

collective investment of trust funds by national banks.

Approved January 24, 1974.

CHAPTER 7—H.F.No.1691

An act relating to steamfitters, licensing thereof; fees; amending Minnesota Statutes 1971, Section 326.50.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 326.50, is amended to read:

326.50 STEAMFITTERS; LICENSES; APPLICATION; FEES. Application for a steamfitter's license shall be made to the department of labor and industry, with fees. Unless the applicant is entitled to a renewal, he shall be licensed only after passing a satisfactory examination by the examiners showing fitness. Fees for journeymen shall be ~~\$10~~ \$15 for examination and ~~\$4-\$8~~ for renewal, and for ~~contracting~~ master steamfitters ~~\$40-\$50~~ for examination and ~~\$30-\$45~~ for renewal. Licenses shall expire December 31, but may be renewed upon application made the following January or February; but, if in February, only upon payment of an additional fee of \$2 for a journeyman and ~~\$10-\$5~~ for a ~~contracting~~ master steamfitter.

Approved January 24, 1974.

CHAPTER 8—H.F.No.2016

An act relating to aeronautics; regulating the powers of the commissioner of aeronautics and authorizing cease and desist orders under certain circumstances; amending Minnesota Statutes 1971, Sections 360.018, Subdivisions 1, 2 and 3; 360.075, Subdivision 6; 360.0751, Subdivisions 4, 5, 6, 7 and 8.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 360.018, Subdivision 1, is amended to read:

360.018 AERONAUTICS; AIRCRAFT, AIRMEN, AIRPORTS, AIR INSTRUCTION; REGULATION. Subdivision 1. **GENERALLY.** The general public interest and safety, the safety of persons receiving instruction concerning or operating, using, or traveling in aircraft and of persons and property on the ground, and the interest of aeronautical

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progress requiring that aircraft operated within this state should be airworthy, that airmen and those engaged in air instruction should be properly qualified, and that airports, restricted landing areas, and air navigation facilities should be suitable for the purposes for which they are designed; the purposes of sections 360.013 to 360.075, requiring that the commissioner should be enabled to exercise the powers of supervision therein granted; and the advantages of uniform regulation making it desirable that aircraft operated within this state should conform with respect to design, construction and airworthiness to the standards prescribed by the United States government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this state should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States, the commissioner is authorized:

(1) To require the registration annually of federal licenses, permits, or certificates of civil aircraft engaged in air navigation within this state, and to issue certificates of such registration, which certificates may be the same as the certificates issued pursuant to section 360.59, subdivision 3. The application for registration made pursuant to sections 360.54 to 360.67 shall be considered as the application for registration required by this section.

~~(2) To require the registration of federal licenses, permits, or certificates of airmen engaged in aeronautics within this state and of aeronautics instructors, and to issue certificates of such registration. The expiration date for each registration certificate renewed or issued after July 1, 1959, is the birthday of the applicant in the fourth year following the year of renewal or issuance of the certificate. The expiration date for each registration certificate renewed or issued after July 1, 1965, shall be April 30, 1967, and such certificate may be renewed at that time and every two years thereafter, except that an airman registered prior to July 1, 1966, shall not be required to renew his certificate until the end of the registration period, at which time his certificate may be renewed for the period ending April 30 in the next odd-numbered year.~~

~~(3)-(2) The certificates of registration of aircraft ; airmen, and aeronautics instructors issued pursuant to this section shall constitute licenses of such aircraft ; airmen, and instructors for operations within this state to the extent permitted by the federal licenses, certificates, or permits so registered. The application for registration shall contain such information as the commissioner may by rule, regulation, or order prescribe. The first application for registration made in this state shall be verified by the applicant. The second and succeeding applications for registration need not be verified. The commissioner may charge for the registration of each airman and instructor a fee not exceeding \$1, which shall be deposited in the state airports fund. Each application for registration of aircraft shall be made as required by sections 360.54 to 360.67. The first application for registration of airmen or instructors made in this state shall be made within 30 days from the date of the is-~~

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~~suance of his federal license, certificate, or permit, or if the airman or instructor is not a resident of this state on the date of issuance of such federal licenses, certificates, or permits, within 30 days after he becomes such resident.~~

~~(4)-(3)~~ To license any person engaged in commercial operations in accordance with rules and regulations to be adopted by the commissioner and to annually renew such a license. The rules and regulations adopted hereunder shall provide for:

(a) the maximum fee to be charged any one person for an original license and the renewal thereof, such maximum fee not to exceed \$10;

(b) compliance with all requirements of the United States government relating to permits or certificates governing aircraft and airmen;

(c) compliance with all laws of the state of Minnesota and rules and regulations of any state department or agency promulgated thereunder;

~~(5)-(4)~~ To approve airport and restricted landing area sites and to license airports, restricted landing areas, or other air navigation facilities, in accordance with rules and regulations to be adopted by the commissioner, and to renew such licenses. Licenses granted under this subdivision or under any prior law shall be renewed annually or every three years upon payment of the fee therefor, and licenses shall be granted for airports and restricted landing areas which were being operated under a license on the 1st day of July 1943, without requirements of a certificate of approval, unless the commissioner shall reasonably determine, after a public hearing to be called by him and held in the same manner and upon the same notice as is provided for hearings upon certificates of approval or original licenses, that the operation of such airport or restricted landing area is hazardous to persons operating, using, or traveling in aircraft or to persons and property on the ground. He shall make no charge for approval certificates of proposed property acquisition for airport or restricted landing area purposes. He may charge for the issuance of each original license for an airport or restricted landing area not to exceed \$10 per year and not to exceed \$25 for three years, based on classifications made by the commissioner.

~~(6)-(5)~~ To suspend or revoke any license or certificate of registration of an aircraft ; ~~airman, or~~ licensee of commercial operations ; ~~or aeronautics instructor~~, issued by him, or to refuse to issue any such license or certificate of registration, when he shall reasonably determine that any aircraft is not airworthy or that any ~~airman~~; licensee of commercial operations ; ~~or aeronautics instructor~~ is not qualified has engaged in advertising by means of false or deceptive statements, has been found guilty of gross incompetency or gross negligence, has been found guilty of fraud, dishonesty, forgery, or theft, has wilfully violated the provisions of sections 360.013 to 360.075, the rules and regulations

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prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of congress or any rule or regulation promulgated pursuant thereto, is addicted to the use of narcotics or other habit forming drug or to the excessive use of intoxicating liquor, has made any false statement in any application for registration of a federal license, certificate or permit, or has been guilty of other conduct, acts, or practices dangerous to the public safety and the safety of those engaged in aeronautics.

Sec. 2. Minnesota Statutes 1971, Section 360.018, Subdivision 2, is amended to read:

Subd. 2. **OPERATIONS UNLAWFUL.** Except as hereinafter provided, 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 license, certificate, or permit issued by the United States Government which has been registered with the commissioner and such registration with the commissioner is in full force and effect, and it shall be unlawful for any person to engage in aeronautics as an airman in this state unless he has ~~from the commissioner an effective certificate of registration of~~ an appropriate effective airman's license, certificate or permit issued by the United States Government authorizing him to engage in the particular class of aeronautics in which he is engaged.

Sec. 3. Minnesota Statutes 1971, Section 360.018, Subdivision 3, is amended to read:

Subd. 3. **EXCEPTIONS TO REGISTRATION REQUIREMENTS.** The provisions of subdivision 1, paragraphs (1) ; ~~(2)~~ and ~~(3)-(2)~~ , and subdivision 2 shall not apply to:

(1) An aircraft which has been licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft;

(2) An aircraft which is owned by a nonresident of this state who is lawfully entitled to operate such aircraft in the state of his residence;

(3) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(4) 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;

(5) An airman operating an aircraft owned by, and used exclusively in the service of, any government or any political subdivision

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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;

(6) An airman operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft;

(7) Persons operating model aircraft, nor to any person piloting an aircraft which is equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser;

(8) A nonresident operating aircraft in this state who is lawfully entitled to operate aircraft in the state of his residence;

(9) *An airman while operating or taking part in the operation of an aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce.*

Sec. 4. Minnesota Statutes 1971, Section 360.075, Subdivision 6, is amended to read:

Subd. 6. ADDITIONAL PENALTIES, CERTAIN VIOLATIONS.
For any violation of subdivisions 1 and 5 or of any rule or regulation issued pursuant to section 360.015, in addition to 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 punished as a contempt of court. Upon a plea of guilty or conviction under said sections, in any case involving ~~a registrant under section 360.018~~ an airman, the court shall ~~cause a notation of such plea or conviction and of the sentence imposed to be marked upon the airman's certificate issued by the commissioner~~ issue an order prohibiting the airman from exercising, in the state of Minnesota, the privileges granted to him by his federal certificate for a period, in the discretion of the court, not to exceed one year, and shall notify the commissioner of any action involving a violation under this section by mailing a report to the commissioner showing the name and address of the violator, the offense charged, the time and place of violation, the plea, the finding of the court or jury, and the penalty imposed. ~~If the violator did not possess an airman's certificate at the time of his conviction, the commissioner shall cause a notation of the sentence imposed by the court to be marked on any airman's certificate subsequently issued to the violator.~~

Sec. 5. Minnesota Statutes 1971, Section 360.0751, Subdivision 4,
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is amended to read:

Subd. 4. REFUSAL TO PERMIT TEST; CEASE AND DESIST ORDER. If a person under arrest refuses to permit chemical testing, none shall be given, but the commissioner of aeronautics, upon the receipt of a certificate of the peace officer that he had reasonable and probable grounds to believe the arrested person had been operating or attempting to operate an aircraft while under the influence of an alcoholic beverage, and that the person had refused to permit the test, shall ~~revoke his certificate of registration or license~~ issue a cease and desist order prohibiting the operation of an aircraft for a period of one year. ~~If the person is a resident without a certificate of registration or license to operate an aircraft in this state, the commissioner of aeronautics shall deny to the person the issuance of a certificate of registration or license for a period of one year after the date of the alleged violation, subject to review as hereinafter provided.~~

Sec. 6. Minnesota Statutes 1971, Section 360.0751, Subdivision 5, is amended to read:

Subd. 5. NOTICE OF CEASE AND DESIST ORDER; REQUEST FOR HEARING. No ~~revocation-cease and desist order~~ under subdivision 4 shall be made until the commissioner notifies the person by certified or registered mail of ~~the his~~ intention to ~~revoke~~ issue a cease and desist order and allows him a 20 day period after the date of receiving the notice to request of the commissioner, in writing, a hearing as herein provided. If no request is filed within the 20 day period the commissioner may then issue ~~an a~~ cease and desist order of revocation. However if a request for hearing is filed, no ~~revocation-cease and desist order~~ hereunder shall be made until final judicial determination resulting in an adverse decision to the person.

Sec. 7. Minnesota Statutes 1971, Section 360.0751, Subdivision 6, is amended to read:

Subd. 6. HEARING. The hearing shall be before a municipal judge, or probate judge if no municipal judge is available, learned in the law, in the county where the arrest occurred, unless there is agreement that the hearing may be held in some other county. The hearing shall be recorded and proceed as in a criminal matter, without the right of trial by jury, and its scope shall cover the issues of whether the peace officer had reasonable and probable grounds to believe the person was operating or attempting to operate an aircraft while under the influence of an alcoholic beverage; whether the person was lawfully placed under arrest; whether he refused to permit the test, and if he refused whether he had reasonable grounds for refusing to permit the test; and whether at the time of request for the test the peace officer informed the person that his right to fly might be ~~revoked or~~ denied if he refused to permit the test and of his right to have additional tests made by a person of his own choosing. The court shall order either that the ~~revocation or~~ denial be rescinded or sustained and refer

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the order to the commissioner of aeronautics for his further action.

Sec. 8. Minnesota Statutes 1971, Section 360.0751, Subdivision 7, is amended to read:

Subd. 7. **REVIEW BY DISTRICT COURT.** If the ~~revocation or denial~~ is sustained, the person whose ~~certificate of registration or license-right to fly~~ has been ~~revoked or denied~~, may within 20 days after notice of the determination by the commissioner file a petition for a hearing of the matter in the district court in the county where the hearing pursuant to subdivision 6 was held unless there is agreement that the hearing may be held in some other county. The petition shall be filed with the clerk of court together with proof of service of a copy on the commissioner. It shall be the duty of the court to set the matter for hearing on a day certain with reasonable notice thereof to the parties. ~~The matter shall be heard de novo with a right of trial by jury.~~

Sec. 9. Minnesota Statutes 1971, Section 360.0751, Subdivision 8, is amended to read:

Subd. 8. **NOTICE OF ACTION TO OTHER STATES.** When it has been finally determined that a nonresident's privilege to operate an aircraft in this state has been ~~revoked or denied~~, the commissioner shall give information in writing of the action taken to the appropriate federal authorities and any state in which he operates an aircraft or has a license to operate an aircraft.

Approved January 24, 1974.

CHAPTER 9—H.F.No.2205
[Coded]

An act relating to drainage; providing that certain surpluses in ditch funds may be transferred to the general revenue fund by the county board; amending Minnesota Statutes 1971, Section 106.451, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 106.451, is amended by adding a subdivision to read:

Subd. 6. DITCHES; TRANSFER OF SURPLUS FUNDS. In any case where a surplus has existed in a ditch fund for a period of 20 years or more and where there have been no expenditures from such ditch fund during such period, the county board by a unanimous resolution may transfer the surplus remaining in the ditch fund to the general revenue fund of the county.

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