

No. 564, S.]

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### CHAPTER 299.

AN ACT to amend 114.13 and 114.31 (1); and to repeal and recreate 114.013 of the statutes, relating to aeronautics.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 114.013 of the statutes is repealed and recreated to read:

114.013 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

(1) "Aeronautics" means the science and art of flight and including but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

(2) "Aircraft" means any contrivance now known, or hereafter invented, used or designated for navigation of or flight in the air.

(3) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or right-of-ways, together with all airport buildings and facilities located thereon.

(4) "Air navigation facility" means any facility, other than one owned or operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation, and landing of

aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(5) "Operation of aircraft" or "operate aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon any airport within this state.

(6) "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher, or air-traffic control-tower operator; but does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him.

(7) "Aeronautics instructor" means any individual who for hire or reward engages in giving instruction or offering to give instruction in flying or ground subjects pertaining to aeronautics; but excludes any instructor in a public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work, who instructs in flying or ground subjects pertaining to aeronautics, only in the performance of his duties at such school, university or institution.

(8) "Air school" means any aeronautics instructor who advertises, represents or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics; and any person who advertises, represents or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics whether for or without hire or reward; but excludes any public school, or university, or institution of higher learning duly accredited and approved for carrying on collegiate work.

(9) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(10) "Municipality" means any county, city, town or village of this state.

(11) "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(12) "State airway" means a route in the navigable airspace over and above the lands or waters of this state, designated by the commission as a route suitable for air navigation.

SECTION 2. 114.13 of the statutes is amended to read:

114.13 Private property needed by a county, city, village or town for an airport or landing field or landing and take-off strip, *or property or rights for the protection of the aerial approaches thereof*, shall be acquired by purchase if the city, village, town or county is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by the law under which the city, village, town or county is authorized to acquire real property for public purposes, other than street purposes. The purchase price or award for real property acquired for an airport or landing field or landing and take-off strip, *or property or rights for the protection of the aerial approaches thereof*, may be paid for by appropriation of moneys available therefor, or wholly or partly from the proceeds of the sale of bonds of the city, village, town or county, as the governing body of such city, village, town or county shall determine, subject however to the provisions of chapter 67; *provided that such property or rights may be acquired by gift, which the respective governing bodies of cities, villages, towns or counties are authorized to accept.*

SECTION 3. 114.31 (1) of the statutes is amended to read:

114.31 (1) The commission shall have general supervision of aeronautics in the state and promote and foster a sound development of aviation in this state, promote aviation education and training programs, assist in the development of aviation and aviation facilities, safeguard the interests of those engaged in all phases of aviation, formulate and recommend and promote reasonable regulations in the interests of safety, and coordinate state aviation activities with those of other states and the federal government \* \* \*. The commission shall have all powers that are necessary to carry out its policies, *including the right to require that statements made to it be under oath.* The commission is especially charged with the duty of informing itself regarding all federal laws that affect aeronautics in this state, all regulations pursuant to such laws, and all pending legislation providing for a national airport system, in order that it may recommend to the governor and the legislature such measures as will best enable this state to derive the maximum benefits from such legislation if and when it shall become

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effective. It shall be the duty of all other state boards, commissions, departments and institutions, especially the appropriate educational institutions to cooperate with the aeronautics commission.

Approved June 6, 1951.

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