

HOUSE BILL No. 5544

February 27, 1990, Introduced by Reps. DeBeaussiaert, Jaye and Hertel and referred to the Committee on Transportation.

A bill to amend section 126 of Act No. 327 of the Public Acts of 1945, entitled as amended
"Aeronautics code of the state of Michigan,"
being section 259.126 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 126 of Act No. 327 of the Public Acts of
2 1945, being section 259.126 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 126. (1) ~~Every~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
5 SECTION, EACH political subdivision in this state is ~~hereby~~
6 authorized through its governing body to acquire property, real
7 and personal, for the purpose of establishing, constructing, and
8 enlarging airports, landing fields and other aeronautical
9 facilities, and to acquire, establish, construct, enlarge,
10 improve, maintain, equip, operate, and regulate such airports,

1 landing fields and other aeronautical facilities, and other
2 property incidental to their operation, either within or without
3 the territorial limits of ~~such~~ THE political subdivision, and
4 within ~~or without~~ the state of Michigan, in the manner provided
5 by the laws of this state for the acquisition of real property
6 for public purposes. Acquisition may be by purchase, lease,
7 gift, condemnation, or dedication. ~~Provided, That, except~~
8 ~~with respect to the enlargement of existing airports, landing~~
9 ~~fields and other aeronautical facilities, a verdict of necessity~~
10 ~~in any condemnation case pending on the effective date of this~~
11 ~~act, or hereafter instituted pursuant to the provisions of this~~
12 ~~section, shall not be rendered by the condemnation jury, in case~~
13 ~~the proposed site is wholly or partially located within a charter~~
14 ~~township of more than 35,000 population according to the latest~~
15 ~~census or is wholly or partially located within a political sub-~~
16 ~~division next adjoining such charter township and the proposed~~
17 ~~site is located in a county other than that in which the condemn-~~
18 ~~ing authority is situated, until such time as~~

19 (2) ACQUISITION SHALL NOT BE BY CONDEMNATION UNTIL evidence
20 is presented to the court showing that the COUNTY board of
21 ~~supervisors~~ COMMISSIONERS of the county within which the pro-
22 posed site is wholly or partially located and the COUNTY board of
23 ~~supervisors~~ COMMISSIONERS of the county within which the
24 IMMEDIATELY adjoining AND CONTIGUOUS political subdivision is
25 located have approved the acquisition and condemnation of ~~such~~
26 THE property for such purposes by a majority vote of its ELECTED
27 members. ~~elect.~~

1 (3) A COUNTY WITH A POPULATION OF 650,000 OR MORE BUT LESS
2 THAN 900,000 SHALL NOT APPROVE THE USE OF COUNTY FUNDS OR SEEK
3 FUNDS FROM ANY OTHER SOURCE TO PURCHASE OR BEGIN EXPANSION OF AN
4 EXISTING AIRPORT OR BEGIN CONSTRUCTION OR EXPANSION OF A PROPOSED
5 AIRPORT WITHOUT APPROVAL OF THE REGISTERED ELECTORS OF EACH
6 POLITICAL SUBDIVISION IN WHICH THE AIRPORT OR PROPOSED AIRPORT IS
7 LOCATED AND EACH POLITICAL SUBDIVISION WITHIN THAT COUNTY THAT IS
8 LOCATED WITHIN 1 MILE OF THE OUTER BOUNDARY OF THE AIRPORT OR
9 PROPOSED AIRPORT. THE STATE SHALL NOT GRANT A LICENSE TO AN
10 INDIVIDUAL OR BODY, EITHER PUBLIC OR PRIVATE, FOR THE PURCHASE OR
11 EXPANSION OF AN EXISTING AIRPORT OR TO BEGIN CONSTRUCTION OR
12 EXPANSION OF A PROPOSED AIRPORT EITHER OF WHICH OUTER BOUNDARY IS
13 ADJACENT TO OR WITHIN 1 MILE OF A PARCEL OF REAL PROPERTY THAT IS
14 ZONED RESIDENTIAL IN A COUNTY WITH A POPULATION OF 650,000 OR
15 MORE BUT LESS THAN 900,000 WITHOUT APPROVAL OF THE REGISTERED
16 ELECTORS OF EACH POLITICAL SUBDIVISION IN WHICH THE AIRPORT OR
17 PROPOSED AIRPORT IS LOCATED AND EACH POLITICAL SUBDIVISION WITHIN
18 THAT COUNTY THAT IS LOCATED WITHIN 1 MILE OF THE OUTER BOUNDARY
19 OF THE AIRPORT OR PROPOSED AIRPORT. AS USED IN THIS SUBSECTION,
20 "EXPANSION" MEANS THE PURCHASE OF ADDITIONAL REAL PROPERTY, THE
21 ENLARGEMENT OF EXISTING RUNWAYS OR OTHER AERONAUTICAL FACILITIES,
22 OR THE CONSTRUCTION OF NEW RUNWAYS OR OTHER AERONAUTICAL
23 FACILITIES. EXPANSION DOES NOT INCLUDE THE PURCHASE OF ADDI-
24 TIONAL REAL PROPERTY FOR THE LOCATION OF AN APPROACH LIGHT
25 SYSTEM.