

SUBSTITUTE FOR
SENATE BILL NO. 626

A bill to amend 1945 PA 327, entitled
"Aeronautics code of the state of Michigan,"
by amending section 51 (MCL 259.51), as amended by 2002 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51. (1) The commission has general supervision over
2 aeronautics ~~within~~**IN** this state. The commission shall encourage,
3 foster, and participate with and provide grants to the political
4 subdivisions of this state in the development of aeronautics ~~within~~
5 **IN** this state. The commission shall establish and encourage the
6 establishment of airports, landing fields, and other aeronautical
7 facilities. The commission shall promulgate rules that it considers
8 necessary and advisable for the public safety governing the
9 designing, laying out, location, building, equipping, and operation
10 of airports and landing fields and shall exercise exclusive

1 authority to approve the location and operation of airports,
2 landing fields, and other aeronautical facilities ~~within the~~**IN**
3 **THIS** state, so as to assure a uniformity in regulations covering
4 aeronautics. In order to implement this act, the commission may
5 establish programs of state financial assistance in the form of
6 grants, leases, loans, and purchases, or a combination of grants,
7 leases, loans, and purchases, for assisting political subdivisions
8 or other persons. The commission shall not grant an exclusive right
9 for the use of an aeronautical facility. The commission may by the
10 issuance of appropriate and effective rules register pilot's
11 certificates issued by the ~~civil aeronautics authority~~**FEDERAL**
12 **AVIATION ADMINISTRATION** or other similar federal authority to
13 resident pilots of ~~the~~**THIS** state for which it may charge a fee not
14 to exceed \$5.00; govern and regulate commercial operations in
15 intrastate commerce for which it may charge a fee of not more than
16 \$25.00; and provide for the licensing of aircraft dealers for which
17 it may charge a fee of not more than \$25.00.

18 (2) The commission shall cooperate with and assist the federal
19 government, state governments, authorities of political
20 subdivisions, and individuals engaged in aeronautics or the
21 development of aeronautics, and shall seek to coordinate the
22 aeronautical activities of these entities. The commission may
23 confer with or hold joint hearings with ~~any~~ federal or state
24 governments, their agencies, the authorities of political
25 subdivisions, and individuals, in connection with any matter
26 arising under this act, and avail itself of the cooperation,
27 services, records, and facilities of those agencies in the

1 administration and enforcement of this act. The commission shall
2 reciprocate by furnishing governments and their agencies its
3 cooperation, services, records, and facilities, insofar as may be
4 practicable.

5 (3) The commission may perform acts, issue and amend orders,
6 and make, promulgate, and amend reasonable general or special rules
7 and procedures, and establish minimum standards, consistent with
8 this act, ~~which~~**THAT** it considers necessary to implement this act
9 and to perform its duties under this act, all commensurate with and
10 for the purpose of protecting and insuring the general public
11 interest, health, welfare, and safety. The commission may adopt and
12 enforce ~~the~~ provisions of the currently effective federal
13 legislation governing aeronautics. The commission shall promulgate
14 rules to implement this act. The commission may deviate from or add
15 to rules if necessary for the public safety and for the safety of
16 aircraft and airmen ~~within the~~**IN THIS** state. A rule of the
17 commission ~~shall~~**DOES** not apply to aeronautical facilities owned by
18 the federal government.

19 (4) For the safety of aircraft and airmen ~~within~~**IN** this
20 state, the commission may designate, establish, or modify a state
21 airways system. The commission may publish and distribute maps,
22 charts, and information relating to that system.

23 (5) The commission, a commission member or employee, the
24 director, and every state, county, and municipal officer charged
25 with the enforcement of state and municipal laws shall enforce and
26 assist in the enforcement of this act and of rules promulgated
27 under this act, and of all other laws of this state relating to

1 aeronautics. In the aid of enforcement, general police powers are
2 conferred ~~upon~~ **ON** the commission, ~~each of its~~ members, the
3 director, and the officers and employees of the commission
4 designated by the commission to exercise those powers. The
5 commission ~~is further authorized to~~ **MAY ALSO** enforce this act and
6 rules promulgated under this act by **REQUESTING AN** injunction ~~in~~
7 **FROM** the circuit court. The prosecuting attorney of the county in
8 which an offense is committed shall prosecute offenders against
9 this act and other aeronautical laws of this state, or any rule
10 promulgated under this act or order issued by the commission. ~~When~~
11 **IF** a complaint is made before a municipal court in a city ~~having~~
12 ~~such~~ **THAT HAS** a **MUNICIPAL** court, or the district court in the
13 county, district, or political subdivision in which venue is
14 proper, that court may take cognizance, hear, try, and determine
15 ~~such matters~~ **THE CASE** and ~~pass sentence upon offenders~~ **THE**
16 **DEFENDANT** in accordance with law.

17 (6) The commission, a commission member, the director, or an
18 employee designated by the commission may hold investigations,
19 inquiries, and hearings concerning matters covered by this act,
20 aircraft accidents, or orders and rules of the commission. ~~Each~~ **A**
21 person designated may administer oaths and affirmations, certify to
22 official acts, issue subpoenas, and compel the attendance and
23 testimony of witnesses ~~—~~ and the production of papers, books, and
24 documents. ~~In case of failure~~ **IF A PERSON FAILS** to comply with a
25 subpoena or order issued under this act, the commission, or its
26 authorized representative, may invoke the aid of a court of general
27 jurisdiction. The court may order the ~~witness~~ **PERSON** to comply with

1 ~~the requirements of~~ the subpoena or order, or to give evidence
2 ~~touching~~ **ABOUT** the matter in question. Failure to obey the order of
3 the court may be punished by the court as contempt.

4 (7) ~~In order to~~ **TO** facilitate investigations by the commission
5 in the interest of public safety and development of aeronautics,
6 the reports of investigations or hearings, or any part of them,
7 ~~shall~~ **MUST** not be admitted in evidence or used for any purpose in
8 an action or proceeding growing out of a matter referred to in the
9 investigation, hearing, or report, except in ~~ease of~~ **A** criminal
10 **CASE** or other proceedings instituted in behalf of ~~the~~ **THIS** state
11 under this act or ~~any other~~ **ANOTHER** law of this state relating to
12 aeronautics. A commissioner, director, or ~~an~~ officer or employee of
13 the commission ~~shall~~ **MUST** not be required to testify to facts
14 ascertained in, or information gained ~~by reason~~ **BECAUSE** of, his or
15 her official capacity, or be required to testify as an expert
16 witness in an action or proceeding involving an aircraft. Except as
17 otherwise provided in this section, the commission may make
18 available to appropriate federal and state agencies information and
19 material developed in the course of its hearings and
20 investigations.

21 (8) ~~For the purposes of executing~~ **TO EXECUTE** its powers and
22 duties under this act, the commission, ~~upon~~ **ON** recommendations to
23 the state administrative board, may enter into necessary contracts.

24 (9) **THE COMMISSION MAY, BY RULE, PROVIDE FOR THE LANDING,**
25 **OPERATION, AND TAKE-OFF OF SEAPLANES ON AND FROM THE WATERS OF THIS**
26 **STATE. TO ENSURE SAFETY AND UNIFORMITY IN THE OPERATION OF AIRCRAFT**
27 **ON THE WATERS OF THIS STATE, THE AUTHORITY OF THE COMMISSION UNDER**

1 THIS SUBSECTION IS EXCLUSIVE TO THE EXTENT EXERCISED BY RULE OF THE
2 COMMISSION, AND ANY RULE PROMULGATED CONTROLS OVER ANY CHARTER,
3 ORDINANCE, OR OTHER REGULATION OF A POLITICAL SUBDIVISION. HOWEVER,
4 A RULE PROMULGATED UNDER THIS SUBSECTION DOES NOT CONTROL OVER A
5 CHARTER PROVISION, ORDINANCE, OR OTHER REGULATION OF A POLITICAL
6 SUBDIVISION THAT RESTRICTS THE LANDING, DOCKING, AND TAKEOFF OF
7 SEAPLANES FROM THE WATERS OF THIS STATE IF THE PROVISION,
8 ORDINANCE, OR REGULATION WAS ADOPTED BEFORE JANUARY 1, 2016, AND
9 THE COMMISSION SHALL NOT PROMULGATE A RULE TO ATTEMPT TO SUPERSEDE
10 SUCH A PROVISION, ORDINANCE, OR REGULATION.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.

13 Enacting section 2. This amendatory act does not take effect
14 unless Senate Bill No. 627 of the 99th Legislature is enacted into
15 law.