

CHAPTER 1175

AIRPORTS AND AERONAUTICS

S. F. 1278

AN ACT relating to airports and aeronautics and providing for a fee.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-eight point one (328.1), subsection
2 thirteen (13), Code 1975, is amended to read as follows:

3 13. "~~Municipality~~" "*Governmental subdivision*" means any county, *or* city,
4 ~~village or township~~, of this state, and any other political subdivision, public
5 corporation, authority, or district in this state which is or may be authorized by
6 law to acquire, establish, construct, maintain, improve, and operate landing areas
7 and other air navigation facilities.

1 SEC. 2. Section three hundred twenty-eight point one (328.1), Code 1975, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Air carrier airport" means an existing public airport
4 regularly served by an air carrier, other than a supplemental air carrier,
5 certificated by the civil aviation board under section four hundred one (401) of
6 the Federal Aviation Act of 1958.

7 NEW SUBSECTION. "General aviation airport" means any airport that is not an
8 air carrier airport.

1 SEC. 3. Section three hundred twenty-eight point twelve (328.12), subsection
2 four (4), Code 1975, is amended to read as follows:

3 4. Technical services available. It shall, insofar as is reasonably possible, make
4 available the engineering, *management consulting*, and other technical services of
5 the department, without charge, in connection with aeronautics.

1 SEC. 4. Section three hundred twenty-eight point twelve (328.12), subsection
2 five (5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter thirty-five (35), section sixteen (16), is amended to read as
4 follows:

5 5. Intervention. It may participate as party plaintiff or defendant, or as
6 intervenor, complainant or movant, on behalf of the state or any ~~municipality~~
7 *governmental subdivision* or citizen thereof, in any proceeding having to do with
8 aeronautics.

1 SEC. 5. Section three hundred twenty-eight point twelve (328.12), Code 1975,
2 is amended by adding the following new subsections:

3 NEW SUBSECTION. **Sufficiency ratings.** It shall issue sufficiency ratings for
4 all airports in the state based on the functional classification of those airports as
5 set out in the department's annual transportation plan.

6 NEW SUBSECTION. **Centralized purchasing agency.** It may encourage
7 governmental subdivisions to utilize its services as a centralized purchasing
8 agency for items including but not limited to airport and aeronautics equipment
9 and chemicals.

10 NEW SUBSECTION. **Safety inspections.** It may enter into agreements and
11 otherwise cooperate with federal authorities in the safety inspection of registered
12 landing areas and may promulgate safety standards for airports.

13 NEW SUBSECTION. **Newsletter.** It may publish and distribute by subscription
14 a state aeronautics newsletter or magazine. The department may charge a
15 reasonable fee for subscriptions to such a newsletter or magazine.

1 SEC. 6. Section three hundred twenty-eight point thirteen (328.13), Code 1975,
2 is amended to read as follows:

3 **328.13 Co-operation with federal government.** The ~~commission~~ *department* is
4 authorized to cooperate with the government of the United States, and any
5 agency or department thereof, in the *planning*, acquisition, construction,
6 improvement, maintenance and operation of airports and other air navigation
7 facilities in this state, and to comply with the provisions of the laws of the United
8 States and any regulations made thereunder for the expenditures of federal
9 moneys upon such airports and other navigation facilities; ~~provided, however,~~
10 ~~that no matching of federal funds by state funds may be made unless such federal~~
11 ~~moneys have been accepted by the general assembly.~~

1 SEC. 7. Section three hundred twenty-eight point fourteen (328.14), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **328.14 Authority to receive federal moneys for the state and governmental**
5 **subdivisions.**

6 1. The department shall act as agent for the state and shall upon request act as
7 agent for a governmental subdivision which owns a general aviation or air carrier
8 airport in accepting, receiving and receipting for all federal moneys provided that
9 the request is submitted to the department by March first of each year. The
10 department when acting as agent shall contract for all airport projects in which
11 planning, construction, acquisition or improvements include federal or state
12 funds, and the political subdivision owning the airport shall select all consultants.
13 The department shall not have jurisdiction over the operation or maintenance of
14 the airport after completion of the project, except for those contractual
15 stipulations agreed to by all parties prior to receipt of state funds.

16 2. The department shall include in the annual report made by the department
17 to the governor a report of all federal moneys it accepts, receives and receipts for
18 under the provisions of this section.

1 SEC. 8. Section three hundred twenty-eight point fifteen (328.15), Code 1975,
2 is amended to read as follows:

3 **328.15 Contracts—law governing.** All contracts for the *planning*, acquisition,
4 construction, improvement, maintenance, and operation of airports, or other air
5 navigation facilities made by the ~~commission~~ *department*, either as the agent of
6 this state or of any ~~municipality~~ ~~or made by any such municipality itself~~
7 ~~governmental subdivision~~, shall be made pursuant to the laws of this state
8 governing the making of like contracts; provided, however, that where such
9 undertaking is financed wholly or partially with federal moneys, the ~~commission~~
10 ~~department~~, as such agent, or the ~~municipality~~ ~~governmental subdivision~~ acting for
11 itself, may let contracts in the manner prescribed by the federal authorities, acting
12 under the laws of the United States, and any rules or regulations made
13 thereunder, notwithstanding any other state law to the contrary.

1 SEC. 9. Section three hundred twenty-eight point sixteen (328.16), Code 1975,
2 is amended to read as follows:

3 **328.16 Disposition of federal funds.** All moneys accepted for disbursement
4 by the ~~commission~~ *department* pursuant to section 328.14 shall be deposited in the
5 state treasury, and, unless otherwise prescribed by the authority from which the
6 money is received, kept in separate funds, designated according to the purposes
7 for which the moneys were made available, and held by the state in trust for such
8 purposes. All such moneys are hereby appropriated for the purposes for which the
9 same were made available, to be expended in accordance with federal laws and
10 regulations and with this chapter. The ~~commission~~ *department* is authorized,
11 whether acting for this state or as the agent of any of its ~~municipalities~~
12 ~~governmental subdivisions~~, or when requested by the United States government or
13 any agency or department thereof, to disburse such moneys for the designated

14 purposes, but this shall not preclude any other authorized method of
15 disbursement.

1 SEC. 10. Section three hundred twenty-eight point nineteen (328.19), Code
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
3 chapter one hundred eighty-six (186), is amended by striking the section and
4 inserting in lieu thereof the following:

5 **328.19 Registration.**

6 1. The department shall promulgate rules pursuant to the provisions of chapter
7 seventeen A (17A) of the Code governing the issuance by the department of
8 certificates of registration to all airports in this state which are open for use by the
9 public and governing the annual renewal of those certificates. These rules shall
10 require that an airport applying for a certificate of registration or for a renewal
11 shall comply with minimum standards of safety as promulgated by the
12 department, adopt safe air traffic patterns, and demonstrate that such air traffic
13 patterns are safely coordinated with those of all existing airports and approved
14 airport sites in its vicinity before the certificates of registration or certificate of
15 renewal may be issued. Certificates of registration or renewal may be issued
16 subject to any conditions the department deems necessary to carry out the
17 purposes of this section. The department may, after notice and opportunity for
18 hearing as provided in chapter seventeen A (17A) of the Code, revoke any
19 certificate of registration or renewal, or may refuse to issue a renewal, when it
20 determines:

- 21 a. That there has been an abandonment of the airport as such;
- 22 b. That there has been a failure to comply with the conditions of the
23 registration or renewal thereof; or
- 24 c. That because of change of physical or legal conditions or circumstances the
25 airport has become either unsafe or unusable for the aeronautical purposes for
26 which the registration or renewal was issued.

27 2. The department shall promulgate rules pursuant to the provisions of chapter
28 seventeen A (17A) of the Code governing the issuance by the department of
29 certificates of airport site approval. These rules shall provide that any person or
30 governmental subdivision desiring or planning to construct or establish an airport
31 shall obtain a certificate of site approval prior to acquisition of the site or prior to
32 the construction or establishment of the airport. The department shall charge a
33 reasonable fee, based on the cost of a safety inspection of the site approval
34 application, for the issuance of a certificate of site approval, and shall issue such a
35 certificate if it finds:

- 36 a. That the site is adequate for the proposed airport;
- 37 b. That such proposed airport, if constructed or established, will conform to
38 minimum standards of safety as promulgated by the department; and
- 39 c. That safe air traffic patterns are established for the proposed airport which
40 are safely coordinated with the traffic patterns of all existing airports and
41 approved airport sites in its vicinity.

42 3. A certificate of site approval shall remain in effect until a certificate of
43 registration has been issued to an airport located on the approved site as provided
44 in subsection one (1) of this section, unless the department, after notice and
45 opportunity for hearing, revokes the certificate of site approval upon a finding
46 that:

- 47 a. There has been an abandonment of the site as an airport site;
- 48 b. There has been a failure within two years to develop the site as an airport, or
49 to comply with the conditions of the approval; or
- 50 c. Because of change of physical or legal conditions or circumstances the site is
51 no longer usable for the aeronautical purposes for which the approval was
52 granted.

53 4. No certificate of site approval shall be required for the site of any existing
54 airport.

55 5. In considering an application for approval of a proposed airport site or the
56 issuance of an airport registration certificate under subsections one (1) and two
57 (2) of this section, the department may, on its own motion or upon the request of
58 an affected or interested person, hold a hearing as provided in chapter seventeen
59 A (17A) of the Code.

1 SEC. 11. Section three hundred twenty-eight point thirty-five (328.35), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **328.35 Exceptions to registration requirements.**

5 1. The provisions of sections three hundred twenty-eight point nineteen (328.19)
6 and three hundred twenty-eight point twenty (328.20) of the Code shall not apply
7 to:

8 a. An aircraft which has been registered by a foreign country with which the
9 United States has a reciprocal agreement covering the operations of registered
10 aircraft.

11 b. An aircraft which is owned by a resident of this state but which is
12 continuously located and operated beyond the boundaries of the state.

13 c. Any airport, landing area, or other air navigation facility owned or operated
14 by the federal government within this state.

15 2. No minimum standards of safety shall apply to the approval of sites or
16 registration or renewal of a registration certificate for an airport owned by anyone
17 other than a governmental subdivision.

18 3. No registration or site approval is required for an airport maintained solely
19 for personal use and not for hire.

1 SEC. 12. Chapter three hundred twenty-eight (328), Code 1975, is amended by
2 adding the following new sections:

3 **NEW SECTION. Marking public aircraft.** All aircraft owned by the state or a
4 governmental subdivision of the state shall be marked to show ownership in a
5 readily apparent manner. The department may promulgate regulations for
6 marking such aircraft.

7 **NEW SECTION. Biennial report.** The commission shall publish biennially an
8 airport directory which shall contain a listing of all airports in the state which are
9 open to public use. The department may charge a reasonable fee based on the
10 cost of publication and distribution to those persons receiving a copy of the
11 directory.

12 **NEW SECTION. Inspections of governmental subdivision airports.** All
13 governmental subdivision airports shall be inspected by the department between
14 July 1, 1976 and July 1, 1977 and shall have one year from the date of inspection
15 to comply with the rules established by the department.

1 SEC. 13. Section three hundred twenty-nine point one (329.1), subsection two
2 (2), Code 1975, is amended by striking the subsection and inserting in lieu thereof
3 the following:

4 2. "Airport hazard" means any structure or tree or use of land which would
5 exceed the federal obstruction standards as contained in fourteen Code of Federal
6 Regulations sections seventy-seven point twenty-one (77.21), seventy-seven point
7 twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March
8 4, 1972, and which obstruct the air space required for the flight of aircraft and
9 landing or takeoff at an airport or is otherwise hazardous to such landing or
10 taking off of aircraft.

1 SEC. 14. Section three hundred thirty point nine (330.9), unnumbered
2 paragraph three (3), Code 1975, is amended to read as follows:

3 ~~The commission~~ *department* shall ~~furthermore require~~ *issue approval of the plans*
4 *and specifications if it finds that the plans and specifications be they are in*
5 *substantial accord with the rules promulgated by the department or with the*
6 *regulations of the United States department of commerce federal aviation*

7 *administration* or other department of the federal government having general
 8 supervision of air navigation as it relates to plans and specifications for airports.
 9 ~~And if so found it shall approve such plans and specifications.~~

Approved May 28, 1976

CHAPTER 1176

AIRCRAFT POOL

H. F. 1584

AN ACT creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter three hundred twenty-eight (328), Code 1975, is amended
 2 by adding the following new section:

3 **NEW SECTION. State aircraft pool and revolving fund.**

4 1. There is created within the department a state aircraft pool consisting of
 5 state-owned aircraft to be used for the purpose of providing air transportation to
 6 state officers, employees and other persons authorized to travel on official state
 7 business. The department shall promulgate rules relating to the operation and use
 8 of the state aircraft pool. The use of state aircraft in the state aircraft pool for
 9 official state business shall be scheduled by the department.

10 2. The following persons may be transported in state pool aircraft:

11 a. Any elected or appointed officer of state government.

12 b. Any employee of state government.

13 c. Any other person who may be traveling on official public business in the
 14 interest of the state when authorized by a department head.

15 3. There is created a state aircraft revolving fund which shall be used by the
 16 department to purchase, sell, operate, maintain and repair aircraft in the state
 17 aircraft pool. No state department or agency, except the department of public
 18 safety, the state board of regents and the department, shall purchase or sell
 19 aircraft. The department shall determine the hourly operational cost of the
 20 various aircraft in the state aircraft pool and submit a monthly statement to each
 21 state agency using aircraft from the pool. The operational cost shall be paid by
 22 the state agency to the department in the same manner as other expenses of the
 23 state agency are paid and the payment shall be credited to the state aircraft
 24 revolving fund. All expenses relating to the operation and maintenance of the
 25 aircraft in the state aircraft pool shall be paid from the state aircraft revolving
 26 fund. The operation costs of an aircraft shall include all expenses relating to the
 27 operation and maintenance of aircraft including the salaries, support, and
 28 maintenance of state aircraft pool personnel and insurance, hangar rental, office
 29 supply and equipment and other miscellaneous overhead costs.

30 4. All state departments, boards, and commissions, except the department of
 31 public safety and the state board of regents, shall charter aircraft from the state
 32 aircraft pool. If aircraft are not available within the pool, the state aircraft pool
 33 may provide for the chartering or rental of aircraft from other public or private
 34 persons or agencies.

35 5. The department shall report annually to the general assembly not later than
 36 January fifteenth on the status of the state aircraft pool, which report shall
 37 include information on the operational status of each aircraft, operational income
 38 and expenses, number of travelers, and recommendations relating to future needs.