

HOUSE No. 58

Accompanying the first recommendation of the Massachusetts Aeronautics Commission (House, No. 57). Aeronautics.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT RELATIVE TO JOINT AIRPORTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws is hereby amended
2 by inserting after section 51L the following section:—
3 *Section 51M.* Two or more municipalities may,
4 by vote of the city council in a city and by vote of a
5 town meeting in a town, agree to co-operate in
6 acquiring, establishing, constructing, enlarging, im-
7 proving, maintaining, operating, regulating and
8 policing a joint airport. Within thirty days after
9 such votes have been passed the mayor and city
10 council of cities and selectmen of towns which have
11 so voted shall meet and draft a tentative agreement
12 covering the acquiring, establishing, constructing,
13 enlarging, improving, maintaining, operating, reg-
14 ulating and policing of the joint airport. Said
15 tentative agreement when completed shall be sub-
16 mitted and may be resubmitted to the director of
17 accounts for approval as to its financial provisions

18 and to the commission for approval as to its other
19 provisions. When the tentative agreement has
20 been so approved by the commission and the said
21 director, the agreement as so approved shall be
22 submitted to the city council of each such city and
23 to the town meeting of each such town and when
24 agreed to by all such city councils and town meetings
25 the agreement shall become effective.

26 Such an agreement shall cover the acquiring,
27 establishing, constructing, enlarging, improving,
28 maintaining, operating, regulating and policing of
29 the joint airport. In addition to the provisions
30 covering the requirements contained in this section
31 such an agreement shall include, but shall not be
32 limited to, provision for the following:—

33 1. Establishing a joint airport commission for the
34 purpose of exercising as agent all of the powers
35 relative to the joint airport granted to each par-
36 ticipating municipality, specifying the terms of
37 office and compensation of each member of such a
38 commission.

39 2. Choice by the joint airport commission of
40 officers of the joint enterprise including a treasurer
41 who may be treasurer of one of the participating
42 municipalities and who shall be custodian of the
43 joint airport fund and shall deposit with the director
44 of accounts a bond running to such municipalities
45 with a surety company authorized to transact busi-
46 ness in the commonwealth as surety, for the faithful
47 performance of his duties as treasurer of the joint
48 enterprise, in such form and upon such conditions
49 as said director may require.

50 3. Establishing a joint airport fund into which
51 there shall be deposited the proportionate share

52 of the cost and expenses incident to the acquiring,
53 establishing, constructing, enlarging, improving,
54 maintaining, operating, regulating and policing of
55 the joint airport, all revenues obtained from or on
56 account of the joint airport and all federal, state
57 and other contributions or loans and from which
58 disbursements shall be made by order of the joint
59 airport commission.

60 4. Specifying the proportionate interest of each
61 participating municipality in the joint airport and
62 its proportionate share of the cost and expenses and
63 indebtedness incident to the acquiring, establishing,
64 constructing, enlarging, improving, maintaining,
65 operating, regulating and policing thereof, which
66 proportionate interest and share shall be deter-
67 mined on the basis of the taxable valuations of said
68 municipalities as last established by the general
69 court as a basis for state and county taxes or on
70 any other basis agreed upon.

71 5. Terminating the joint enterprise and liquidating
72 its affairs.

73 6. Amending such an agreement for the purpose of
74 expansion or abandonment of any such airport or
75 for any other purpose.

76 The joint airport commission shall determine
77 the amounts necessary for the operating, main-
78 tenance, regulation and policing of the joint airport
79 and apportion the balance needed over and above
80 the amount available in the joint airport fund among
81 the several participating municipalities on the basis
82 set forth in the agreement, and shall promptly there-
83 after notify the treasurers of said municipalities of
84 such apportionment. Every treasurer so notified
85 shall, annually in December, certify the amount of

86 such apportionment to the board of assessors of
87 his municipality, who shall include such amount
88 in the tax levy of the following year, and the amount
89 when collected shall be paid over by the treasurer
90 of such municipality to the treasurer of the joint
91 enterprise.

92 The joint airport commission from time to time
93 shall determine the amounts necessary to be raised
94 for purposes of the joint airport other than for
95 operation, maintenance, regulation and policing,
96 and apportion the balance needed over and above
97 the amount available in the joint airport fund among
98 the several participating municipalities on the basis
99 set forth in the agreement, and shall promptly there-
100 after notify said municipalities of such apportion-
101 ment by sending notice to the mayor in the case
102 of a city, and to the selectmen in the case of a town.
103 There shall be no referendum to the voters on any
104 action taken under this paragraph by the legislative
105 body of any participating municipality. In case
106 any such municipality fails to raise and pay over
107 to the treasurer of the joint enterprise the amount
108 of its apportionment within the time required, the
109 treasurer of such municipality shall forthwith certify
110 such amount to the board of assessors of his munici-
111 pality who shall include such amount in the tax
112 levy next following the certification, and the amount
113 when raised shall be paid over by the treasurer of
114 such municipality to the treasurer of the joint
115 enterprise.

116 Action of a participating municipality in acquiring,
117 establishing, constructing, enlarging, improving,
118 maintaining, operating, regulating and policing a
119 joint airport shall be authorized to the same extent

120 and subject to the same provisions of law as in the
121 case of the establishment, maintenance, operation,
122 regulation or policing of an airport independently by
123 such municipality, except as otherwise provided in
124 this section and except that eminent domain pro-
125 ceedings shall be instituted by the joint airport
126 commission in the names of the participating munici-
127 palities jointly, and the property so acquired shall
128 be held by them as tenants in common.

