

No. 251, S.]

[Published August 22, 1947.]

CHAPTER 547.

AN ACT to create 62.23 (19) of the statutes, relating to parking facilities in second class cities.

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

62.23 (19) of the statutes is created to read:

62.23 (19) PARKING FACILITIES BY SPECIAL ASSESSMENT. Upon the petition of 10 or more property owners in the vicinity of an area proposed to be developed for a public parking lot the governing body of any city of the second class may proceed under section 66.60 to establish public parking facilities and assess against benefited properties the cost or any portion of the cost of acquiring and conditioning the necessary properties for public parking use; provided that if the owners of properties against whom 50 per cent or more of the total special assessments are proposed to be levied file a verified petition protesting the improvement before the adoption of the resolution provided for in section 66.60 (8) (b), the governing body shall not have authority to proceed further with the proposed improvement. The procedure authorized herein shall be in addition to all other methods provided by law.

Approved August 18, 1947.

No. 263, S.]

[Published August 22, 1947.]

CHAPTER 548.

AN ACT to repeal 114.28; to renumber 114.325 to be 114.315; to amend 20.053 (1) and 114.32 (1); to repeal and recreate 114.01 and 114.33; and to create 114.32 (5), 114.34 and 114.35 of the statutes, providing for participation by the state of Wisconsin in the airport development program with federal aid under the Federal Airport Act, and making an appropriation.

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

SECTION 1. 20.053 (1) of the statutes (as amended by chapter 332, laws of 1947, bill No. 198, A.) is amended to read:

20.053 (1) There is appropriated from the general fund to the state aeronautics commission:

(a) Annually, beginning July 1, 1947, \$50,000 for the purpose of carrying out its functions under chapter 114.

(b) *On July 1, 1947 \$500,000 as the state's share of airport projects as provided by section 114.34 and the development of airmarking and other air navigational facilities during the biennium ending June 30, 1949.*

SECTION 2. 114.01 of the statutes is repealed and recreated to read:

114.01 DECLARATION OF POLICY. (1) It is declared to be the policy of the state to co-operate with the government of the United States in its plan for the development of a nation-wide system of public airports as provided by an act of congress approved May 13, 1946, being public law 377, cited hereinafter as the "Federal Airport Act," throughout the 7-year program contemplated by it, and with the counties, cities, villages and towns of the state, in order by it, and with the counties, cities, villages and towns of the state, in order that the maximum benefits under the federal airport act may be derived by the people of all parts of the state. The good faith of the state is hereby pledged to carry out each and every obligation that may be incurred by it under the federal airport act.

(2) The state aeronautics commission is hereby directed to co-operate with the federal administrator of civil aeronautics, hereinafter referred to as the "Administrator", and his duly authorized representatives, 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 pertinent. In selecting the specific sites, due regard shall be given to general suitability for service and economy of development as evidenced by con-

venience of access, adequacy of available area, character of topography and soils, freedom from hazards and obstructions to flight and other pertinent consideration. Within 60 days after the effective date of this section, the commission shall publish an official map of a proposed state system showing the locations of the airports composing it, their classifications and such other information as may be deemed necessary or advisable. Such showing shall not constitute a final determination as to any location or site but shall serve as a guide to the governing bodies of counties, cities, villages and towns that may desire to initiate airport development projects as provided by section 114.33. If the governing body of any county, city, village or town that is dissatisfied with such showing shall file a protest with the commission, a hearing shall be held at some suitable place at or near the locality affected, following not less than 10 days' notice to such governing body by registered mail addressed to its clerk, or by publication in the newspaper most likely to give due notice to the locality affected.

SECTION 3. 114.28 of the statutes is repealed.

SECTION 4. 114.32 (1) of the statutes is amended to read:

114.32 (1) The commission is authorized to co-operate with the government of the United States, and any agency or department thereof in the acquisition, construction, improvement, maintenance and operation of airports and other air navigation facilities in this state, and to comply with the laws of the United States and any regulations made thereunder for the expenditure of federal moneys upon such airports and other air navigation facilities, and may enter into any contracts necessary to accomplish such purpose. It is authorized to accept, receive, and receipt for federal moneys and other moneys, either public or private, for and in behalf of this state, or any municipality thereof, for training and education programs, for the acquisition, construction, improvement, maintenance and operation of airports and other aeronautical facilities, whether such work is to be done by the state or by such municipalities, or jointly, aided by grants of aid from the United States, upon such terms and conditions as are or may be prescribed by laws of the United States and any rules or regulations made thereunder, and it is authorized to act as agent of any municipality of this state upon the request of such municipality, in accepting, receiving and receipting for such moneys in its behalf for airports, and in

contracting for the acquisition, improvement, maintenance or operation of airports financed either in whole or in part by federal moneys, and the governing body of any such municipality is authorized to designate the commission as its agent for such purposes and to enter into an agreement with it prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and with chapter 114. Such moneys as are paid over by the United States government shall be retained by the state or paid over to said municipalities under such terms and conditions as may be imposed by the United States government in making such grants. * * *

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

114.32 (5) 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 any project application under the provisions of section 9 (a) of the federal airport act, or any amendment thereof, unless the project and the project application have been first approved by the commission. 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, but it shall designate the commission as its agent and in its behalf to accept, receive, receipt for and disburse such funds. It shall enter into an agreement with the commission prescribing the terms and conditions of the commission's functions under such agency in accordance with federal laws, rules and regulations and applicable laws of this state.

SECTION 6. 114.325 of the statutes is renumbered 114.315.

SECTION 7. 114.33 of the statutes is repealed and recreated to read:

114.33 INITIATION OF AIRPORT PROJECT; SPONSORSHIP. (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.

(2) Such initiation shall be by a petition filed with the commission by the governing body or bodies of the counties, cities,

villages or towns desiring to sponsor the project, or by the state agency setting forth among other things that the airport is necessary and the reason therefor; the class of the airport that it is desired to develop, the location in general, and the proposed site if such has been tentatively selected; the character, extent and kind of improvement desired under the project, and any other statements that the petitioners may desire to make. On receipt of such petition there shall be a hearing in the matter by the commission at some place convenient to the petitioners. At least 10 days' notice shall be given to each petitioning governing body or state agency by registered letter addressed to the clerk thereof, and in the case of petitioning governing bodies by publication in one or more newspapers likely to give notice of such hearing.

(3) The commission shall make its finding within a reasonable time after the hearing. If such finding be generally favorable to the development petitioned for, the commission shall notify the petitioners to that effect by filing a copy of its 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 favorable finding shall constitute approval of the airport site so specified as a portion of the state airport system. On receipt of such favorable finding the sponsors shall take action at their next meeting toward providing their share of the cost and shall promptly notify the commission. 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 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. All plans and other arrangements for development of projects with state aid alone shall be subject to the approval of the commission.

(5) The sponsor's share of the cost of a project shall be deposited in the state treasury promptly on request of the commission, to be held in trust for the purposes of the project. Such request shall not be made by the commission until ac

ceptable bids have been received, in the case of projects to be carried out by contract, or approved arrangements have been made for a county or municipality to do the work in a manner similar to the applicable provisions of section 84.06 (3). The commission need not request deposit of the entire share at any one time. The commission shall have the right to suspend or discontinue proceedings or construction relative to any project at any time if any sponsor shall fail to pay the amount properly required of it as its contribution to such project in accordance with the request of the commission.

SECTION 8. 114.34 and 114.35 of the statutes are created to read:

114.34 STATE AND SPONSOR'S SHARE OF COSTS. (1) The costs of projects under the federal airport act, in excess of the federal government's share, shall be borne by the sponsor and the state. The state shall pay not more than one-half of such excess costs. Subject to the limitations set out in section 114.35, a sponsor who has secured approval of a project application prior to the effective date of this section shall be entitled to state aid in accordance with this section.

(2) The costs of projects not under the federal airport act 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 to the cost of hangars.

114.35 FEDERAL AID; STATE AND LOCAL FUNDS. (1) It is declared to be the policy of the state to provide each year an amount approximately equal to the estimated average amount to be apportioned to the state under the federal airport act. The commission shall use the amount provided by the state to assist sponsors in matching the federal aid that they may become available to the state under section 6 (a) of the federal airport act or available to specific projects within the state that they 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 airmarking 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, the commission 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, 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 the effective date of this section 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.

SECTION 9. This act shall take effect on passage and publication but not earlier than July 1, 1947.

Approved August 18, 1947.

No. 352, S.]

[Published August 22, 1947.

CHAPTER 549.

AN ACT to repeal and recreate 27.01; to renumber 26.03 (4) and (5) to be 27.012 (1) and (2); to amend 27.012 (1) and (2); as renumbered; and to create 20.20 (28) and 20.201 of the statutes, relating to state parks, providing a penalty and making an appropriation.

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

SECTION 1. 20.20 (28) of the statutes is created to read:

20.20 (28) All moneys in the state park fund provided by section 27.01 (9), and in addition thereto: