

1 AMENDMENT TO HOUSE BILL 1338

2 AMENDMENT NO. _____. Amend House Bill 1338 by replacing
3 the title with the following:

4 "AN ACT in relation to air transportation."; and

5 by replacing every thing after the enacting clause with the
6 following:

7 "Section 1. Short title. This Act may be cited as the
8 County Air Corridor Protection Act.

9 Section 5. Definitions. As used in this Act:

10 (a) "Air Installation Compatible Use Zone Study" means
11 the study conducted by the United States Air Force that
12 reaffirms the policy of promoting public health, safety, and
13 general welfare in the areas surrounding Air Force bases.

14 (b) "Clear zones and runway protection zones" mean the
15 zones that have the highest potential for an aircraft
16 accident among the safety zones designated by the United
17 States Air Force around an Air Force base.

18 (c) "Accident potential zones I" mean the zones that,
19 other than clear zones and runway protection zones, have the
20 highest potential for an aircraft accident among the safety
21 zones designated by the United States Air Force around an Air

1 Force base.

2 (d) "Accident potential zones II" mean the zones that,
3 other than clear zones and runway protection zones and
4 accident potential zones I, have the highest potential for an
5 aircraft accident among the safety zones established by the
6 United State Air Force around an Air Force base.

7 (e) "Sixty-five decibel A-weighted noise contour" means
8 the noise level that has been determined by the United States
9 Air Force to result from aircraft operations and flight
10 tracks around an Air Force base.

11 Section 10. County land use authority. Any county with a
12 United States Air Force installation with runways of at least
13 7,500 feet in length has the authority to protect the safety
14 of the community by controlling the use of land around that
15 installation, notwithstanding any ordinance of or authority
16 granted to any municipality. The county's land use authority
17 is limited to the area designated in the Air Installation
18 Compatible Use Zone Study adopted by the United States Air
19 Force for that installation and the runways it occupies or
20 uses.

21 Section 15. County eminent domain powers. If a land use
22 exists or a municipality approves a land use that is
23 incompatible with the Air Installation Compatible Use Zone
24 Study, and any portion of the affected land is within areas
25 designated in the Air Installation Compatible Use Zone Study
26 as clear zones and runway protection zones, accident
27 potential zones I, or accident potential zones II, or is
28 within the 65 decibel A-weighted noise contour, the county
29 may use eminent domain to acquire either the fee simple title
30 to that portion of the affected land or the easement rights
31 in that portion of the affected land that are necessary for
32 the compatible land use defined under the Air Installation

1 Compatible Use Zone Study. If a municipality within those
2 zones controls the use of land in a manner compatible with
3 the Air Installation Compatible Use Zone Study, the county
4 does not have eminent domain authority.

5 Section 99. Effective date. This act takes effect on
6 becoming law."