

## CHAPTER 103

## AERONAUTICS. COMMISSION, POWERS AND DUTIES

H. F. 223

AN ACT to create a commission of aeronautics; to prescribe the powers and duties thereof; to provide for investigations and hearings by said commission; to provide for certain law enforcement duties thereof, and for appeal from the orders of said commission.

*Be it enacted by the General Assembly of the State of Iowa:*

1     **SECTION 1. Commission created.** There is hereby created within  
2 the department of the adjutant general, a commission of aeronautics  
3 which shall consist of three persons, not more than two of whom  
4 shall belong to the same political party and who shall be appointed  
5 by the governor, with the approval of two thirds of the members  
6 of the senate in executive session.

1     **SEC. 2. Tenure.** The members of said commission shall hold  
2 office for four years, except that after the first commission one mem-  
3 ber shall be appointed for the period ending on the third Monday  
4 in January, 1935, one for the period ending on the third Monday  
5 in January, 1936, and one for the period ending on the third Mon-  
6 day in January, 1937.

1     **SEC. 3. Vacancies.** Vacancies on the commission shall be filled  
2 by appointment by the governor for the balance of the unexpired  
3 term.

1     **SEC. 4. Compensation—expenses—offices.** The members of the  
2 aeronautical commission shall serve without compensation. The com-  
3 mission shall be given office space in the offices of the adjutant gen-  
4 eral who shall supply necessary stenographic and clerical help from  
5 the personnel of his office as well as necessary records and stationery.  
6 The executive council of the state of Iowa shall designate rooms  
7 within the statehouse for any hearings herein provided, held in  
8 Des Moines and court rooms of the district court in the county where  
9 the hearing is held, shall be used for other hearings. The members  
10 of the commission shall be reimbursed by the adjutant general for  
11 any actual necessary expenses incurred by them in attending upon  
12 hearings. All other expenses in connection with the administration  
13 of this act shall be paid from the appropriations to the department  
14 of the adjutant general.

1     **SEC. 5. Investigations and hearings.** The commission or any  
2 commissioner, or officer of the commission designated by the com-  
3 mission, shall have the power to hold investigations, inquiries and  
4 hearings concerning matters relating to aeronautics, and all acci-  
5 dents in aeronautics within this state. All hearings conducted by  
6 the commission shall be open to the public.

1     **SEC. 6. Oaths—subpoenas.** Each commissioner, and every officer  
2 of the commission designated by it to hold any inquiry, investiga-  
3 tion or hearing, shall have the power to administer oaths and af-  
4 firmations, certify to all official acts, issue subpoenas, compel the

5 attendance and testimony of witnesses, and the production of papers,  
6 books, and documents. On request of the commission or any officer  
7 or member thereof subpoenas as above authorized shall be issued  
8 by any court of record or by the clerk thereof in vacation.

1 **SEC. 7. Contempt—procedure.** In case of failure to comply with  
2 any subpoena or order issued under authority of the said commis-  
3 sion, or its authorized representative, the commission, commissioner  
4 or officer may invoke the aid of any district court in this state. The  
5 court may thereupon order the witness to comply with the require-  
6 ments of the subpoena, and give such evidence as he may be able  
7 touching the matter in question. Any failure to obey the order of  
8 said court may be punished by the court as a contempt thereof.

1 **SEC. 8. Records and testimony.** The reports of investigations, or  
2 hearings, or any part thereof, shall not be admitted in evidence or  
3 used for any purpose in any suit, action, or proceedings, growing  
4 out of any matter referred to in said investigation, hearing, or re-  
5 port thereof, except in case of criminal or other proceedings insti-  
6 tuted by or in behalf of the commission under the provisions of the  
7 act, nor shall any commissioner or employee of the said commission  
8 be required to testify to any facts ascertained in, or information  
9 gained by reason of, his official capacity, and further, no commis-  
10 sioner shall be required to testify as an expert witness in any suit,  
11 action or proceeding involving any aircraft.

1 **SEC. 9. Cooperation.** It shall be the duty of the commission to  
2 properly instruct every state highway maintenance policeman, and  
3 every county and municipal officer charged with the enforcement of  
4 state and municipal laws, to enforce, and assist in the enforcement  
5 of the laws of this state pertaining to aeronautics.

1 **SEC. 10. Injunction.** The commission is further authorized to  
2 enforce the provisions of the aeronautics laws of the state by in-  
3 junction in the district courts of this state.

1 **SEC. 11. Appeal—procedure.** Any party aggrieved by any final  
2 ruling or decision of said commission may take an appeal therefrom  
3 to the district court of the county of his residence if within this  
4 state, or if he resides outside the state then to the district court of  
5 the county where the matters ruled upon by said commission arose.  
6 Said appeal to be taken and perfected by serving upon any member  
7 of said commission a notice of said appeal stating briefly the ruling  
8 or decision appealed from. Said notice shall be served as original  
9 notices are served in the district court and by filing the same in the  
10 office of the clerk of the district court to which said appeal is taken  
11 within thirty (30) days from the making of the order or decision  
12 appealed from. The appeal shall be docketed for trial not less than  
13 ten (10) days after the filing in the clerk's office of said notice of  
14 appeal and shall be tried by the district court, the parties filing such  
15 pleadings as they may desire, subject to the prevailing rules of  
16 pleading in this state. Upon trial of the appeal the court shall hear  
17 evidence as to matters concerning the order in question, as to the  
18 condition of the property in question and the manner of its opera-

19 tion, and shall enter judgment either affirming or setting aside the  
 20 order of the commission, or the court may remand the matter to  
 21 the commission for further hearing. The filing of the notice of  
 22 appeal shall operate as a supersedeas. Other departments and po-  
 23 litical subdivisions of this state are further authorized to cooperate  
 24 with the aeronautics commission in the development of aeronautics  
 25 and aeronautic facilities within the state.

1 **SEC. 12. Failure to appeal—waiver.** If no appeal is taken from  
 2 the order of the commission within the period fixed, the party against  
 3 whom the order was entered, shall be deemed to have waived the  
 4 right to have the reasonableness or lawfulness of the order reviewed  
 5 by a court and there shall be no trial of that issue in any court in  
 6 which suit may be instituted for the penalty for failure to comply  
 7 with the order.

1 **SEC. 13. Administration.** The commission shall cooperate in  
 2 every way with the department of the adjutant general and with  
 3 his advice and assistance shall administer this act. The commission  
 4 may make and adopt such rules and regulations for the administra-  
 5 tion of this act as it may deem necessary, not inconsistent with the  
 6 provisions of this act.

House File No. 223. Approved March 9, 1934.

## CHAPTER 104

### AERONAUTICS. AMENDATORY TO HOUSE FILE 223

S. F. 328

AN ACT to amend House File 223, acts of the Forty-fifth General Assembly in extraordi-  
 nary session, relating to the tenure of office of members of the commission of  
 aeronautics.

*Be it enacted by the General Assembly of the State of Iowa:*

1 **SECTION 1.** Amend House File 223, acts of the Forty-fifth General  
 2 Assembly in extraordinary session, by striking from section two  
 3 (2), line 2, the word "after" and inserting in lieu thereof the word  
 4 "on"; also, by inserting a comma following the word "except" in  
 5 said line of said section; also, by inserting a comma following the  
 6 word "commission" in said line of said section.

1 **SEC. 2.** This act, being deemed of immediate importance, shall  
 2 be in force and effect from and after its passage and publication in  
 3 the Hamburg Reporter, a newspaper published at Hamburg, Iowa,  
 4 and the Pocahontas Record-Democrat, a newspaper published at  
 5 Pocahontas, Iowa.

Senate File No. 328. Approved March 12, 1934.

I hereby certify that the foregoing act was published in the Hamburg Reporter and  
 Pocahontas Record-Democrat, March 22, 1934.

MRS. ALEX MILLER, *Secretary of State.*