

HOUSE BILL No. 5545

February 27, 1990, Introduced by Reps. Kulchitsky, Weeks, Stopczynski, Webb, Bryant, Bandstra, Rocca, O'Connor, Miller, Dolan and Johnson 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 political subdivision, and within
4 or without the state of Michigan, in the manner provided by the
5 laws of this state for the acquisition of real property for
6 public purposes. Acquisition may be by purchase, lease, gift,
7 condemnation, or dedication. ~~:- Provided, That, except~~

8 (2) EXCEPT with respect to the enlargement of existing air-
9 ports, landing fields and other aeronautical facilities, ~~a ver-~~
10 ~~dict of necessity in any condemnation case pending on the effec-~~
11 ~~tive date of this act, or hereafter instituted pursuant to the~~
12 ~~provisions of this section,~~ ACQUISITION shall not be ~~rendered~~
13 by ~~the~~ condemnation ~~jury, in case~~ IF the proposed site is
14 wholly or partially located within a charter township of more
15 than 35,000 population according to the latest census or is
16 wholly or partially located within a political subdivision next
17 adjoining such A charter township and the proposed site is
18 located in a county other than that in which the condemning
19 authority is situated, until ~~such time as~~ evidence is presented
20 to the court showing that the COUNTY board of ~~supervisors~~
21 COMMISSIONERS of the county within which the proposed site is
22 wholly or partially located and the COUNTY board of ~~supervisors~~
23 COMMISSIONERS of the county within which the adjoining political
24 subdivision is located have approved the acquisition and condem-
25 nation of ~~such~~ THE property for such purposes by a majority
26 vote of its members elect.

1 (3) A COUNTY, OR A MUNICIPALITY WITHIN A COUNTY, WITH A
2 POPULATION OF 650,000 OR MORE BUT LESS THAN 900,000 SHALL NOT
3 APPROVE THE USE OF COUNTY OR MUNICIPAL FUNDS OR SEEK FUNDS FROM
4 ANY OTHER SOURCE FOR THE PURCHASE OR EXPANSION OF AN EXISTING
5 AIRPORT OR THE CONSTRUCTION OR EXPANSION OF A PROPOSED AIRPORT
6 EITHER OF WHICH OUTER BOUNDARY IS ADJACENT TO OR WITHIN A LOCAL
7 UNIT THAT IS EITHER SUBSTANTIALLY IMPAIRED BY LOCATION OF THE
8 AIRPORT OR WHOSE USE OF PROPERTY IS PHYSICALLY IMPAIRED DUE TO
9 THE LOCATION OF THE APPROACH PATTERNS OF THE AIRPORT WITHOUT
10 APPROVAL OF THE REGISTERED ELECTORS OF EACH OF THE RESPECTIVE
11 LOCAL UNITS. AS USED IN THIS SUBSECTION, "EXPANSION" INCLUDES
12 THE PURCHASE OF ADDITIONAL REAL PROPERTY FOR THE ENLARGEMENT OF
13 EXISTING RUNWAYS OR TAXIWAYS, OR THE CONSTRUCTION OF NEW RUNWAYS
14 OR TAXIWAYS. EXPANSION DOES NOT INCLUDE FEASIBILITY STUDIES OR
15 THE PURCHASE OF ADDITIONAL REAL PROPERTY FOR THE LOCATION OF AN
16 APPROACH LIGHT SYSTEM OR OTHER AERONAUTICAL FACILITIES.