

HOUSE No. 4345

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 26, 2018.

The committee on Transportation to whom was referred the petition (accompanied by bill, House, No. 2734) of Kate Hogan and others relative to aeronautics laws, reports recommending that the accompanying bill (House, No. 4345) ought to pass.

For the committee,

WILLIAM M. STRAUS.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act making technical corrections to the aeronautics laws of the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 90 of the General Laws, as appearing in the 2008 Official Edition,
2 is hereby amended by striking out section 35 and inserting in place thereof the following
3 section:-

4 Section 35. The following words and phrases used in sections 35 to 52, inclusive, shall
5 have the following meanings, unless a different meaning is clearly apparent from the language or
6 context, or unless such construction is inconsistent with the manifest intention of the general
7 court:—

8 “Administrator” or “director”, administrator for aeronautics appointed by the secretary of
9 transportation pursuant to section 29 of chapter 6C of the General Laws.

10 “Aeronautics”, transportation by aircraft; the operation, construction, repair or
11 maintenance of aircraft, aircraft power plants and accessories; the repair, packing and
12 maintenance of parachutes; the design, establishment, construction, extension, operation,

13 improvement, repair or maintenance of airports, restricted landing areas or other air navigation
14 facilities; and instruction in flying or ground subjects pertaining thereto.

15 “Aeronautics instructor”, any person who for hire engages in giving instructions or
16 offering to give instruction in flying or ground subjects pertaining thereto.

17 “Air navigation facility”, any facility, other than one owned or controlled by the federal
18 government, used in, available for use in, or designed for use in, aid of air navigation, including
19 airports, restricted landing areas, and any structures, mechanisms, lights, beacons, markers,
20 communicating systems, or other instrumentalities, or devices used or useful as an aid, or
21 constituting an advantage or convenience, to the safe taking off, navigation and landing of
22 aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area,
23 and any combination of any or all of such facilities.

24 “Air school”, (1) any aeronautics instructor who is duly certified and maintains a pilot
25 certificate in accordance with Federal Aviation Administration regulations and advertises,
26 represents, or holds himself out as giving or offering to give instruction in flying or ground
27 subjects pertaining thereto; and (2) any person who advertises, represents or holds himself out as
28 giving or offering to give instruction in flying or ground subjects pertaining thereto, whether for
29 or without hire.

30 “Aircraft”, any contrivance now known, or hereafter invented, used or designed for
31 navigation of or flight in the air.

32 “Airport”, any area of land or water other than a restricted landing area, which is used, or
33 intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are

34 used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together
35 with all airport buildings and facilities located thereon.

36 “Airport Hazard”, any structure, object of natural growth or use of land which obstructs
37 the air space required for the flight of aircraft navigating in an approach area for the purpose of
38 landing, taking off or transiting an airport or restricted landing area.

39 “Airman”, any person who engages, as the person in command, or as pilot, mechanic or
40 member of the crew, in the navigation of aircraft while under way, and any person who is
41 directly in charge of the inspection, maintenance, overhauling or repair of aircraft engines,
42 propellers or appliances, and any person who serves in the capacity of aircraft dispatcher or air-
43 traffic control-tower operator; but does not include any person employed outside the United
44 States, or any person employed by a manufacturer of aircraft, aircraft engines, propellers or
45 appliances, to perform duties as inspector or mechanic in connection therewith, or any person
46 performing inspection or mechanical duties in connection with aircraft owned or operated by
47 him.

48 “Airworthy”, an aircraft that conforms to its Federal Aviation Administrator type design
49 and certification and is in a condition safe for operation.

50 “Citation”, a notice to an offender upon which the administrator, or his or her designee,
51 shall record one or more civil infractions which are to be disposed of under procedures in section
52 60B of chapter 6C of the General Laws.

53 “Civil aircraft”, any aircraft other than a public aircraft.

54 “Civil infraction”, a violation of any statute, regulation, rule or directive that is to be
55 disposed of under the civil procedures in this chapter.

56 “Civil penalty”, the monetary amount scheduled as payment for a civil infraction.

57 “Dealer in aircraft” or “aircraft dealer”, any person who engages in a business in which a
58 substantial part consists of the manufacture, sale, or exchange of aircraft.

59 “Division”, the aeronautics division of the Massachusetts department of transportation,
60 established in section 59 of chapter 6C of the General Laws.

61 “Federal Aviation Administration”, the Federal Aviation Administration of the United
62 States Department of Transportation, or its successor entity.

63 “General Aviation”, the section of the aviation industry that excludes both military and
64 commercial passenger transport. Examples of General Aviation include private flying, air
65 charter, flight training, air ambulance, and gliding.

66 “Navigable Air Space”, airspace at and above the minimum flight altitudes as prescribed
67 by the Federal Aviation Administration, including airspace needed for safe takeoff and landing.

68 “Offense”, a violation of sections 35 to 52, inclusive, of chapter 90 of the General Laws,
69 or any directives issued or regulations promulgated, by the division.

70 “Operation of aircraft” or “operate aircraft”, the use, navigation or piloting of aircraft in
71 the air space over the commonwealth or upon any airport within the commonwealth. Any person
72 who causes or authorizes the operation of aircraft, whether with or without the right of legal
73 control, in the capacity of owner, lessee or otherwise, of the aircraft, is deemed to be engaged in
74 the operation of aircraft.

75 “Public aircraft”, an aircraft used exclusively in the service of any government or of any
76 political subdivision thereof, including the government of any state, territory or possession of the
77 United States, or the District of Columbia, but not including any government-owned aircraft
78 engaged in carrying persons or property for commercial purposes.

79 “Person”, any individual, firm, partnership, corporation, company, association, joint stock
80 association; and includes any trustee, receiver, assignee or other similar representative thereof.

81 “Restricted landing area”, any area of land or water other than an airport which is used, or
82 is made available, for the landing and take-off of aircraft; provided, that the use of such an area
83 meets minimum standards for aircraft operations on land or water as established by the division.

84 SECTION 2. Section 35D of said chapter 90 of the General Laws, as so appearing, is
85 hereby further amended by striking out, in lines 4 and 10, the word “commission” and inserting
86 in place thereof, in each instance, the following word:- division

87 SECTION 3. Section 39 of said chapter 90 of the General Laws, as so appearing, is
88 hereby further amended by striking out, in lines 1, 3, 4, 6, 12, 22-23, and 29, the word
89 “commission” and inserting in place thereof, in each instance, the following word:- division

90 SECTION 4. Section 39A of chapter 90 of the General Laws, as so appearing, is hereby
91 amended by striking out, in lines 1, 4, 7, 12, 15, and 18, the word “commission” and inserting in
92 place thereof, in each instance, the following word:- division

93 SECTION 5. Section 39C of said chapter 90, as so appearing, is hereby amended by
94 striking out, in lines 1 and 5, the word “commission” and inserting in place thereof, in each
95 instance, the following word:- division

96 SECTION 6. Section 39E of said chapter 90, as so appearing, is hereby amended by
97 striking out, in line 1, the word “commission” and inserting in place thereof the following word:-
98 division

99 SECTION 7. Chapter 90 of the General Laws, as so appearing, is hereby further amended
100 by striking out section 39F inserting in place thereof the following section:-

101 Section 39F. Whenever any city or town undertakes, in conformity with the state airport
102 plan, the acquisition, construction, establishment, enlargement, improvement or protection of an
103 airport and has appropriated sufficient funds, which together with funds available under this
104 section, shall equal at least 5 per cent of the cost thereof, the state treasurer, at the request of the
105 division, shall pay to or reimburse such city or town from such funds as have been appropriated
106 for such purposes, such amount, not exceeding 95 per cent of the cost of such work, as may be
107 determined by the division.

108 If any such city or town appropriates sufficient funds, which, together with the funds
109 available under this section, is equal to one hundred per cent of the cost thereof, the state
110 treasurer, at the request of the division, shall pay to or reimburse such city or town from such
111 funds as have been appropriated for such purpose, such amount, not exceeding 95 per cent of the
112 cost of such work, as may be determined by the division.

113 SECTION 8. Chapter 90 of the General Laws, as so appearing, is hereby further amended
114 by striking out section 40 and inserting in place thereof the following section:-

115 Section 40. The aeronautics division shall foster air commerce and private flying within
116 the Commonwealth and for such purpose shall: (a) encourage the establishment of airports and
117 air navigation facilities and the development of education in aeronautics; (b) make

118 recommendations as to necessary legislation or action pertaining thereto; (c) consult with the
119 Federal Aviation Administration and other agencies of the federal government in carrying
120 forward research and development in aeronautics; (d) exchange with the said Federal Aviation
121 Administration and with other state governments through existing governmental channels
122 information pertaining to civil air navigation.

123 The division may: (1) co-operate with the federal government, and with any agency or
124 department thereof, in the acquisition, establishment, construction, enlargement, improvement,
125 protection, equipment, maintenance and operation of airports and other air navigation facilities
126 within the Commonwealth, and comply with the provisions of federal law, and any rules and
127 regulations made thereunder, for the expenditure of federal funds for or in connection with such
128 airports or other navigation facilities; (2) accept, receive and receipt for federal funds, and also
129 other funds, public or private, for and in behalf of the Commonwealth or as agent for any
130 subdivision thereof, for the acquisition, establishment, construction, enlargement, improvement,
131 protection, equipment, maintenance and operation of airports and other air navigation facilities
132 within the commonwealth or such subdivisions, or jointly; provided that, if federal funds are
133 received for such work, such funds shall be accepted upon such terms and conditions as may be
134 prescribed by federal law and any rules and regulations made thereunder; (3) advise and co-
135 operate with any political subdivision of this state or of any other state in all or any matters
136 relating to aeronautics. For such purpose the division may confer with, or hold joint hearings
137 with, any federal or state aeronautical agency in connection with any provision of sections 35 to
138 52, inclusive.

139 The division shall enforce sections 35 to 52, inclusive, and all orders, rules and
140 regulations made pursuant thereto and other laws of the Commonwealth relating to aeronautics,

141 and shall have and may exercise for any or all of such purposes such powers and authority as
142 may be reasonably necessary therefor. Every state, county and municipal officer charged with
143 the enforcement of laws in their respective jurisdiction shall assist and co-operate with the
144 division in such enforcement.

145 Persons employed as inspectors under the provisions of section 59 of chapter 6 shall have
146 and exercise throughout the Commonwealth all the powers of constables, except the service of
147 civil process, and of police officers, including the power to arrest any person who, in the
148 presence of the inspector making the arrest, commits a breach of the peace which violates any
149 provision of the aviation law as contained in this chapter or the rules and regulations established
150 by the division and they may serve all process issued by the courts with respect to the
151 enforcement of such laws. Any officer authorized to make arrests, providing such officer is in
152 uniform or displaying his badge of office conspicuously on his outer coat or garment, may arrest
153 without a warrant any person who operates an aircraft and who does not have in his possession a
154 license to operate an aircraft, granted by federal authority; or who violates any statute or
155 regulation relating to the operation or control of aircraft; or who operates said aircraft while
156 under the influence of intoxicating liquor; or who refuses to produce a pilot or aircraft license or
157 registration upon request; or who uses an aircraft without authority; or who is a non-resident
158 operator violating any statute or regulation relating to the control of aircraft.

159 The pilot in command of any aircraft carrying passengers for hire may take such action as
160 is reasonably necessary to restrain any person who interferes with, or threatens to interfere with,
161 the operation of the aircraft.

162 The person so restrained may be placed in charge of a police officer in the city or town
163 where the aircraft next lands within the Commonwealth, to be taken to a lawful place of
164 detention. Complaint shall be made against the person arrested, by the officer taking him to the
165 place of detention, to a district court having jurisdiction over such offenses committed in the city
166 or town where such person is detained, and such court shall have jurisdiction of the case.

167 SECTION 9. Section 40A of said chapter 90 is hereby repealed.

168 SECTION 10. Chapter 90 of the General Laws, as so appearing, is hereby further
169 amended by striking out section 40B and inserting in place thereof the following section:-

170 Section 40B. Notwithstanding any city charter provision, or local ordinance or by-law to
171 the contrary, the division shall adopt uniform airport approach regulations, in accordance with
172 any applicable federal laws, regulations, directives and advisory circulars. Said regulations shall
173 apply to all public-use Airports within the commonwealth.

174 SECTION 11. Sections 40C, 40D, 40E, and 40F of said chapter 90 are hereby repealed.

175 SECTION 12. Chapter 90 of the General Laws, as so appearing, is hereby further
176 amended by striking out section 40G and inserting in place thereof the following section:-

177 Section 40G. (a) In any case in which, in the opinion of the city council of a city, or the
178 selectmen of a town, in which the real estate hereinafter referred to is located, or owning the
179 Airport in question, the public interest requires the establishment of protection to the approaches
180 of a publicly owned airport by the acquisition of certain real estate or rights in real estate in the
181 vicinity of such airport rather than by airport approach regulations adopted by the division, such
182 city or town may take by eminent domain under chapter 79 or chapter 80A, or acquire by

183 purchase or otherwise, such air rights, easements or other estate or interest in such real estate as
184 will provide adequate protection. A city or town which has acquired real estate or rights therein
185 as aforesaid may from time to time in like manner take or otherwise acquire additional real estate
186 or rights therein, or may discontinue in whole or in part rights already so acquired.

187 (b) Whenever airport approach regulations have been adopted or amended by the division
188 and the public safety and convenience require the removal or lowering of a structure or tree not
189 conforming to such regulations, or require other interference with the continuance of any such
190 non-conforming structure or tree, the city or town owning the airport to which such regulations
191 relate may take by eminent domain under chapter 79 or chapter 80A, or acquire by purchase or
192 otherwise, the land upon which such structure or tree stands, or such an air right, easement or
193 other estate or interest therein, as may be necessary.

194 SECTION 13. Sections 40H and 40I of said chapter 90 are hereby repealed.

195 SECTION 14. Chapter 90 of the General Laws, as so appearing, is hereby further
196 amended by striking out section 41 and inserting in place thereof the following section:-

197 Section 41. The administrator may conduct investigations or hearings relative to matters
198 covered by any provision of sections 35 to 52, inclusive, or of any order, rule or regulation of the
199 division, and shall conduct investigations relative to any accident involving personal injury
200 occurring in connection with aeronautics within the Commonwealth.

201 The division shall report to the Federal Aviation Administration and the National
202 Transportation Safety Board accidents within the commonwealth, and so far as possible, shall
203 preserve, protect and prevent the removal of the component parts of any aircraft involved in any
204 such accident being investigated by them.

205 SECTION 15. Chapter 90 of the General Laws, as so appearing, is hereby further
206 amended by striking out section 42 and inserting in place thereof the following section:-

207 Section 42. The superior court shall have jurisdiction to enforce any lawful rule,
208 regulation, or order made by the division, and may compel the attendance of and the giving of
209 testimony by witnesses before the division or any member thereof, in the same manner and to the
210 same extent as before said court.

211 SECTION 16. Section 43 of said chapter 90 is hereby repealed.

212 SECTION 17. Chapter 90 of the General Laws, as so appearing, is hereby further
213 amended by striking out section 44 and inserting in place thereof the following section:-

214 Section 44. Any person failing to comply with any requirement, or violating any
215 provision, of this chapter, or any rules and regulations for the enforcement of this chapter made
216 by the division, and in full force and effect, shall be punished by a fine, as established by the
217 division, not to exceed ten thousand dollars, or by imprisonment for not less than one month nor
218 more than six months, or both. Whoever operates an aircraft while under the influence of an
219 intoxicating substance shall be punished by imprisonment for not less than one month nor more
220 than two years.

221 SECTION 18. Chapter 90 of the General Laws, as so appearing, is hereby further
222 amended by striking out section 45 and inserting in place thereof the following section:-

223 Section 45. Any person aggrieved by any rule or regulation promulgated by the division,
224 or by any ruling, decision, or order under any provision of this chapter may, within thirty days

225 after the effective date of such rule or regulation or within thirty days after such ruling, decision,
226 or order, appeal to the superior court.

227 SECTION 19. Section 47 of said chapter 90, as so appearing, is hereby amended by
228 striking out, in line 4, the words “of navigation”.

229 SECTION 20. Said section 47 of said chapter 90, as so appearing, is hereby further
230 amended by striking out, in line 6, the words “Civil Aeronautics Authority” and inserting in
231 place thereof the following:- Federal Aviation Administration.

232 SECTION 21. Said section 47 of said chapter 90, as so appearing, is hereby further
233 amended by striking out, in line 14-16, the words “, nor to glider pilots licensed by the
234 commission in accordance with such regulations as it may prescribe”.

235 SECTION 22. Section 48 of said chapter 90, as so appearing, is hereby amended by
236 striking out, in lines 8-9, the words “Civil Aeronautics Authority” and inserting in place thereof
237 the following words:- Federal Aviation Administration.

238 SECTION 23. Said section 48 of said chapter 90, as so appearing, is hereby further
239 amended by striking out, in lines 15 and 18, the word “commission” and inserting in place
240 thereof, in each instance, the following word:- division.

241 SECTION 24. Said section 48 of said chapter 90, as so appearing, is hereby further
242 amended by striking out, in lines 16 to 17, the words “, nor to glider pilots licensed by the
243 commission in accordance with such regulations as it may prescribe”.

244 SECTION 25. Chapter 90 of the General Laws, as so appearing, is hereby further
245 amended by striking out section 49 and inserting in place thereof the following section:-

246 Section 49. Each owner or operator of an airworthy aircraft based in Massachusetts or
247 dealer in aircraft in Massachusetts shall register said aircraft or federal dealer's aircraft certificate
248 in such a manner as the division may by regulation prescribe.

249 (a) Subject to the limitations of paragraphs (b) and (c), every person who owns or
250 operates an airworthy aircraft shall register the aircraft with the division during each calendar
251 year in which the aircraft is based within the commonwealth for 60 cumulative days or more.
252 Every dealer in aircraft shall register a federal dealer's aircraft registration certificate with the
253 division. The division may charge fees for each such registration certificate and for each renewal
254 thereof. Further, the division may charge for the registration of each federal dealer's aircraft
255 registration certificate for each aircraft in the dealer's possession operated solely for the purpose
256 of sale or demonstration. The amounts of said fees and charges shall be determined annually by
257 the secretary of administration and finance under the provisions of section 3B of chapter 7 and
258 published in 801 CMR 4.02. Such fees shall be in lieu of all personal property taxes on aircraft
259 authorized by any law, ordinance, or by-law. Registration certificates issued after expiration of
260 the first 6 months of the annual registration period, as prescribed by the division, shall be issued
261 upon payment of 50 per cent of the annual fee.

262 If the annual registration fee is not received by the division on or before December 31, a
263 late fee in an amount determined by the division may be assessed in addition to the specified
264 annual registration fee. The timely annual registration of all airworthy aircraft and dealers in
265 aircraft shall be the sole responsibility of aircraft owners and dealers. The deadline for
266 registration renewal of all airworthy aircraft and for dealer's in aircraft is December 31.

267 (b) Possession of the appropriate effective federal aircraft certificate or dealer's
268 certificate, and the payment of the appropriate fee as set forth in 801 CMR 4.02, shall be the only
269 requisites for registration of an aircraft or dealer in aircraft.

270 (c) The provisions of this section shall not apply to:

271 (1) an aircraft owned by and used exclusively in the service of any government, including
272 the government of the United States or of any state thereof, or political subdivision thereof,
273 which is not engaged in carrying persons or property for commercial purposes;

274 (2) an aircraft registered under the laws of a foreign country; or

275 (3) an aircraft engaged principally in federally certificated scheduled airline operation as
276 provided by the Federal Aviation Administration, or its successor.

277 SECTION 26. Sections 49A to 50, inclusive, of said chapter 90, as so appearing, are
278 hereby repealed.

279 SECTION 27. Section 51J of said chapter 90, as so appearing, is hereby further amended
280 by striking out, in lines 6 and 9-10, the words "Massachusetts aeronautics commission" and
281 inserting in place thereof, in each instance, the following:- division.

282 SECTION 28. Section 51K of said chapter 90, as so appearing, is hereby further amended
283 by striking out, in lines 2-3 and 12-13, the word "Massachusetts aeronautics commission" and
284 inserting in place thereof, in each instance, the following:- division.

285 SECTION 29. Said section 51K of said chapter 90, as so appearing, is hereby further
286 amended by striking out, in lines 4-5, the words "said last mentioned commission" and inserting
287 in place thereof the following:- the division.

288 SECTION 30. Section 51L of said chapter 90, as so appearing, is hereby further amended
289 by striking out, in lines 4-5 and 10, the words “Massachusetts aeronautics division” and inserting
290 in place thereof, in each instance, the following:- division.

291 SECTION 31. Section 51M of said chapter 90, as so appearing, is hereby further
292 amended by striking out, in line 5, the words “under the ‘drive it yourself’ system, so called” and
293 inserting in place thereof the following:- through a car rental business.

294 SECTION 32. Chapter 90 of the General Laws, as so appearing, is hereby further
295 amended by striking out section 51N, and inserting in place thereof the following section:-

296 Section 51N. (a) Except to the extent inconsistent with then current law, two or more
297 municipalities, by vote of the city council in a city with the approval of the mayor or by vote of a
298 town meeting in a town, may agree to establish, maintain and operate an Airport as a joint
299 enterprise, in this section referred to as a joint airport. For the purposes of this section, the
300 foregoing authorization, in so far as it relates to the establishment of a joint airport, shall be
301 deemed also to authorize the acquisition, construction, enlargement and improvement thereof,
302 including other action involving capital expenditures in connection with such an airport, all of
303 which action shall be comprehended within the meaning of the words “establish”, “establishing”
304 and “establishment”, and such authorization, in so far as it relates to the maintenance and
305 operation of such an airport, shall be deemed also to authorize the regulation, protection,
306 policing, alteration or repair thereof, including other action involving expenditures, other than
307 capital expenditures, in connection with such an airport, all of which action shall be
308 comprehended within the meaning of the words “maintain and operate”, “maintaining and
309 operating” and “maintenance and operation”. Within thirty days after such votes have been

310 passed the mayor and city council of cities and selectmen of towns which have so voted shall
311 meet and draft a tentative agreement covering the contemplated action or actions. Said tentative
312 agreement when completed shall be submitted and may be resubmitted to the director of
313 accounts in the department of corporations and taxation for approval as to its financial provisions
314 and to the division for approval as to its other provisions. The agreement, as approved by the
315 division and said director, shall become effective when agreed to by the mayor and city council
316 of each such city and the town meeting of each such town. Any reference in this section to the
317 mayor of a city shall, in case of a city having a Plan E form of government, be deemed to refer to
318 its city manager.

319 (b) In addition to the provisions covering the requirements contained in this section, such
320 an agreement shall include, but shall not be limited to, provision for the following:

321 (1) Establishing a joint airport commission for the purpose of exercising as agent all of
322 the powers relative to the joint airport granted to each participating municipality, specifying the
323 terms of office and compensation of each member of such a commission.

324 (2) Choosing by the joint airport commission of officers of the joint enterprise including a
325 treasurer who may be treasurer of one of the participating municipalities and who shall be
326 custodian of the joint airport fund and shall deposit with the director of accounts a bond running
327 to such municipalities with a surety company authorized to transact business in the
328 commonwealth as surety, for the faithful performance of his duties as treasurer of the joint
329 enterprise, in such form and upon such conditions as said director may require. Said director
330 shall cause an audit to be made of the accounts of the joint enterprise and may cause subsequent
331 audits to be made of such accounts annually, and for this purpose he and his duly accredited

332 agents shall have access to all necessary books, papers and records. Upon completion of such
333 audit, copies of the report thereof shall be sent to the treasurer of the joint enterprise and to the
334 mayor, selectmen, and city or town clerk of each participating municipality.

335 (3) Establishing a joint airport fund into which there shall be deposited the proportionate
336 share of the cost and expenses incident to the establishing, maintaining and operating of the joint
337 airport, all revenues obtained from or on account of the joint airport and all federal, state and
338 other contributions or loans and from which disbursement shall be made by order of the joint
339 airport commission.

340 (4) Specifying the proportionate interest of each participating municipality in the joint
341 airport and its proportionate share of the cost and expenses and indebtedness incident to the
342 establishing, maintaining and operating thereof, which proportionate interest and share shall be
343 determined on the basis of the taxable valuations of said municipalities as last established by the
344 general court as a basis for state and county taxes or on any other basis agreed upon.

345 (5) Terminating the joint enterprise and liquidating its affairs.

346 (6) Amending the agreement, provided that any amendment thereof providing for the
347 enlargement of the joint airport or any alteration or improvement thereof involving capital
348 expenditures shall become effective only when agreed to by the mayor and city council of each
349 participating city and the town meeting of each participating town.

350 (c) The joint airport commission from time to time shall determine the amounts necessary
351 to be raised to establish the joint airport and shall apportion the balance needed, over and above
352 the amount available for such purposes in the joint airport fund, among the several participating
353 municipalities on the basis set forth in the agreement and shall promptly thereafter notify said

354 municipalities of such apportionment by sending notice to the mayor, in the case of a city, and to
355 the selectmen, in the case of a town. There shall be no referendum to the voters on any action
356 taken under this paragraph by the legislative body of any participating municipality. In case any
357 such municipality fails to pay over to the treasurer of the joint enterprise the amount of its
358 apportionment within the time specified in the agreement for such payment, the treasurer of such
359 municipality shall forthwith certify such amount to the board of assessors of his municipality
360 who shall include such amount in the tax levy next following the certification, and the amount
361 when raised shall be paid over by the treasurer of such municipality to the treasurer of the joint
362 enterprise.

363 The joint airport commission shall determine the amounts necessary to be raised to
364 maintain and operate the joint airport and shall apportion the balance needed, over and above the
365 amount available for such purposes in the joint airport fund, among the several participating
366 municipalities on the basis set forth in the agreement and shall promptly thereafter notify the
367 treasurers of said municipalities of such apportionment. Every treasurer so notified shall,
368 annually in December, certify the amount of such apportionment to the board of assessors of his
369 municipality, who shall, unless funds are available from appropriations or otherwise, include
370 such amount in the tax levy of the following year, and the amount of such apportionment shall be
371 paid over by the treasurer of such municipality to the treasurer of the joint enterprise within the
372 time specified in the agreement for such payment.

373 Action by a participating municipality in establishing, maintaining and operating a joint
374 airport shall be authorized to the same extent and subject to the same provisions of law as in the
375 case of like action by such municipality independently with respect to an airport, except as
376 otherwise provided in this section and except that the joint airport commission is authorized to

377 acquire property by eminent domain, purchase or otherwise for purposes of the joint airport in
378 the names of the participating municipalities but only within the territorial limits of such
379 municipalities, and each of such municipalities shall have the same interest in the property so
380 acquired that it has in the joint airport under the agreement.

381 Section 38. Notwithstanding any general or special law to the contrary, no city or town
382 shall limit or restrict the authority of an airport commission, as established by this chapter and
383 specifically with regard to an airport commission's authority over the management, operation,
384 and control of an airport, through charter provision, local ordinance or by-law, or regulation.

385 SECTION 33. Chapter 90 of the General Laws, as so appearing, is hereby further
386 amended by striking out section 52, and inserting in place thereof the following section:-

387 Section 52. If any provision of said sections 35 to 51, inclusive, is declared
388 unconstitutional or the application thereof to any person or circumstance is held invalid, the
389 validity of the remaining provisions thereof and the application of such provision to other
390 persons and circumstances shall not be affected thereby. These sections, being necessary for the
391 welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the
392 purposes hereof.