, in whole or in part, any of the purposes of this section. All federal moneys accepted under this section shall be accepted and expended by the Commission upon such terms and conditions as are prescribed by the United States. In accepting federal moneys under this section, the Commission shall have the same authority to enter into contracts on behalf of the state as is granted to the Commission under section 9 of this act with respect to federal moneys accepted on behalf of municipalities. All moneys received by the Commission pursuant to this section shall be deposited in the State Treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purpose of which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

Condition  
of grants,  
loans, etc.

Deposit  
with State  
Treasurer.

Trust.

Appropriation  
for trust  
purposes.

State  
airways.

SEC. 17. The Commission may designate, design, and establish, expand, or modify a state airways system which will best serve the interest of the state. It may chart such airways system and arrange for publication and distribution of such maps, charts, notices and bulletins relating to such airways as may be required in the public interest. The system shall be supplementary to and coordinated in design

Coordination  
with Federal  
system.

and operation with the Federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned: *Provided*, That such facilities conform to Federal safety standards.

Conformance with Federal safety standards.

SEC. 18. The Commission may enter into any contracts necessary to the execution of the powers granted it by this act. All contracts made by the Commission, either as the agent of the state or as the agent of any municipality, shall be made pursuant to the laws of the state governing the making of like contracts: *Provided*, That where the planning, acquisition, construction, improvement, maintenance, or operation of any airport, or air navigation facility is financed wholly or partially with federal moneys, the Commission as agent of the state or of any municipality, may let contracts in the manner prescribed by the Federal authorities acting under the laws of the United States and any rules or regulations made thereunder.

Contracts.

SEC. 19. The Commission shall grant no exclusive right for the use of any landing area or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases and other arrangements pursuant to this act.

No exclusive rights to be granted.

SEC. 20. The acquisition of any lands or interest therein pursuant to this act, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any municipality or municipalities, and the exercise of any other powers herein granted to the Commission are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the state

Purposes of act declared to be public and governmental.

in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

Rules and regulations.

SEC. 21. The Commission may perform such acts, issue and amend such orders, make, promulgate, and amend such reasonable general rules, regulations and procedures, and establish such minimum standards, consistent with the provisions of this act, as it shall deem necessary to perform its duties hereunder; all commensurate with and for the purpose of protecting and insuring the general public interest and safety, the safety of persons operating, using or traveling in aircraft or persons receiving instruction in flying or ground subjects pertaining to aeronautics, and the safety of persons and property on land or water, and developing and promoting aeronautics in this state. No rule or regulation of the Commission shall apply to airports or air navigation facilities owned or operated by the United States.

Airports and facilities owned by the United States.

Rules and regulations to be filed with Secretary of State.

The Commission shall keep on file with the Secretary of State, and at the principal office of the Commission, a copy of all its rules and regulations for public inspection.

Publication and distribution.

The Commission shall provide for the publication and general distribution of all its orders, rules, regulations and procedures having general effect.

Unlawful acts.

SEC. 22. It shall be unlawful for any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air or on the ground or water, in a careless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless may consider the standards for safe operation of aircraft

prescribed by Federal statutes or regulations governing aeronautics.

SEC. 23. It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit or license issued by the United States, if such certificate, permit or license is required by the United States. It shall be unlawful for any person to engage in aeronautics as an airman in the state unless he has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if such certificate, permit, rating or license is required by the United States.

Certificate for, permit or license of aircraft and airman.

Where a certificate, permit, rating or license is required for an airman by the United States, it shall be kept in his personal possession when he is operating within the state. Where a certificate, permit or license is required by the United States for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official or employee of the Department of Aeronautics authorized pursuant to this act to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

To be kept on person or in view on plane.

Inspection of certificates.

SEC. 24. Any person violating any of the provisions of this act, or any of the rules, regulations or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100) or by

Violations.

Penalty a misdemeanor.

Penalty a gross misdemeanor.

imprisonment for not more than thirty days, or both such fine and imprisonment: *Provided*, That any person violating any of the provisions of section 22 or 23 of this act shall be guilty of a gross misdemeanor which shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or by both in any proceeding brought in Superior Court and by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six months or by both in any proceedings brought in Justice Court. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

Court may impose additional or other penalty.

Registration of aircraft.

SEC. 25. Subject to the limitations of this section, the Commission is authorized to require that every aircraft shall be registered with the Commission for each year in which the aircraft is operated within this state. The Commission may charge for each such registration, and each annual renewal thereof, the sum of ten dollars (\$10). Registration certificates issued after expiration of the first six months of the annual registration year, as prescribed by the Commission, shall be issued at the rate of fifty per cent (50%) of the annual fee.

Fee.

How registered.

Possession of the appropriate effective Federal certificate, permit, rating or license relating to ownership and airworthiness of the aircraft, and payment of the fee duly required pursuant to the provisions of this section shall be the only requisites for registration of an aircraft under this section.



Registration shall be effected by filing with the Commission a written statement containing the information reasonably required by the Commission for such purposes. It shall not be necessary for the registrant to provide the Commission with originals or copies of Federal certificates, permits, ratings or licenses. The Commission may issue certificates of registration, or such other evidences of registration or payment of fees as it may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences: *Provided*, That the provisions of this section shall not apply to: (a) an aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

Evidence of registration.

Exceptions.

Publicly owned.

(b) an aircraft registered under the laws of a foreign country;

Foreign.

(c) an aircraft which is owned by a non-resident and registered in another state: *Provided*, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

Non-resident.

(d) an aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce.

Interstate commerce.

SEC. 26. Except as hereinafter provided, the Commission is authorized to provide for the approval of airport sites and the issuance of certificates of such approvals. No charge shall be made for any such approval and certificates of such approval shall be issued without charge to all persons requesting them. Any municipality or person desiring or planning to construct or establish an airport may, prior

Approval of airport sites.

Certificate.

to the acquisition of the site or prior to the construction or establishment of the proposed airport, make application to the Commission for approval of the site. The Commission shall with reasonable dispatch grant approval of a site if it is satisfied that the site is adequate, that if constructed or established it will conform to minimum standards of safety, and that safe air traffic patterns could be worked out for such proposed airport and for all existing airports and approved airport sites in its vicinity. An approval of a site may be granted subject to any reasonable conditions which the Commission may deem necessary to effectuate the purposes of this section, and shall remain in effect, unless sooner revoked by the Commission, until a license for an airport located on the approved site has been issued. The Commission may, after notice and opportunity for hearing to holders of certificates of an approval, revoke such approval when it shall reasonably determine that there has been an abandonment of the airport site, or a failure within the time prescribed, or if no time was prescribed, within a reasonable time, to develop the site as an airport or to comply with the conditions of the approval, or that because of a change of physical or legal conditions or circumstances the site is no longer usable for the aeronautical purposes for which the approval was granted. No approval shall be required for the site of any existing airport.

**Minimum standards.**

**Conditions.**

**Revocation of approval after notice and hearing.**

**Exception of existing airports.**

**Licensing of airports.**

**Fees.**

**Renewals.**

SEC. 27. The Commission is authorized to provide for the licensing of airports and the annual renewal of such licenses. It may charge license fees not exceeding one hundred dollars (\$100) for each original license, and not exceeding fifty dollars (\$50) for each renewal thereof. The Commission shall, with reasonable dispatch, upon receipt of an application for an original license and the payment of the duly required fee therefor, issue an appropriate

license. All licenses shall be renewable annually upon payment of the fees prescribed. Licenses and renewals thereof may be issued subject to any reasonable conditions that the Commission may deem necessary to effectuate the purposes of this section. The Commission may, after notice and opportunity for hearing to the licensee, revoke any license or renewal thereof, or refuse to issue a renewal, when it shall reasonably determine that there has been an abandonment of the airport as such, or that there has been a failure to comply with the conditions of the license or renewal thereof, or that because of change of physical or legal conditions or circumstances the airport has become either unsafe or unusable for the aeronautical purposes for which the license or renewal was issued. It shall be unlawful for any municipality, or officer or employee thereof, or any person to operate an airport without an appropriate license for such, as may be duly required by rule or regulation issued pursuant to this subsection.

Conditions.

Revocation of license after notice and hearing.

In connection with the grant of approval of a proposed airport site or the issuance of an airport license, the Commission may, on its own motion or upon the request of an affected or interested person, hold a public hearing thereon.

Public hearing on approval of site or license.

The provisions of this section shall not apply to airports owned or operated by the United States. The Commission may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or regulation promulgated or from any requirement of such rule or regulation if it finds that the application of such rule, regulation or requirement would be an undue burden on such class and is not required in the interest of public safety.

Airports owned by the United States or exempted by Commission.

SEC. 28. The Commission or any member thereof and the Director or any officer or employee of the

Investigations, inquiries and hearings.

Accidents.

Oaths.

Subpoenas.

Aid by court.

Contempt.

Joint hearings or conferences.

May obtain records, etc., from and make same available to United States and its agencies.

Report of accidents.

Commission designated by it shall have the power to hold investigations, inquiries and hearings concerning matters covered by the provisions of this act including accidents in aeronautics within this state. Hearings shall be open to the public and, except as hereinafter provided, shall be held upon such call or notice as the Commission shall deem advisable. Each member of the Commission, the Director and every officer or employee 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, and order the attendance of witnesses and the production of papers, books and documents. In case of the failure of any person to comply with any subpoena or order issued under the authority of this section, the Commission or its authorized representatives may invoke the aid of any competent court of general jurisdiction. The court may thereupon order such person to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt thereof.

SEC. 29. The Commission is authorized to confer with or to hold joint hearings with any agency of the United States in connection with any matter arising under this act, or relating to the development of aeronautics.

The Commission is authorized to avail itself of the cooperation, services, records and facilities of the agencies of the United States as fully as may be practicable in the administration and enforcement of this act, and shall furnish to the agencies of the United States such services, records and facilities as may be practicable.

The Commission shall report to the appropriate agency of the United States all accidents in aeronautics in this state of which it is informed, and

shall in so far as is practicable preserve, protect and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the Federal agency institutes an investigation.

Protection  
of parts, etc.

SEC. 30. In carrying out the provisions of this act the Commission may use the facilities and services of other agencies of the state and of the municipalities of the state to the utmost extent possible, and such agencies and municipalities are authorized and directed to make available their facilities and services.

State  
agencies and  
municipalities to  
cooperate.

SEC. 31. It shall be the duty of the Commission, its members, Director, officers and employees of the Commission, and every state and municipal officer charged with the enforcement of state and municipal laws, to enforce and assist in the enforcement of this act and of all other laws of this state relating to aeronautics.

Enforcement  
of this act.

SEC. 32. Every order of the Commission requiring performance of certain acts or compliance with certain requirements and any denial or revocation of an approval, certificate or license shall set forth the reasons and shall state the acts to be done or requirements to be met before approval by the Commission will be given or the approval, license or certificate granted or restored or the order modified or changed. Orders issued by the Commission pursuant to the provisions of this act shall be served upon the persons affected either by registered mail or in person. In every case where notice and opportunity for hearing are required under the provisions of this act the order of the Commission shall, on not less than ten days notice, specify a time when and place where the person affected may be heard, or the time within which he may request hearing, and such order shall become effective upon the expiration of the time for exercising such opportunity for

Orders of  
Commissioner.

Service  
of orders.

Hearings.

hearing, unless a hearing is held or requested within the time provided, in which case the order shall be suspended until the Commission shall affirm, disaffirm or modify such order after hearing held or default by the person affected. To the extent practicable, hearings on such orders shall be in the county where the affected person resides or does business. Any person aggrieved by an order of the Commission or by the grant, denial or revocation of any approval, license or certificate may have the action of the Commission reviewed by the courts of this state in the manner provided for, and subject to the rules of law applicable to the review of the orders of other administrative bodies of the state.

Where hearings held.

Review of orders.

Reports of Commission's activities.

Receiving reports from others.

Agreements regarding data.

Appropriation.

SEC. 33. The Commission is authorized to report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violation of sections 22 and 23 of this act and all penalties, of which it has knowledge, imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules, regulations or orders of the Commission. The Commission is authorized to receive reports of penalties and other data from agencies of the Federal government and other states and, when necessary, to enter into agreements with Federal agencies and the agencies of other states governing the delivery, receipt, exchange and use of reports and data. The Commission may make the reports and data of the Federal agencies, the agencies of other states, and the courts of this state available, with or without request therefor, to any and all courts of this state.

SEC. 34. There is hereby appropriated from the general fund the sum of two hundred fifty thousand dollars (\$250,000) to carry out the purposes of this act, of which sum an amount of not to exceed fifty thousand dollars (\$50,000) shall be used for the

administration of this act and for the functions of the Director and the State Aeronautics Commission and the remainder of said appropriation shall be used under the provisions of this act as determined by the State Aeronautics Commission as matching funds for construction and maintenance of emergency landing fields and air navigation facilities.

SEC. 35. If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable. Severability of act.

SEC. 36. Chapter 252, Laws of 1945 (secs. 10964-60 to 10964-68, incl., Rem. Rev. Stat.; secs. 297d-51, -53, -55, -57, -59, -61, -63, -65, -67, -69, and -71, incl., PPC) and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealed statutes.

SEC. 37. This act may be cited as the "State Aeronautics Commission Act." Short title.

SEC. 38. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing public institutions and shall take effect April 1, 1947. Emergency.

Passed the House March 4, 1947.

Passed the Senate March 7, 1947.

Approved by the Governor March 17, 1947.