

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

February 7, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on February 7, 1977 at 9:38 A.M., in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: Donald J. Topp, Cut Bank Airport; Richard Gee, Yellowstone Planning Dept.; David C. Carlson, Morrison, Maierle Inc. Engrs.; Frank Wolcott, Gallatin Airport Authority; Hugh R. Kelleher, Helena Airport; Bill Utter, Great Falls Airport; Art Korn, Silver Bow County Airport; Glen Drake, League of Cities and Towns; Dean Zinnecker, Montana Association of Counties; Bill Murray, Sponsor; Dave Kneedler, Montana Aeronautics Division; Dale Norby, Billings Airport; Thomas S. Page, Missoula County Airport.

CONSIDERATION OF SENATE BILL 198: Senator Murray, District 50, Sponsor of Senate Bill 198 stated this bill should start the process of airports and communities of getting along. The object of Senate Bill 198 is to get encouragement between airports and land owners for compatible land use. Hugh Kelleher, Manager, Helena Airport, testified in support of this legislation. He stated he felt this type of legislation is needed in the airport industry in Montana. Bill Utter, President of the Montana Airport Managers, testified in support of Senate Bill 198 (attached). Dale Norby, Airport Manager in Billings, testified in support of Senate Bill 198 stating this bill is very important to all airports throughout the state. Dave Kneedler, Montana Aeronautics Division, stated he felt increasing concern in investing public monies in airports without adequate protection from the law. He cited two law suits against the Butte Airport as an example. Mr. Kneedler supports Senate Bill 198. Tom Page, Missoula Airport Manager, testified in support of Senate Bill 198 stating problem areas should be defined and a compatible land use plan developed. Art Korn, Manager of Silver Bow County Airport, Frank Wolcott, Manager of the Gallatin County Airport, and Dave Carlson, Morrison, Maierle Inc. of Helena, testified in support of Senate Bill 198. Don Topp, Manager of Cut Bank Airport, stated they have to have some kind of zoning plan and feels Senate Bill 198 would give small communities something to go on.

Senator Flynn, Missoula, opposed Senate Bill 198. He stated airports could gain use of land without paying for it by adverse condemnation under this bill. There is no limit to how far they can zone under Senate Bill 198. Senator Flynn feels Section 5 is in conflict with Section 6.

There was a lengthy discussion by the committee and Senator Thiessen moved to have the Chairman appoint a subcommittee to work on Senate Bill 198. Senator Story and Senator Thomas are to meet with Senator Flynn.

Mr. Dowling, Justice of the Peace, Yellowstone County, and A. H. Mues, Justice of the Peace in Lewis and Clark County appeared in support of Senate Bill 267.

ADJOURN: The meeting adjourned at 11:00 with the next meeting to be Tuesday, February 8, 1977.

  
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Senator George McCallum, Chairman

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## ROLL CALL

## LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION -- 1977

Date 2-2-71

SENATE LOCAL GOVERNMENT COMMITTEE

BILL 175

**VISITORS' REGISTER**

DATE 2/2/71

MONTANA  
AIRPORT  
MANAGEMENT  
ASSOCIATION

February 7, 1977

Hugh R. Kelleher, A.A.E. — Executive Secretary  
Helena Airport, Helena, Montana 59601

STATE OF MONTANA - 45th LEGISLATURE

Senate Bill 198

Land Use Regulations for Airport Influence Areas

TO: Local Government Standing Committee  
Mr. George McCallum, Chairman

FROM: William F. Utter, President  
Montana Airport Manager's  
Association (Proponent)

The Montana Airport Manager's Association supports Senate Bill 198 for the following reasons:

1. Public airports and their creating cities and counties are powerless now to prevent incompatible land use beyond or near their borders.

Currently under Montana State Law, no recognition is made of the requirement for special and peculiar zoning laws and regulations near airports. Cities and counties are now powerless to prevent residential and other incompatible land development immediately off airport boundaries where frequent and intense noise is developed by aircraft providing a vital transportation mode to Montanans.

The US Department of Transportation developed a noise abatement policy statement dated November 18, 1976, which indicates the state and local responsibilities toward compatible land use around airports. (See attachment #1).

The US Department of Housing and Urban Development recognized back in 1971 that their program should not encourage residential and non-conforming use near airports or any other uncontrollable noise source. (See attachment #2).

Airport Authorities in the State of Montana are empowered to establish zoning regulations, however, if 40 percent of the landowners within the area to be zoned object or oppose such zoning, they are powerless to do so. (See attachment #3).

The laws of this state are inadequate and incomplete with regard to protecting the tremendous dollar investment and vital, absolutely necessary transportation mode that airports of this state represent.

Federal Aviation is considering the adoption of new rules concerning the AIRPORT NOISE REGULATORY PROCESS, indicating that airports must