

1971 Senate Bill 721

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CHAPTER 192, Laws of 1971

AN ACT to amend 114.01, 114.09 (1), 114.17, 114.32 (5), 114.33 (1), (3) and (4), 114.34 (1) and (2) and 114.35 of the statutes, relating to various revisions concerning aeronautics.

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

SECTION 1. 114.01 of the statutes is amended to read:

**114.01 STATE AIRPORT SYSTEM.** The division of aeronautics is directed to cooperate with the federal administrator of civil aeronautics, hereinafter referred to as the "administrator," and his duly authorized representatives, and assist any federal aeronautical agency in the preparation and annual revision of the national airport plan; as provided by the federal airport act, and to lay out a comprehensive state system of airports adequate to provide for the aeronautical needs of the people of all parts of the state. Such state system shall include each and every airport on the national system and such additional airports as may be deemed necessary. The state system as laid out shall include at least one airport in each county. In selecting the general location of the airports on the system and determining their capacity, due regard shall be given to aeronautical necessity as evidenced by the population of the locality to be served, its commerce and industry and such other factors as the commission shall deem ~~deem~~ pertinent. In selecting the specific sites, due regard shall be given to general suitability for service and economy of development as evidenced by convenience of access, adequacy of available area, character of topography and soils, freedom from hazards and obstructions to flight and other pertinent consideration.

SECTION 2. 114.09 (1) of the statutes is amended to read:

**114.09 (1)** No person shall operate an aircraft in the air, or on the ground or water while under the influence of intoxicating liquor, narcotics or other drug, nor operate an aircraft in the air, or on the ground or water in a careless or reckless manner so as to endanger the life or property of another. In determining whether the operation was careless or reckless the court shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics. The court shall make a written report of all convictions (including bail or appearance money forfeitures) obtained under this section to the ~~federal civil aeronautics administration~~ division, which shall send the report to the proper federal agency.

SECTION 3. 114.17 of the statutes is amended to read:

**114.17 MECHANIC'S LICENSE, ISSUE, PRESENTATION.** Any person repairing, adjusting, inspecting or overhauling aircraft or aircraft engines within this state shall be in possession of a mechanic's license issued to him by the ~~department of commerce of the United States federal government,~~ which must be presented for inspection upon demand of any passenger, peace officer of this state, or any official, manager or person in charge of any airport or landing field in this state.

SECTION 4. 114.32 (5) of the statutes is amended to read:

114.32 (5) LOCAL PROJECTS AND FUNDS; SECRETARY'S FUNCTIONS No county, city, village or town, whether acting singly or jointly with a county, city, village or town, shall submit to ~~the administrator of civil aeronautics of the United States a federal aeronautical agency or department~~ any project application under ~~the provisions of section 9 (a) of the federal airport act, or any amendment thereof requesting federal assistance, for any airport improvement, aeronautical facility or planning study,~~ unless the project and the project application have been first approved by the secretary of ~~transportation~~. No such county, city, village or town shall directly accept, receive, receipt for or disburse any funds granted by the United States ~~under the federal airport act for the project,~~ but it shall designate the secretary of ~~transportation~~ as its agent and in its behalf to accept, receive, receipt for and disburse such funds. It shall enter into an agreement with the secretary of ~~transportation~~ prescribing the terms and conditions of the ~~secretary of transportation's~~ secretary's functions under such agency in accordance with federal laws, rules and regulations and applicable laws of this state.

SECTION 5. 114.33 (1), (3) and (4) of the statutes are amended to read:

114.33 (1) Any county, city, village or town, either singly or jointly with one or more counties, cities, villages or towns, desiring to sponsor an airport development project to be constructed with federal aid as ~~provided by the federal airport act~~ and state aid or with the state aid alone as provided by this chapter, may initiate such project in the manner provided by this section. Any state agency may initiate and sponsor an airport project in the same manner as a local governing body.

(3) The secretary of ~~transportation~~ shall make his finding within a reasonable time after the hearing. If such finding ~~be~~ is generally favorable to the development petitioned for, the secretary of ~~transportation~~ shall submit his finding to the governor for approval and no finding favoring an airport development project shall be effective unless the governor's approval is indorsed thereon in writing. If such finding is approved by the governor the secretary of ~~transportation~~ shall notify the petitioners to that effect by filing a copy of his finding, which shall include among other things the location of the approved site, the character and extent of the improvements deemed necessary, and an approximate estimate of the costs and the amount to be paid by the sponsor. Such finding shall constitute approval of the airport site so specified as a portion of the state airport system. On receipt of such finding the sponsors shall take action at their next meeting toward providing their share of the cost and shall promptly notify the secretary of ~~transportation~~. The sponsors may proceed in accordance with the finding to acquire the site and to make master development plans and project plans, and shall be entitled to receive credit therefor as provided by ~~the federal airport act law~~ and by this chapter. On completion and approval of the plans a revised estimate of the project costs shall be made for the purposes of the project application.

(4) All projects for the development of airports with federal aid shall be in compliance with ~~the federal airport act, and the regulations under it laws.~~ All plans and other arrangements for development of projects with state aid alone shall be subject to the approval of the secretary of ~~transportation~~.

SECTION 6. 114.34 (1) and (2) of the statutes are amended to read:

114.34 (1) The costs of projects ~~under the federal airport act involving federal aid~~, in excess of the federal government's share, shall be borne by the sponsor and the state, except that the state shall pay not more than one-half of such excess costs, nor more than \$35,000 for the cost of a building project or building improvement project and no part of the cost of hangars. Sponsors who have undertaken the construction of municipal airport building projects subsequent to January 1, 1951, shall be entitled to state aid. The secretary of ~~transportation~~, upon agreement with the sponsor, may advance up to 10 ~~per cent~~ % of the amount of any federal aid grant agreement for the payment of project costs of a federal aid project from unallocated state airport funds, subject to reimbursement upon final liquidation and settlement of the project with the sponsor and federal government.

(2) The costs of projects not ~~under the federal airport act involving federal aid~~ shall be borne by the sponsor and the state. The state shall pay not more than one-half of such costs, which may include the cost of the land, the cost of lands or interest in lands deemed necessary for the protection of the aerial approaches, the cost of formulating the project application and preparing the plans and specifications, the cost of construction and of all facilities deemed necessary for the operation of the airport. The state shall not contribute more than \$35,000 for the cost of a building project or building improvement project and no part of the cost of hangars.

SECTION 7. 114.35 of the statutes is amended to read:

**114.35 FEDERAL AID; STATE AND LOCAL FUNDS.** (1) It is declared to be the policy of the state to promote the development of an airport system in the state. To this end the unrefunded portions of the tax on motor fuel and special fuel which is eventually used in aircraft shall be transferred to the secretary of ~~transportation~~ for his operation. The secretary of ~~transportation~~ shall use the amount provided by the state to assist sponsors in matching the federal aid that may become available to the state ~~under section 6 (a) of the federal airport act~~ or available to specific projects within the state that may be determined by the administrator ~~under section 6 (b) of the federal airport act~~ to aid sponsors in the development of approved projects on the state system independent of federal aid and for air-marking and air navigation facilities.

(2) In order that the people from all parts of the state may have opportunity to benefit from the airports and other aeronautical facilities to be developed ~~under the 7-year program contemplated by the federal airport act with federal aid~~, the secretary of ~~transportation~~ shall make a preliminary apportionment of the amount estimated to become available to the state ~~under section 6 (a) of such act in the course of the 7-year program~~ in accordance with federal aid programs, for airport development by each county and its cities, villages and towns. Such preliminary apportionment for airport development by each county and its cities, villages and towns, shall be three-fourths in the proportion which the total population of the county bears to the total population of the state and one-fourth in the proportion which the total area of each county bears to the total area of the state.

(3) The amount of federal aid made available for airport development ~~under section 6 (a) of the federal airport act~~ by any county and its cities, villages and towns through applications approved prior to July 1, 1949, shall not exceed the preliminary apportionment to that county, but allocations of federal aid made prior to August 23, 1947, shall not be affected by this section. Federal aid for projects on or after July 1, 1949, shall be made available without reference to such preliminary apportionment.