

HOUSE BILL No. 5691

May 1, 1990, Introduced by Reps. Weeks, Kulchitsky, Johnson, Rocca, Maynard and Webb 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 THAT HAS A MUNICIPALITY WITH A POPULATION OF
2 900,000 OR MORE SHALL NOT APPROVE THE USE OF COUNTY FUNDS, THE
3 MUNICIPALITY SHALL NOT APPROVE THE USE OF MUNICIPAL FUNDS, OR THE
4 COUNTY OR MUNICIPALITY SHALL NOT SEEK FUNDS FROM ANY OTHER SOURCE
5 OR ENTER INTO AGREEMENTS WITH THE COMMISSION FOR STATE OR FEDERAL
6 FUNDS FOR THE PURCHASE OR EXPANSION OF AN EXISTING AIRPORT OR THE
7 CONSTRUCTION OF A PROPOSED AIRPORT WITHOUT APPROVAL OF THE REGIS-
8 TERED ELECTORS OF EACH LOCAL UNIT THAT HAS A BORDER THAT IS 6
9 MILES OR LESS FROM A RUNWAY AT THE EXISTING AIRPORT OR A PROPOSED
10 RUNWAY UNDER PLANS FOR EXPANSION OF AN EXISTING AIRPORT. AS USED
11 IN THIS SUBSECTION, "EXPANSION" INCLUDES THE PURCHASE OF ADDI-
12 TIONAL REAL PROPERTY FOR THE ENLARGEMENT OF EXISTING RUNWAYS OR
13 TAXIWAYS, AN INCREASE IN THE AMOUNT OF AIR TRAFFIC AT AN EXISTING
14 AIRPORT, OR THE CONSTRUCTION OF NEW RUNWAYS OR TAXIWAYS.
15 EXPANSION DOES NOT INCLUDE FEASIBILITY STUDIES OR THE PURCHASE OF
16 ADDITIONAL REAL PROPERTY FOR THE LOCATION OF AN APPROACH LIGHT
17 SYSTEM OR OTHER AERONAUTICAL FACILITIES.