

360.015 COMMISSIONER; POWERS AND DUTIES.

Subdivision 1. **General supervision.** The commissioner shall have general supervision over aeronautics within this state. The commissioner 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 other air navigation facilities.

Subd. 2. **Cooperation with federal and other agencies.** (a) The commissioner shall cooperate with and assist the federal government, the municipalities of this state, and others engaged in aeronautics or the promotion of aeronautics and shall seek to coordinate the aeronautical activities of these bodies. To this end, the commissioner is empowered to confer with or to hold joint hearings with any federal aeronautical agency in connection with any matter arising under sections 360.011 to 360.076, or relating to the sound development of aeronautics, and to take advantage of the cooperation, services, records, and facilities of such federal agencies, as fully as may be practicable, in the administration and enforcement of sections 360.011 to 360.076. The commissioner shall reciprocate by furnishing cooperation, services, records, and facilities, insofar as may be practicable, to the federal agencies. The commissioner may also contract for the presentation of educational and informational programs that promote safety and interest in aeronautics.

(b) The commissioner shall report to the appropriate federal agency all accidents in aeronautics in this state of which the commissioner is informed. The commissioner shall also preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by the commissioner until a federal agency institutes an investigation. The commissioner shall report the following to the appropriate federal agency:

- (1) all refusals by the commissioner to register federal licenses, certificates, or permits;
- (2) all revocations of certificates of registration, and the reasons therefor; and
- (3) all penalties of which the commissioner has knowledge imposed upon airmen for violations of the laws of this state relating to aeronautics or violations of the rules or orders of the commissioner.

Subd. 3. **Rules.** The commissioner may perform such acts, issue and amend such orders, and make, promulgate, and amend such reasonable general or special rules and procedure and establish such minimum standards, consistent with the provisions of sections 360.011 to 360.076, as the commissioner shall deem necessary to carry out the provisions of sections 360.011 to 360.076, and to perform duties thereunder: all commensurate with and for the purpose of protecting and insuring 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 land or water, and to

develop and promote aeronautics in this state. No rule of the commissioner shall apply to airports or other air navigation facilities owned or controlled by the federal government within this state.

Whenever valid rules of the commissioner and rules and regulations of a municipality are inconsistent, the rules of the commissioner shall control and the rules and regulations of the municipality are void insofar as they are inconsistent with the rules of the commissioner. Nothing herein contained shall be construed to limit the right of a metropolitan airports commission created under Laws 1943, chapter 500, as amended, to make its own rules and regulations governing the internal administrative operations of an airport owned or operated by it as distinguished from rules governing flight and flight operations promulgated by the commissioner in the interests of safety.

Subd. 4. Conformity with federal regulations. 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.

Subd. 6. Changes to state airways system. The commissioner may designate, design, and establish, expand, or modify a state airways system which will best serve the interests of the state. The commissioner may chart such airways system and arrange for publication and distribution of such maps and charts and notices and bulletins relating to such airways as may be required in the public interest. The commissioner may make a charge for these sufficient to cover the cost of printing or reproduction. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities which conform to federal safety standards.

Subd. 7. Technical services to municipality. The commissioner may, insofar as is reasonably possible, offer the engineering or other technical services of the department, at mutually agreed terms, to any municipality desiring them in connection with the planning, acquisition, construction, maintenance, zoning, or operation or proposed planning, acquisition, construction, maintenance, zoning, or operation of an airport or restricted landing area.

Subd. 8. Legislation recommendations. The commissioner may draft and recommend necessary legislation to advance the interests of the state in aeronautics and represent the state in aeronautical matters before federal agencies and other state agencies.

Subd. 9. Participation in legal proceeding. The commissioner may participate as party plaintiff or defendant, or as intervenor, on behalf of the state or any municipality, or resident

thereof, in any controversy having to do with any claimed encroachment by the federal government or any foreign state upon any state or individual rights pertaining to aeronautics.

Subd. 10. **Enforcement; police power; deputize airport manager.** It shall be the duty of the commissioner, the commissioner's assistant, and all employees of the Department of Transportation and every state, county, and municipal officer charged with the enforcement of state and municipal laws to enforce and assist in the enforcement of sections 360.011 to 360.076, and of all rules issued pursuant thereto, and of all other laws of this state relating to aeronautics, and, in the aid of such enforcement, general police powers are hereby conferred upon the commissioner, the commissioner's assistant, and such of the employees of the department as may be designated by the commissioner to exercise such powers. The commissioner may also deputize airports managers to enforce on the airports managed by them all rules issued pursuant to the provisions of this section, and general police powers are hereby conferred upon such airport managers for the purposes of such enforcement. The commissioner is further authorized, in the name of this state, to enforce the provisions of sections 360.011 to 360.076, and the rules issued pursuant thereto by injunction in the courts of this state. Municipalities are authorized to cooperate with the commissioner in the development of aeronautics and aeronautics facilities in this state. The commissioner may use the facilities and services of other agencies of the state to the utmost extent possible, and such agencies are authorized and directed to make available such facilities and services.

Subd. 11. **Investigation and hearing.** The commissioner, the commissioner's assistant, or any employee of the department designated by the commissioner shall have the power to hold investigations, inquiries, and hearings concerning matters covered by the provisions of sections 360.011 to 360.076, and orders and rules of the commissioner and concerning accidents in aeronautics within this state. All hearings so conducted shall be open to the public. The commissioner, the commissioner's assistant, and every employee of the department designated by the commissioner to hold any inquiry, investigations, or hearing shall have power to administer oaths and affirmations, certify to all official acts, issue subpoenas, and compel the attendance and testimony of witnesses and the production of papers, books, and documents. In case of failure to comply with any subpoena or order issued under authority of sections 360.011 to 360.076, the commissioner, or the commissioner's authorized representative, may invoke the aid of any court of this state of general jurisdiction. The court may thereupon order the witness to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

Subd. 11a. **Aeronautical accident; blood test of victim; coroner to report death.** Every coroner or other official performing like functions shall report in writing to the Department of

Transportation the death of any person within that official's jurisdiction as a result of an accident involving an aircraft. Such report shall be made within five days after such death. In case an aircraft's pilot in command or the copilot are killed in an aeronautical accident, and if such death occurs within four hours after said accident, then and in such cases the coroner or other official performing like function shall examine the body and shall make such tests as are necessary to determine the presence and percentage concentration of alcohol, drugs, and carbon monoxide, if feasible, in the blood of the victim. This information shall be included in a report submitted to the Department of Transportation and shall be tabulated on an annual basis by the department. This information transmitted to the department may be used only for statistical purposes by the department which do not reveal the identity of the deceased.

The provisions hereof shall not be construed to limit the authority otherwise conferred by law on the coroner.

Subd. 12. Report of investigation; limitations on use. In order to facilitate the making of investigations by the commissioner, in the interest of public safety and promotion of aeronautics, the public interest requires, and it is therefor provided, that the reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in said investigation, hearing, or report thereof, except in case of criminal or other proceedings instituted in behalf of the commissioner of this state under the provisions of sections 360.011 to 360.076, and other laws of this state relating to aeronautics, nor shall the commissioner, the commissioner's assistant, or any employee of the department be required to testify to any facts ascertained in, or information gained by reason of, official capacity, or be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to the foregoing provisions, the commissioner may make available to appropriate federal and state agencies information and material developed in the course of such hearings and investigations.

Subd. 13. Financial assistance to municipality. The commissioner may render assistance in the acquisition, construction, improvement, or maintenance of airports and other air navigation facilities owned, controlled, or operated, or to be owned, controlled, or operated, by municipalities in this state, the cost of such assistance to be paid out of the state airports fund provided for by sections 360.011 to 360.076, and from appropriations made by the legislature for that purpose. State funds appropriated or made available for the acquisition, construction, improvement, or maintenance of such airports and other air navigation facilities may be expended only upon projects which are included in the state airways system established by the commissioner. No such state funds shall be available for work upon any project that is not done upon the supervision of the commissioner.

Subd. 14. **Contract.** The commissioner may enter into any contracts necessary to the execution of the powers granted the commissioner by sections 360.011 to 360.076.

Subd. 15. **Exclusive rights forbidden; lease permitted.** The commissioner shall grant no exclusive right for the use of any airway, airport, restricted landing area, or other air navigation facility under the commissioner's jurisdiction. This subdivision shall not prevent the making of leases in accordance with other provisions of sections 360.011 to 360.076.

Subd. 16. [Repealed, 2006 c 234 s 9]

Subd. 17. **Report to governor.** On or before October 1 in every even-numbered year, the commissioner shall make to the governor a full report of the proceedings of the department for the preceding two fiscal years, together with the commissioner's recommendations pertaining to the affairs of the department.

Subd. 18. **Custodian of records; attorney general designated as attorney.** (a) The commissioner shall be the custodian of and preserve the records of the department and of the official acts and determinations made by the commissioner or predecessors in office. All of the files and records of the department shall, under reasonable rules, be open to public inspection, and copies thereof certified by the commissioner as being true copies shall be received in evidence in any court in this state with the same force and effect as the originals.

(b) The attorney general shall be ex officio attorney for the commissioner and shall give the commissioner such legal counsel, advice, and assistance as the commissioner may require from time to time.

Subd. 19. **Keep books and records.** (a) The commissioner shall keep accurate and complete books of accounts to show in detail itemized receipts and disbursements of the airports fund. The books shall show the following facts, among others:

(1) the expenses of maintaining the department, including the salaries and expenses of the individual members thereof;

(2) the amounts of money expended in each county of the state for the construction or maintenance of airports or restricted landing areas, when, where, and upon what airport or restricted landing area expended, so that the cost for each such airport or restricted landing area can be easily ascertained;

(3) the amount of equipment and materials purchased and when, where, and from whom purchased.

(b) These books shall show the price paid for each item. The original invoice shall form a part of the permanent files and records in the department and shall be open to public inspection.

Subd. 20. [Repealed, 1988 c 698 s 7]

History: *1945 c 303 s 3; 1947 c 175 s 1; 1947 c 363 s 2,3; 1955 c 847 s 27; 1969 c 381 s 1; 1971 c 643 s 1; 1973 c 492 s 14; 1974 c 406 s 68; 1975 c 159 s 1; 1976 c 166 s 7; 1978 c 660 s 1; 1978 c 674 s 58; Ex1979 c 1 s 47; 1981 c 253 s 32-34; 1982 c 617 s 23; 1984 c 609 s 24; 1985 c 248 s 70; 1986 c 444; 1997 c 7 art 2 s 51; 1999 c 99 s 19*