

AERONAUTICS CODE OF THE STATE OF MICHIGAN (EXCERPT)
Act 327 of 1945

CHAPTER III

AERONAUTICS DEPARTMENT—CREATION—MEMBERSHIP—FUNDS.

259.26 Michigan aeronautics commission; creation; membership; appointment; terms.

Sec. 26. (1) There is created and established an aeronautics commission to be known as the Michigan aeronautics commission.

(2) The commission shall consist of the director of the state transportation department, the director of the department of state police, the director of the department of natural resources, the director of the department of military affairs, and 5 other members who shall be appointed by the governor with the advice and consent of the senate and who shall continue in office until their successors are appointed.

(3) Members of the commission shall be appointed for terms of 4 years.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.26;—Am. 1992, Act 308, Eff. Mar. 31, 1993.

Transfer of powers: See MCL 16.333 and 247.821.

Former law: See section 1a of Act 177 of 1929; Act 53 of 1931.

259.27 Director of aeronautics; appointment; qualifications, duties, compensation and expenses.

Sec. 27. Director of aeronautics. There is hereby established and created the office of director of aeronautics within the department of aeronautics. The director shall be appointed by the commission, to serve for an indefinite term, during his efficient, honest and businesslike execution of his duties. He shall be appointed with due regard to his fitness and by reason of his aeronautical knowledge and practical experience in the field of aeronautics. He shall devote his entire time to the duties of his office as required and prescribed by this act, and shall not be actively engaged or employed in any other business, vocation, or employment, nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise. He shall receive such compensation as the commission may determine and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.27.

259.28 Commissioners of aeronautics; appointment, qualifications.

Sec. 28. Qualifications of commissioners. Those of the members of the commission who shall be appointed by the governor shall be selected with due regard to their fitness and by reason of their aeronautical knowledge and practical experience in the field of aeronautics.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.28.

259.29 Commissioners of aeronautics; salary and expenses.

Sec. 29. Salary of commissioners. No member of the commission shall receive any salary for his services as a commissioner and each may be reimbursed for actual and necessary expenses incurred by him in performance of his duties as a commissioner.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.29.

Former law: See section 1a of Act 177 of 1929; Act 53 of 1931.

259.30 Commissioners of aeronautics; removal.

Sec. 30. Removal of commissioners. The members of the commission may be removed by the governor for inefficiency, neglect of duty, misuse of office, or malfeasance in office, in the manner provided by law for the removal of other public officers for like causes.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.30.

259.31 Aeronautics commission; organization, meetings and reports.

Sec. 31. Organization of commission, meetings, reports. The commission shall, immediately upon its appointment, organize, adopt a seal for the department of aeronautics, and make, amend, and revise such rules and regulations for its administration not inconsistent herewith as it may deem expedient. At such organization meeting the commission shall elect from among its members a chairman and a vice-chairman to serve for 1 year and annually thereafter shall elect such officers; each to serve until his successor is appointed and qualified. No action shall be taken by the commission by less than a majority of its members.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.31.

259.32 Repealed. 2018, Act 297, Imd. Eff. June 29, 2018.

Compiler's note: The repealed section pertained to aeronautics commission biennial report to governor.

259.33 Aeronautics commission; assistants and expenses.

Sec. 33. Office and expense—employees of department of aeronautics. The commission is hereby authorized to employ such assistants, clerks, stenographers, and other help, and to make such expenditures as it may deem necessary for the carrying out of the provisions of this act.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.33.

Former law: See section 6 of Act 177 of 1929, being CL 1929, § 4806.

259.34 State aeronautics fund; qualified airport fund.

Sec. 34. (1) The state aeronautics fund is created. All money received from aviation fuel taxes imposed under section 203(1), the portion of sales and use taxes to be deposited into the state aeronautics fund under section 25 of the general sales tax act, 1933 PA 167, MCL 205.75, and section 21 of the use tax act, 1937 PA 94, MCL 205.111, any money required to be deposited into the state aeronautics fund under section 35(3), and all money received from licensing of schools of aviation, airports, landing fields, airport managers, registration of aircraft and airmen, and from the operation of state operated airports, landing fields, and other aeronautical facilities, must be paid into the state treasury and credited to the state aeronautics fund.

(2) The qualified airport fund is created. All money to be deposited into the qualified airport fund under section 25 of the general sales tax act, 1933 PA 167, MCL 205.75, and section 21 of the use tax act, 1937 PA 94, MCL 205.111, must be paid into the state treasury and credited to the qualified airport fund.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.334;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2015, Act 259, Eff. Mar. 22, 2016.

Former law: See section 3 of Act 160 of 1931; Act 193 of 1935.

259.35 State aeronautics fund; qualified airport fund; appropriations; use of money disbursed to operator; finding of noncompliance with federal requirements; disbursement; report; "ordinance" defined.

Sec. 35. (1) All money in and credited to the state aeronautics fund created under section 34(1) is appropriated for carrying out this act, and to meet the expenses of the department. However, money in and credited to the state aeronautics fund is not appropriated for carrying out subsection (2), except as provided in subsection (4). Upon appropriation, the state treasurer may draw a warrant on the state treasury to make payments in the amounts and to the persons as directed by the department subject to approval and release by the state administrative board of the authorized amounts. However, money appropriated under this subsection or later made available must not be expended on an aviation project not carried out under the supervision and direction of the department.

(2) Subject to subsection (3), all money in and credited to the qualified airport fund created under section 34(2) is appropriated for carrying out the purposes described in this subsection. On a quarterly basis, the state treasurer shall disburse from the qualified airport fund to the operator of a qualified airport an amount equal to the amount deposited into the qualified airport fund. If there is more than 1 qualified airport the state treasurer shall disburse the amount deposited into the qualified airport fund to each operator of a qualified airport in the same proportion that the amount of taxable gallons of fuel sold at the qualified airport during the preceding fiscal year bears to the total amount of taxable gallons of fuel sold at all qualified airports during the preceding fiscal year. An operator of a qualified airport shall use money disbursed to the operator under this subsection in the following order of priority:

(a) For deposit in a bond and interest redemption account created by ordinance of the qualified airport solely to pay the next scheduled payments for revenue bonds issued by the operator of the qualified airport pursuant to an ordinance under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140, to finance capital improvements to landing areas at the qualified airport. The capital improvements to landing areas may include, but are not limited to, runway and taxiway design, construction, repair or rehabilitation, lighting, drainage systems, land acquisition, airfield roadways, noise mitigation systems, deicing pads, and surveillance systems at the qualified airport.

(b) To defray the costs of capital improvements to landing areas of the qualified airport. The capital improvements to landing areas may include, but are not limited to, runway and taxiway design, construction, repair or rehabilitation, lighting, drainage systems, land acquisition, airfield roadways, noise mitigation systems, deicing pads, and surveillance systems at the qualified airport.

(3) If the Federal Aviation Administration or a federal court of competent jurisdiction issues a final decision, decision and order, or order in a proceeding finding that the deposit or credit of money to the qualified airport fund under this act, section 25 of the general sales tax act, 1933 PA 167, MCL 205.75, and section 21 of the use tax act, 1937 PA 94, MCL 205.111, does not comply with, or disbursements from the qualified airport fund as authorized under subsection (2) do not comply with, the federal airport revenue use requirements under 49 USC 47107(b) or 49 USC 47133, the state treasurer shall transfer money in the qualified airport fund to the state aeronautics fund as necessary to comply with the final decision, decision and order, or order. The state treasurer shall only transfer money from the qualified airport fund under this subsection while the final decision, decision and order, or order is in effect and binding on this state.

(4) The department shall, on a quarterly basis, disburse all money transferred from the qualified airport fund to the state aeronautics fund under subsection (3) to the operator of a qualified airport. The department shall not disburse money under this subsection if the disbursement would violate the terms of the final decision, decision and order, or order of the Federal Aviation Administration or federal court. If there is more than 1 qualified airport, the department shall disburse the money to each operator of a qualified airport in the same proportion that the amount of taxable gallons of fuel sold at the qualified airport during the preceding fiscal year bears to the total amount of taxable gallons of fuel sold at all qualified airports during the preceding fiscal year. An operator of a qualified airport that receives money under this subsection shall only use the money for the purposes, and in the order of priority, described in subsection (2).

(5) By April 1, 2017, and by April 1 of each year after 2017, the operator of a qualified airport shall file a report with the department describing how the money disbursed to the operator of the qualified airport under this section was spent or otherwise used by the operator of the qualified airport during the preceding calendar year. The report must be on a form or in a format prescribed or approved by the department.

(6) As used in this section, "ordinance" means that term as defined in section 3 of the revenue bond act of 1933, 1933 PA 94, MCL 141.103.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.35;—Am. 2002, Act 352, Imd. Eff. May 23, 2002;—Am. 2015, Act 258, Eff. Mar. 22, 2016.

Former law: See section 6 of Act 160 of 1931; Act 193 of 1935.

259.36 Transfer of properties from board of aeronautics to department of aeronautics.

Sec. 36. Transfer from Michigan board of aeronautics to department of aeronautics. All matters which have heretofore come under the jurisdiction of, handled and executed by the board of aeronautics, as well as all physical properties in possession or control of the board of aeronautics, are hereby transferred to the Michigan department of aeronautics.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.36.