

SENATE BILL No. 713

December 5, 1989, Introduced by Senators IRWIN and EHLERS
and referred to the Committee on Economic Development.

A bill to amend section 51 of Act No. 327 of the Public Acts
of 1945, entitled as amended
"Aeronautics code of the state of Michigan,"
as amended by Act No. 385 of the Public Acts of 1982, being sec-
tion 259.51 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 51 of Act No. 327 of the Public Acts of
2 1945, as amended by Act No. 385 of the Public Acts of 1982, being
3 section 259.51 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 51. (1) The commission has general supervision over
6 aeronautics within this state. ~~It~~ THE COMMISSION shall encour-
7 age, foster, and participate with and grant state money to the
8 political subdivisions of this state in the development of
9 aeronautics within this state. ~~It~~ THE COMMISSION shall

1 establish and encourage the establishment of airports, landing
2 fields, and other aeronautical facilities. ~~It shall promulgate~~
3 ~~rules pursuant to Act No. 306 of the Public Acts of 1969, as~~
4 ~~amended, being sections 24.201 to 24.315 of the Michigan Compiled~~
5 ~~Laws, it deems necessary and advisable for the public safety gov-~~
6 ~~erning the designing, laying out, location, building, equipping,~~
7 ~~and operation of airports and landing fields.~~ The commission ~~is~~
8 ~~empowered to~~ MAY establish programs of grant assistance and par-
9 ticipation with political subdivisions and agencies of this state
10 as the commission determines is necessary to carry out this act.
11 ~~It~~ THE COMMISSION shall not grant an exclusive right for the
12 use of an aeronautical facility. The commission, ~~may~~ by the
13 ~~issuance~~ PROMULGATION of appropriate and effective rules,
14 ~~thereon~~ MAY register pilot's certificates issued by the civil
15 aeronautics authority or other similar federal authority to resi-
16 dent pilots of the state for which it may charge a fee OF not ~~to~~
17 ~~exceed~~ MORE THAN \$5.00; govern and regulate commercial opera-
18 tions in intrastate commerce for which it may charge a fee of not
19 more than \$25.00; and provide for the licensing of aircraft manu-
20 facturers and dealers for which it may charge a fee of not more
21 than \$25.00.

22 (2) The commission shall cooperate with and assist the fed-
23 eral government, state governments, authorities of political sub-
24 divisions, and individuals engaged in aeronautics or the develop-
25 ment of aeronautics, and shall seek to coordinate the aeronauti-
26 cal activities of these bodies. The commission may confer with
27 or hold joint hearings with any federal or state governments,

1 their agencies, the authorities of political subdivisions, and
 2 individuals ~~—~~ in connection with any matter arising under this
 3 act, and avail itself of the cooperation, services, records, and
 4 facilities of those agencies in the administration and enforce-
 5 ment of this act. ~~—It—~~ THE COMMISSION shall reciprocate by fur-
 6 nishing governments and their agencies its cooperation, services,
 7 records, and facilities, insofar as may be practicable.

8 (3) The commission may perform acts, issue and amend orders,
 9 ~~—and—~~ make, promulgate, and amend reasonable general or special
 10 rules and procedures, and establish minimum standards, consistent
 11 with this act, which it ~~—deems—~~ CONSIDERS necessary to carry out
 12 this act and to perform its duties under this act, all commensu-
 13 rate with and for the purpose of protecting and insuring the gen-
 14 eral public interest, health, welfare, and safety. The commis-
 15 sion may adopt and enforce ~~—the provisions of the—~~ currently
 16 effective federal legislation governing aeronautics. The commis-
 17 sion shall promulgate rules pursuant to THE ADMINISTRATIVE PROCE-
 18 DURES ACT OF 1969, Act No. 306 of the Public Acts of 1969, as
 19 amended, being sections 24.201 to ~~—24.315—~~ 24.328 of the Michigan
 20 Compiled Laws, TO IMPLEMENT THIS ACT. The commission may deviate
 21 from or add to rules when necessary for the public safety and
 22 ~~—for—~~ the safety of aircraft ~~—and airmen—~~ OR OPERATORS OF
 23 AIRCRAFT within the state. A rule of the commission ~~—shall—~~ DOES
 24 not apply to aeronautical facilities owned by the federal
 25 government.

26 (4) For the safety of aircraft and ~~—airmen—~~ OPERATORS OF
 27 AIRCRAFT within this state, the commission may designate,

1 establish, or modify a state airways system. ~~It~~ THE COMMISSION
2 may publish and distribute maps, charts, and information relating
3 to that system.

4 (5) FOR THE ENCOURAGEMENT AND FOSTERING OF AVIATION AND AVI-
5 ATION SAFETY WITHIN THIS STATE, THE COMMISSION MAY DO ALL OF THE
6 FOLLOWING:

7 (A) DEVELOP AND IMPLEMENT AVIATION EDUCATION AND TRAINING
8 PROGRAMS.

9 (B) PUBLISH AND DISTRIBUTE EDUCATIONAL MATERIAL RELATING TO
10 AVIATION.

11 (C) PROVIDE APPROPRIATE FINANCIAL ASSISTANCE FOR THE IMPLE-
12 MENTATION OF THIS SUBSECTION.

13 (6) ~~(5)~~ The commission, a commission member or employee,
14 the director, and ~~every~~ EACH state, county, and municipal offi-
15 cer charged with the enforcement of state and municipal laws
16 shall enforce and assist in the enforcement of this act, ~~and of~~
17 rules ~~issued pursuant to~~ PROMULGATED UNDER this act, and ~~of~~
18 all other laws of this state relating to aeronautics. In the aid
19 of enforcement, general police powers are conferred upon the com-
20 mission, each of its members, the director, and the officers and
21 employees of the commission designated by the commission to exer-
22 cise those powers. The commission ~~is further authorized to~~ MAY
23 ALSO enforce this act and THE rules promulgated ~~pursuant to~~
24 UNDER this act by injunction in the circuit court. The prosecut-
25 ing attorney of the county in which an offense is committed shall
26 prosecute offenders against this act and other aeronautical laws
27 of this state, or any rule promulgated or order issued by the

1 commission. When a complaint is made before the recorder's court
2 ~~in~~ OF the city of Detroit, a municipal court in a city having
3 such a court, or the district court in the county, district, or
4 political subdivision in which venue is proper, that court may
5 take cognizance, hear, try, and determine ~~such~~ THESE matters
6 and pass sentence upon offenders in accordance with law.

7 (7) ~~-(6)-~~ The commission, a commission member, the director,
8 or an employee designated by the commission may hold investiga-
9 tions, inquiries, and hearings concerning matters covered by this
10 act, aircraft accidents, or orders and rules of the commission.
11 Each person designated may administer oaths and affirmations,
12 certify to official acts, issue subpoenas, and compel the
13 attendance and testimony of witnesses, and the production of
14 papers, books, and documents. In case of failure to comply with
15 a subpoena or order issued under ~~authority of~~ this act, the
16 commission, or its authorized representative, may invoke the aid
17 of a court of general jurisdiction. The court may order the wit-
18 ness to comply with the requirements of the subpoena or order, or
19 to give evidence ~~touching~~ RELATING TO the matter in question.
20 Failure to obey the order of the court may be punished by the
21 court as contempt.

22 (8) ~~-(7)-~~ In order to facilitate investigations by the com-
23 mission in the interest of public safety and THE development of
24 aeronautics, the reports of investigations or hearings, or any
25 part of them, shall not be admitted in evidence or used for any
26 purpose in an action or proceeding growing out of a matter
27 referred to in the investigation, hearing, or report, except in

1 case of A criminal or other ~~proceedings~~ PROCEEDING instituted
2 in behalf of the state under ~~the provisions of~~ this act or any
3 other law of this state relating to aeronautics. A commissioner,
4 director, or an officer or employee of the commission shall not
5 be required to testify to facts ascertained in, or information
6 gained by reason of, his or her official capacity, or ~~be~~
7 required to testify as an expert witness in an action or proceed-
8 ing involving an aircraft. Subject to ~~the foregoing provisions~~
9 THIS SUBSECTION, the commission may make available to appropriate
10 federal and state agencies information and material developed in
11 the course of its hearings and investigations.

12 (9) ~~(8)~~ For ~~the~~ purposes of executing its powers and
13 duties under this act, the commission, upon recommendations to
14 the state administrative board, may enter into necessary
15 contracts.