

FILED MAR 25 1976

SENATE FILE 1278

By COMMITTEE ON TRANSPORTATION

*Substituted for #1454 5/4*

Passed Senate, Date 4-21-76 (1234) Passed House, Date 5-4-76 (2400)

Vote: Ayes 46 Nays 0 Vote: Ayes 87 Nays 0

Approved 5-28-76

*Motion to reconsider + 22 (1407)  
" do 4-29 (1645)*

*Referred House as amended by Senate  
5-14-76 (2783)*

*Prepared Senate for House amendment  
see amendment 5-11-76 (1857)*

# A BILL FOR

*20-1*

1 An Act relating to airports and aeronautics and providing  
2 for a fee.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4  
5

## HOUSE AMENDMENT TO SENATE FILE 1278

S-5691

1 Amend Senate File 1278, as passed by the Senate,  
2 as follows:

3 1. Page 3, line 13 by inserting after the word  
4 "consultants." the words "The department may perform,  
5 upon request by the political subdivision, any con-  
6 sulting services necessary for acquisition, planning,  
7 construction and certification of the airport  
8 facilities. All costs of such consulting services  
9 shall be reimbursed to the department by the  
10 political subdivision and deposited to the credit  
11 of the fund from which the costs were paid."

12 2. Page 3, lines 33 and 34, by striking the  
13 words "~~or the municipality acting for itself,~~" and  
14 inserting in lieu thereof the words "or the  
15 municipality governmental subdivision acting for  
16 itself,".

S-5691 FILED  
MAY 6, 1976

RECEIVED FROM THE HOUSE  
*Senate concerned as amended  
5/11 (1857)*

FILED MAR 25 1976

SENATE FILE 1278

By COMMITTEE ON TRANSPORTATION

*Substituted for <sup>#7</sup> 1454 5/4*

Passed Senate, Date 4-21-76 (1334) Passed House, Date 5-4-76 (2400)

Vote: Ayes 46 Nays 0 Vote: Ayes 87 Nays 0

Approved 5-28-76

*Motion to reconsider 4-22 (1407)*

*" w. d. 4-29 (p. 1645)*

*Repassed Senate for House expenditure  
as amended 5-11-76 (1857)*

*Repassed House as amended by Senate*

*5-14-76 (2788)*

*80-1*

# A BILL FOR

1 An Act relating to airports and aeronautics and providing  
2 for a fee.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

## HOUSE AMENDMENT TO SENATE FILE 1278

S-5691

1 Amend Senate File 1278, as passed by the Senate,  
2 as follows:

3 1. Page 3, line 13 by inserting after the word  
4 "consultants." the words "The department may perform,  
5 upon request by the political subdivision, any con-  
6 sulting services necessary for acquisition, planning,  
7 construction and certification of the airport  
8 facilities. All costs of such consulting services  
9 shall be reimbursed to the department by the  
10 political subdivision and deposited to the credit  
11 of the fund from which the costs were paid."

12 2. Page 3, lines 33 and 34, by striking the  
13 words "~~or the municipality acting for itself,~~" and  
14 inserting in lieu thereof the words "or the  
15 municipality governmental subdivision acting for  
16 itself,".

S-5691 FILED  
MAY 6, 1976

RECEIVED FROM THE HOUSE

*Senate concurred as amended  
5/11 (1857)*

24

25

1 Section 1. Section three hundred twenty-eight point one  
2 (328.1), subsection thirteen (13), is amended to read as fol-  
3 lows:

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

10 Sec. 2. Section three hundred twenty-eight point one  
11 (328.1), Code 1975, is amended by adding the following new  
12 subsections:

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

18 NEW SUBSECTION. "General aviation airport" means any air-  
19 port that is not an air carrier airport.

20 Sec. 3. Section three hundred twenty-eight point twelve  
21 (328.12), subsection four (4), is amended to read as follows:

22 4. TECHNICAL SERVICES AVAILABLE. It shall, insofar as  
23 is reasonably possible, make available the engineering, manage-  
24 ment consulting, and other technical services of the depart-  
25 ment, without charge, in connection with aeronautics.

26 Sec. 4. Section three hundred twenty-eight point twelve  
27 (328.12), subsection five (5), Code 1975, as amended by Acts  
28 of the Sixty-sixth General Assembly, 1975 Session, chapter  
29 thirty-five (35), section sixteen (16), is amended to read  
30 as follows:

31 5. INTERVENTION. It may participate as party plaintiff  
32 or defendant, or as intervenor, complainant or movant, on  
33 behalf of the state or any municipality governmental  
34 subdivision or citizen thereof, in any proceeding having to  
35 do with aeronautics.

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

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

8     NEW SUBSECTION. CENTRALIZED PURCHASING AGENCY. It may  
9 encourage governmental subdivisions to utilize its services  
10 as a centralized purchasing agency for items including but  
11 not limited to airport and aeronautics equipment and chemicals.

12     NEW SUBSECTION. SAFETY INSPECTIONS. It may enter into  
13 agreements and otherwise cooperate with federal authorities  
14 in the safety inspection of registered landing areas and may  
15 promulgate safety standards for airports.

16     NEW SUBSECTION. NEWSLETTER. It may publish and distribute  
17 by subscription a state aeronautics newsletter or magazine.  
18 The department may charge a reasonable fee for subscriptions  
19 to such a newsletter or magazine.

20     Sec. 6. Section three hundred twenty-eight point thirteen  
21 (328.13), Code 1975, is amended to read as follows:

22     328.13 CO-OPERATION WITH FEDERAL GOVERNMENT. The  
23 ~~commission~~ department is authorized to cooperate with the  
24 government of the United States, and any agency or department  
25 thereof, in the planning, acquisition, construction,  
26 improvement, maintenance and operation of airports and other  
27 air navigation facilities in this state, and to comply with  
28 the provisions of the laws of the United States and any  
29 regulations made thereunder for the expenditures of federal  
30 moneys upon such airports and other navigation facilities,  
31 ~~provided, however, that no matching of federal funds by state~~  
32 ~~funds may be made unless such federal moneys have been accepted~~  
33 ~~by the general assembly.~~

34     Sec. 7. Section three hundred twenty-eight point fourteen  
35 (328.14), Code 1975, is amended by striking the section and

1 inserting in lieu thereof the following:

2 328.14 AUTHORITY TO RECEIVE FEDERAL MONEYS FOR THE STATE  
3 AND GOVERNMENTAL SUBDIVISIONS.

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

18 2. The department shall include in the annual report made  
19 by the department to the governor a report of all federal  
20 moneys it accepts, receives and receipts for under the pro-  
21 visions of this section.

22 Sec. 8. Section three hundred twenty-eight point fifteen  
23 (328.15), Code 1975, is amended to read as follows:

24 328.15 CONTRACTS--LAW GOVERNING. All contracts for the  
25 planning, acquisition, construction, improvement, maintenance,  
26 and operation of airports, or other air navigation facilities  
27 made by the ~~commission~~ department, either as the agent of  
28 this state or of any ~~municipality-or-made-by-any-such~~  
29 municipality-itself governmental subdivision, shall be made  
30 pursuant to the laws of this state governing the making of  
31 like contracts; provided, however, that where such under-  
32 taking is financed wholly or partially with federal moneys,  
33 the ~~commission~~ department, as such agent, ~~or-the-municipality~~  
34 acting-for-itself, may let contracts in the manner prescribed  
35 by the federal authorities, acting under the laws of the

1 United States, and any rules or regulations made thereunder,  
2 notwithstanding any other state law to the contrary.

3 Sec. 9. Section three hundred twenty-eight point sixteen  
4 (328.16), Code 1975, is amended to read as follows:

5 328.16 DISPOSITION OF FEDERAL FUNDS. All moneys accepted  
6 for disbursement by the ~~commission~~ department pursuant to  
7 section 328.14 shall be deposited in the state treasury, and,  
8 unless otherwise prescribed by the authority from which the  
9 money is received, kept in separate funds, designated ac-  
10 cording to the purposes for which the moneys were made  
11 available, and held by the state in trust for such purposes.  
12 All such moneys are hereby appropriated for the purposes for  
13 which the same were made available, to be expended in  
14 accordance with federal laws and regulations and with this  
15 chapter. The ~~commission~~ department is authorized, whether  
16 acting for this state or as the agent of any of its  
17 ~~municipalities~~ governmental subdivisions, or when requested  
18 by the United States government or any agency or department  
19 thereof, to disburse such moneys for the designated purposes,  
20 but this shall not preclude any other authorized method of  
21 disbursement.

22 Sec. 10. Section three hundred twenty-eight point nine-  
23 teen (328.19), Code 1975, as amended by Acts of the Sixty-  
24 sixth General Assembly, 1975 Session, chapter one hundred  
25 eighty-six (186), is amended by striking the section and  
26 inserting in lieu thereof the following:

27 328.19 REGISTRATION.

28 1. The department shall promulgate rules pursuant to the  
29 provisions of chapter seventeen A (17A) of the Code governing  
30 the issuance by the department of certificates of registration  
31 to all airports in this state which are open for use by the  
32 public and governing the annual renewal of those certificates.  
33 These rules shall require that an airport applying for a  
34 certificate of registration or for a renewal shall comply  
35 with minimum standards of safety as promulgated by the

1 department, adopt safe air traffic patterns, and demonstrate  
2 that such air traffic patterns are safely coordinated with  
3 those of all existing airports and approved airport sites  
4 in its vicinity before the certificates of registration or  
5 certificate of renewal may be issued. Certificates of regis-  
6 tration or renewal may be issued subject to any conditions  
7 the department deems necessary to carry out the purposes of  
8 this section. The department may, after notice and oppor-  
9 tunity for hearing as provided in chapter seventeen A (17A)  
10 of the Code, revoke any certificate of registration or renewal,  
11 or may refuse to issue a renewal, when it determines:

12 a. That there has been an abandonment of the airport as  
13 such;

14 b. That there has been a failure to comply with the  
15 conditions of the registration or renewal thereof; or

16 c. That because of change of physical or legal condi-  
17 tions or circumstances the airport has become either unsafe  
18 or unusable for the aeronautical purposes for which the  
19 registration or renewal was issued.

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

32 a. That the site is adequate for the proposed airport;

33 b. That such proposed airport, if constructed or estab-  
34 lished, will conform to minimum standards of safety as  
35 promulgated by the department; and

1 c. That safe air traffic patterns are established for  
2 the proposed airport which are safely coordinated with the  
3 traffic patterns of all existing airports and approved air-  
4 port sites in its vicinity.

5 3. A certificate of site approval shall remain in ef-  
6 fect until a certificate of registration has been issued to  
7 an airport located on the approved site as provided in sub-  
8 section one (1) of this section, unless the department, after  
9 notice and opportunity for hearing, revokes the certificate  
10 of site approval upon a finding that:

11 a. There has been an abandonment of the site as an air-  
12 port site;

13 b. There has been a failure within two years to develop  
14 the site as an airport, or to comply with the conditions of  
15 the approval; or

16 c. Because of change of physical or legal conditions or  
17 circumstances the site is no longer usable for the aeronautical  
18 purposes for which the approval was granted.

19 4. No certificate of site approval shall be required for  
20 the site of any existing airport.

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

27 Sec. 11. Section three hundred twenty-eight point thirty-  
28 five (328.35), Code 1975, is amended by striking the section  
29 and inserting in lieu thereof the following:

30 328.35 EXCEPTIONS TO REGISTRATION REQUIREMENTS.

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

34 a. An aircraft which has been registered by a foreign  
35 country with which the United States has a reciprocal agree-

1 ment covering the operations of registered aircraft.

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

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

8 2. No minimum standards of safety shall apply to the  
9 approval of sites or registration or renewal of a registra-  
10 tion certificate for an airport owned by anyone other than  
11 a governmental subdivision.

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

14 Sec. 12. Chapter three hundred twenty-eight (328), Code  
15 1975, is amended by adding the following new sections:

16 NEW SECTION. MARKING PUBLIC AIRCRAFT. All aircraft owned  
17 by the state or a governmental subdivision of the state shall  
18 be marked to show ownership in a readily apparent manner.  
19 The department may promulgate regulations for marking such  
20 aircraft.

21 NEW SECTION. BIENNIAL REPORT. The commission shall publish  
22 biennially an airport directory which shall contain a list-  
23 ing of all airports in the state which are open to public  
24 use. The department may charge a reasonable fee based on  
25 the cost of publication and distribution to those persons  
26 receiving a copy of the directory.

27 NEW SECTION. INSPECTIONS OF GOVERNMENTAL SUBDIVISION  
28 AIRPORTS. All governmental subdivision airports shall be  
29 inspected by the department between July 1, 1976 and July  
30 1, 1977 and shall have one year from the date of inspection  
31 to comply with the rules established by the department.

32 Sec. 13. Section three hundred twenty-nine point one  
33 (329.1), subsection two (2), is amended by striking the sub-  
34 section and inserting in lieu thereof the following:

35 2. "Airport hazard" means any structure or tree or use

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

9 Sec. 14. Section three hundred thirty point nine (330.9),  
 10 unnumbered paragraph three (3), Code 1975, is amended to read  
 11 as follows:

12 The ~~commission~~ department shall ~~furthermore-require~~ issue  
 13 approval of the plans and specifications if it finds that  
 14 ~~the-plans-and-specifications-be~~ they are in substantial accord  
 15 with the rules promulgated by the department or with the  
 16 regulations of the ~~United-States-department-of-commerce~~ federal  
 17 aviation administration or other department of the federal  
 18 government having general supervision of air navigation as  
 19 it relates to plans and specifications for airports. And  
 20 ~~if-se-found-it-shall-approve-such-plans-and-specifications-~~

21 EXPLANATION

22 This bill corrects inconsistent and obsolete sections of  
 23 the Code which pertain to aeronautics, airports, and air-  
 24 port zoning.

25 Section two adds definitions of "air carrier airport" and  
 26 "general aviation airport" to the Code.

27 Sections six, seven and eight provide for channeling all  
 28 federal aid to general aviation airports through the  
 29 department.

30 Section 10 imposes a requirement that airports open to  
 31 the flying public must be registered by the department an-  
 32 nually in accordance with rules to be promulgated by the  
 33 department. In addition, section 10 requires site approval  
 34 by the department of all proposed public use airports.

35 Section 11 removes the requirement that pilots and aero-

1 nautics instructors be registered by the department.

2 Section 12 adds new sections to the Code which provide  
3 for the marking of government owned aircraft and for the  
4 publication of an airport directory.

5 Section 13 amends the definition of "airport hazard" to  
6 conform with the definition found in Code of Federal  
7 Regulations.

8

H-6500

1 Amend Senate File 1278, as passed by the  
2 Senate, as follows:

3 1. Page 7, line 21, by striking the word  
4 "shall" and inserting in lieu thereof the word  
5 "may".

H-6500 FILED *Let 5/4 (2400)* BY RINAS of Linn  
MAY 3, 1976

H-6505

1 Amend Senate File 1278, as passed by the  
2 Senate, as follows:

3 1. Page 3, lines 33 and 34, by striking  
4 the words "~~or the municipality acting for itself,~~"  
5 and inserting in lieu thereof the words "or the  
6 municipality acting for itself,".

H-6505 FILED *Adopted as amended by 6515* BY WELDEN of Hardin  
MAY 3, 1976 *5/4 (2400)*

H-6506

1 Amend Amendment H-6497 to Senate File 1278  
2 by adding after the period in line 6 the follow-  
3 ing:

4 "All costs of such consulting services shall  
5 be reimbursed to the department by the political  
6 subdivision and deposited to the credit of the  
7 fund from which the costs were paid."

H-6506 FILED *Adopted 5/4 (2399)* BY WELDEN of Hardin  
MAY 3, 1976

30  
31  
32  
33  
34  
35

H-6497

1 <sup>Senate</sup> Amend House File 1278, page 3, line 13 by inserting  
2 after the word "consultants." the words "The department  
3 may perform, upon request by the political subdivision,  
4 any consulting services necessary for acquisition,  
5 planning, construction and certification of the  
6 airport facilities."

H-6497 FILED - *Adopted 5/4 (2399)* BY MONROE of Des Moines  
APRIL 30, 1976 *as amended* KRAUSE of Palo Alto  
*by 6506*

H-6515

1 Amend amendment H-6505, to page 3 of Senate  
2 File 1278 as passed by the Senate, as follows:  
3 1. Page 1, line 6, by striking the word  
4 "municipality" and inserting in lieu thereof the  
5 following: "municipality governmental sub-  
6 division".

H-6515 FILED, ADOPTED BY BY RINAS of Linn  
UNANIMOUS CONSENT (*p. 2399*)  
MAY 4, 1976

SENATE AMENDMENT TO HOUSE AMENDMENT  
TO SENATE FILE 1278

H-6674

1 Amend the House amendment S-5691, to Senate File  
2 1278, by striking lines 3 through 11.

H-6674 FILED  
RECEIVED FROM SENATE, MAY 13, 1976

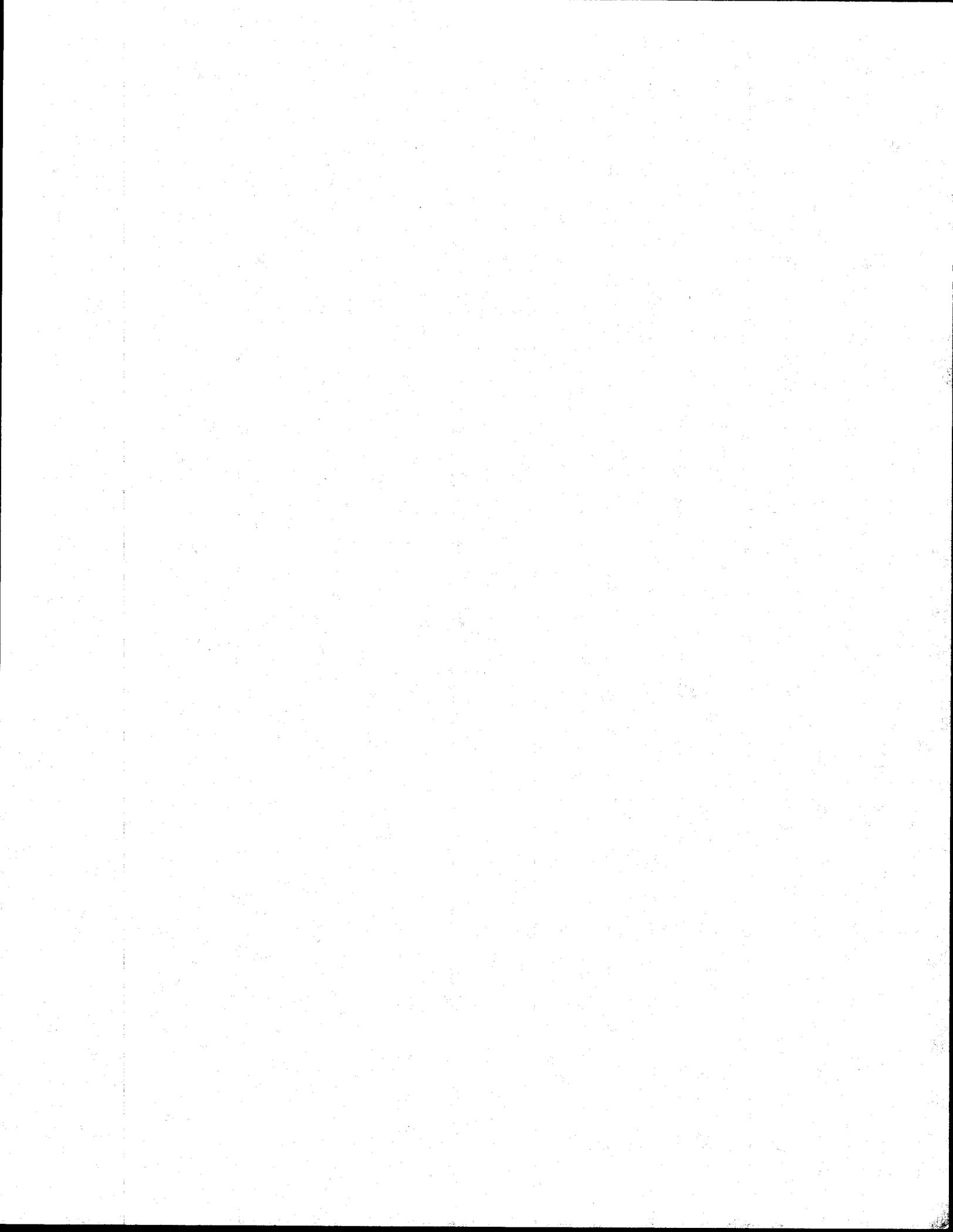
*House concurred 5/14*

S-5734

1 Amend the House amendment S-5691, to Senate File  
2 1278, by striking lines 3 through 11.

S-5734 FILED & ADOPTED (*p. 1857*)  
MAY 11, 1976

BY LUCAS J. DE KOSTER



## SENATE FILE 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:

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

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

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

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

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

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

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

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

as follows:

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

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

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

NEW SUBSECTION. CENTRALIZED PURCHASING AGENCY. It may encourage governmental subdivisions to utilize its services as a centralized purchasing agency for items including but not limited to airport and aeronautics equipment and chemicals.

NEW SUBSECTION. SAFETY INSPECTIONS. It may enter into agreements and otherwise cooperate with federal authorities in the safety inspection of registered landing areas and may promulgate safety standards for airports.

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

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

328.13 CO-OPERATION WITH FEDERAL GOVERNMENT. The commission department is authorized to cooperate with the government of the United States, and any agency or department thereof, in the planning, acquisition, construction, improvement, maintenance and operation of airports and other air navigation facilities in this state, and to comply with the provisions of the laws of the United States and any regulations made thereunder for the expenditures of federal moneys upon such airports and other navigation facilities; ~~provided, however, that no matching of federal funds by state~~

~~funds may be made unless such federal moneys have been accepted by the general assembly.~~

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

328.14 AUTHORITY TO RECEIVE FEDERAL MONEYS FOR THE STATE AND GOVERNMENTAL SUBDIVISIONS.

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

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

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

328.15 CONTRACTS--LAW GOVERNING. All contracts for the planning, acquisition, construction, improvement, maintenance, and operation of airports, or other air navigation facilities made by the commission department, either as the agent of this state or of any municipality or made by any such municipality itself governmental subdivision, shall be made pursuant to the laws of this state governing the making of like contracts; provided, however, that where such undertaking is financed wholly or partially with federal moneys, the commission department, as such agent, or the municipality

governmental subdivision acting for itself, 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, notwithstanding any other state law to the contrary.

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

328.16 DISPOSITION OF FEDERAL FUNDS. All moneys accepted for disbursement by the commission department pursuant to section 328.14 shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which the money is received, 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 expended in accordance with federal laws and regulations and with this chapter. The commission department is authorized, whether acting for this state or as the agent of any of its municipalities governmental subdivisions, or when requested by the United States government or any agency or department thereof, to disburse such moneys for the designated purposes, but this shall not preclude any other authorized method of disbursement.

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

328.19 REGISTRATION.

1. The department shall promulgate rules pursuant to the provisions of chapter seventeen A (17A) of the Code governing the issuance by the department of certificates of registration to all airports in this state which are open for use by the public and governing the annual renewal of those certificates. These rules shall require that an airport applying for a certificate of registration or for a renewal shall comply

with minimum standards of safety as promulgated by the department, adopt safe air traffic patterns, and demonstrate that such air traffic patterns are safely coordinated with those of all existing airports and approved airport sites in its vicinity before the certificates of registration or certificate of renewal may be issued. Certificates of registration or renewal may be issued subject to any conditions the department deems necessary to carry out the purposes of this section. The department may, after notice and opportunity for hearing as provided in chapter seventeen A (17A) of the Code, revoke any certificate of registration or renewal, or may refuse to issue a renewal, when it determines:

- a. That there has been an abandonment of the airport as such;
- b. That there has been a failure to comply with the conditions of the registration or renewal thereof; or
- c. 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 registration or renewal was issued.

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

- a. That the site is adequate for the proposed airport;
- b. That such proposed airport, if constructed or established, will conform to minimum standards of safety as promulgated by the department; and
- c. That safe air traffic patterns are established for

the proposed airport which are safely coordinated with the traffic patterns of all existing airports and approved airport sites in its vicinity.

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

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

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

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

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

328.35 EXCEPTIONS TO REGISTRATION REQUIREMENTS.

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

- a. An aircraft which has been registered by a foreign country with which the United States has a reciprocal agreement covering the operations of registered aircraft.
- b. An aircraft which is owned by a resident of this state but which is continuously located and operated beyond the

boundaries of the state.

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

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

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

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

NEW SECTION. MARKING PUBLIC AIRCRAFT. All aircraft owned by the state or a governmental subdivision of the state shall be marked to show ownership in a readily apparent manner. The department may promulgate regulations for marking such aircraft.

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

NEW SECTION. INSPECTIONS OF GOVERNMENTAL SUBDIVISION AIRPORTS. All governmental subdivision airports shall be inspected by the department between July 1, 1976 and July 1, 1977 and shall have one year from the date of inspection to comply with the rules established by the department.

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

2. "Airport hazard" means any structure or tree or use of land which would exceed the federal obstruction standards as contained in fourteen Code of Federal Regulations sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March 4, 1972, and which obstruct the air

space required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

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

The commission department shall furthermore-require issue approval of the plans and specifications if it finds that the-plans-and-specifications-be they are in substantial accord with the rules promulgated by the department or with the regulations of the United-States-department-of-commerce federal aviation administration or other department of the federal government having general supervision of air navigation as it relates to plans and specifications for airports. ~~And if-so-found-it-shall-approve-such-plans-and-specifications.~~

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1278, Sixty-sixth General Assembly.

\_\_\_\_\_  
STEVEN C. CROSS  
Secretary of the Senate

Approved May 28, 1976

\_\_\_\_\_  
ROBERT D. RAY  
Governor