44th Legislature

LC 0283

1	HOUSE BILL NO. 24
2	INTRODUCED BY MANUEL
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 1-821,
5	R.C.M. 1947, TO PROVIDE COMPENSATION FOR THE JOINT AIRPORT
6	COMMISSION BOARD."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 1-821, R.C.M. 1947, is amended to
10	read as follows:
11	*1-821. Joint operations. (a) Authorization. For the
12	purposes of this section, unless otherwise qualified, the
13	term "public agency" includes municipality, as defined in
14	this act, any agency of the state government and of the
15	United States, and any municipality, political subdivision
16	and agency of another state; and the term "governing body"
17	means the governing body of a county or municipality, and
18	the head of the agency if the public agency is other than a
19.	county or municipality. All powers, privileges and authority
20	granted to any municipality by this act may be exercised and
21	enjoyed jointly with any public agency of this state, and
22	jointly with any public agency of any other state or of the
23	United States to the extent that the laws of such other
24	state or of the United States permit such joint exercise or
25	enjoyment. If not otherwise authorized by law, any agency of

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the state government when acting jointly with any
 municipality, may exercise and enjoy all of the powers,
 privileges and authority conferred by this act upon a
 municipality.

5 (b) Agreement. Any two or more public agencies may 6 enter into agreements with each other for joint action 7 pursuant to the provisions of this section. Concurrent 8 action by ordinance, resolution or otherwise of the 9 governing bodies of the participating public agencies shall 10 constitute joint action. Each such agreement shall specify 11 its duration, the proportionate interest which each public 12 agency shall have in the property, facilities and privileges 13 involved, the proportion to be borne by each public agency 14 of preliminary costs and costs of acquisition, 15 establishment, construction, enlargement, improvement, and 16 equipment of the airport or air navigation facility, the 17 proportion of the expenses of maintenance, operation, 18 regulation and protection thereof to be borne by each, and 19 such other terms as are required by the provisions of this section. The agreement may also provide for: amendments 20 21 thereof, and conditions and methods of termination of the 22 agreement; the disposal of all or any of the property, 23 facilities and privileges jointly owned, prior to or upon said property, facilities and privileges, or any part 24 thereof, ceasing to be used for the purposes provided in 25

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this act, or upon termination of the agreement; the 1 distribution of the proceeds received upon any such 2 disposal, and of any funds or other property jointly owned 3 and undisposed of; the assumption or payment of any 4 5 indebtedness arising from the joint venture which remains unpaid upon the disposal of all assets or upon a termination 6 of the agreement; and such other provisions as may be 7 8 necessary or convenient.

9 (c) Joint board. Public agencies acting jointly pursuant to this section shall create a joint board which 10 11 shall consist of members appointed by the governing body of 12 each participating public agency. Per diem and mileage of such joint board shall be set by resolution of the board of 13 county commissioners. The number to be appointed -- their 14 term--and--compensation7--if--any7 and their term shall be 15 16 provided for in the joint agreement. Each such joint board shall organize, select officers for terms to be fixed by the 17 18 agreement, and adopt and amend from time to time rules for its own procedure. The joint board shall have power to plan, 19 acquire, establish, develop, construct, enlarge, improve, 20 maintain. equip. operate, regulate, protect and police any 21 airport or air navigation facility or airport hazard to be 22 jointly acquired, controlled and operated, and such board 23 24 may exercise on behalf of its constituent public agencies 25 all the powers of each with respect to such airport, air

navigation facility or airport hazard, subject to the
 limitations of subsection (d) of this section.

(d) Limitations of joint board.

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4 (1) Expenditures. The total expenditures to be made by 5 the joint board for any purpose in any calendar year shall 6 be determined by a budget approved by the governing bodies 7 of its constituent public agencies.

8 (2) Acquisitions beyond sums allotted. No airport, air 9 navigation facility, airport hazard, or real or personal 10 property, the cost of which is in excess of sums therefor 11 fixed by the joint agreement or allotted in the annual 12 budget, may be acquired by the joint board without the 13 approval of the governing bodies of its constituent public 14 agencies.

15 (3) Eminent domain. Eminent domain proceedings under 16 this section may be instituted only by authority of the 17 governing bodies of the constituent public agencies of the 18 joint board. If so authorized, such proceedings shall be 19 instituted in the names of the constituent public agencies 20 jointly, and the property so acquired shall be held by said 21 public agencies as tenants in common until conveyed by them 22 to the joint board.

23 (4) Disposal of real property. The joint board shall
24 not dispose of any airport, air navigation facility or real
25 property under its jurisdiction except with the consent of

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the governing bodies of its constituent public agencies,
 provided that the joint board may, without such consent,
 enter into the contract, lease or other arrangements
 contemplated by section 1-812.

5 (5) Police regulations. Any resolutions, rules, 6 regulations or orders of the joint board dealing with 7 subjects authorized by section 1-815 shall become effective 8 only upon approval of the governing bodies of the 9 constituent public agencies provided that upon such approval, the resolutions, rules, regulations or orders of 10 11 the joint board shall have the same force and effect in the 12 territories or jurisdictions involved as the ordinance, 13 resolutions, rules, regulations or orders of each public 14 agency would have in its own territory or jurisdiction.

(e) Joint fund. For the purpose of providing a joint 15 board with moneys for the necessary expenditures in carrying 16 17 out the provisions of this section, a joint fund shall be created and maintained, into which shall be deposited the 18 share of each of the constituent public agencies as provided 19 by the joint agreement. Each of the constituent public 20 agencies shall provide its share of the fund from sources 21 22 available to each. Any federal. state or other contributions 23 or loans, and the revenues obtained from the joint 24 ownership, control and operation of any airport or air navigation facility under the jurisdiction of the joint 25

board shall be paid into the joint fund. Disbursements from
such fund shall be made by order of the board, subject to
the limitations prescribed in subsection (d) of this
section."

-End-

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Approved by Committee on State Administration

1 HOUSE BILL NO. 24

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 1-821,
R.C.M. 1947, TO PROVIDE COMPENSATION FOR THE JOINT AIRPORT
COMMISSION BOARD."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Section 1-821, R.C.M. 1947, is amended to

10 read as follows:

"1-821. Joint operations. (a) Authorization. For the 11 12 purposes of this section, unless otherwise qualified, the term "public agency" includes municipality, as defined in 13 this act, any agency of the state government and of the 14 United States, and any municipality, political subdivision 15 16 and agency of another state; and the term "governing body" 17 means the governing body of a county or municipality, and the head of the agency if the public agency is other than a 18 county or municipality. All powers, privileges and authority 19 granted to any municipality by this act may be exercised and 20 enjoyed jointly with any public agency of this state, and 21 22 jointly with any public agency of any other state or of the 23 United States to the extent that the laws of such other 24 state or of the United States permit such joint exercise or 25 enjoyment. If not otherwise authorized by law, any agency of

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the state government when acting jointly with any
 municipality, may exercise and enjoy all of the powers,
 privileges and authority conferred by this act upon a
 municipality.

5 (b) Agreement. Any two or more public agencies may 6 enter into agreements with each other for joint action 7 pursuant to the provisions of this section. Concurrent 8 action by ordinance, resolution or otherwise of the 9 governing bodies of the participating public agencies shall 10 constitute joint action. Each such agreement shall specify 11 its duration, the proportionate interest which each public 12 agency shall have in the property, facilities and privileges 13 involved, the proportion to be borne by each public agency 14 of preliminary costs and costs of acquisition. 15 establishment, construction, enlargement, improvement, and 16 equipment of the airport or air navigation facility, the 17 proportion of the expenses of maintenance, operation, 18 regulation and protection thereof to be borne by each, and 19 such other terms as are required by the provisions of this 20 section. The agreement may also provide for: amendments thereof, and conditions and methods of termination of the 21 agreement; the disposal of all or any of the property, 22 23 facilities and privileges jointly owned, prior to or upon said property, facilities and privileges, or any part 24 25 thereof, ceasing to be used for the purposes provided in

1 this act, or upon termination of the agreement; the distribution of the proceeds received upon any 2 such disposal, and of any funds or other property jointly owned 3 4 and undisposed of; the assumption or payment of any 5 indebtedness arising from the joint venture which remains unpaid upon the disposal of all assets or upon a termination 6 of the agreement; and such other provisions as may be 7 8 necessary or convenient.

9 Joint board. Public agencies acting jointly (c) pursuant to this section shall create a joint board which 10 11 shall consist of members appointed by the governing body of 12 each participating public agency. Per diem and mileage of 13 such joint board shall MAY be set by resolution of the board 14 of county commissioners. The number to be appointed,-their term-and-compensation,~if-any, and their term shall be 15 16 provided for in the joint agreement. Each such joint board 17 shall organize, select officers for terms to be fixed by the 18 agreement, and adopt and amend from time to time rules for 19 its own procedure. The joint board shall have power to plan, acquire, establish, develop, construct, enlarge, improve, 20 21 maintain, equip, operate, regulate, protect and police any 22 airport or air navigation facility or airport hazard to be 23 jointly acquired, controlled and operated, and such board 24 may exercise on behalf of its constituent public agencies all the powers of each with respect to such airport, air 25 -3-HB 24

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navigation facility or airport hazard, subject to the

2 limitations of subsection (d) of this section.

(d) Limitations of joint board.

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4 (1) Expenditures. The total expenditures to be made by 5 the joint board for any purpose in any calendar year shall 6 be determined by a budget approved by the governing bodies 7 of its constituent public agencies.

3 (2) Acquisitions beyond sums allotted. No airport, air 9 navigation facility, airport hazard, or real or personal 10 property, the cost of which is in excess of sums therefor 11 fixed by the joint agreement or allotted in the annual 12 budget, may be acquired by the joint board without the 13 approval of the governing bodies of its constituent public 14 agencies.

(3) Eminent domain. Eminent domain proceedings under 15 16 this section may be instituted only by authority of the governing bodies of the constituent public agencies of the 17 18 joint board. If so authorized, such proceedings shall be 19 instituted in the names of the constituent public agencies 20 jointly, and the property so acquired shall be held by said 21 public agencies as tenants in common until conveyed by them 22 to the joint board.

23 (4) Disposal of real property. The joint board shall
 24 not dispose of any airport, air navigation facility or real
 25 property under its jurisdiction except with the consent of

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the governing bodies of its constituent public agencies,
 provided that the joint board may, without such consent,
 enter into the contract, lease or other arrangements
 contemplated by section 1-812.

5 (5) Police regulations. Any resolutions, rules. regulations or orders of the joint board dealing with 6 7 subjects authorized by section 1-815 shall become effective 8 only upon approval of the governing bodies of the constituent public agencies provided that upon such 9 approval, the resolutions, rules, regulations or orders of 10 11 the joint board shall have the same force and effect in the territories or jurisdictions involved as the ordinance, 12 13 resolutions, rules, regulations or orders of each public 14 agency would have in its own territory or jurisdiction.

(e) Joint fund. For the purpose of providing a joint 15 board with moneys for the necessary expenditures in carrying 16 out the provisions of this section, a joint fund shall be 17 created and maintained, into which shall be deposited the 18 19 share of each of the constituent public agencies as provided by the joint agreement. Each of the constituent public 20 agencies shall provide its share of the fund from sources 21 available to each. Any federal, state or other contributions 22 23 or loans, and the revenues obtained from the joint ownership, control and operation of any airport or air 24 navigation facility under the jurisdiction of the joint 25

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board shall be paid into the joint fund. Disbursements from
 such fund shall be made by order of the board, subject to
 the limitations prescribed in subsection (d) of this
 section."

-End-

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1	HOUSE BILL NO. 24				
2	INTRODUCED BY MANUEL				
3	<i>,</i>				
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 1-821,				

5 R.C.M. 1947, TO PROVIDE COMPENSATION FOR THE JOINT AIRPORT 6 COMMISSION BOARD."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 1-821, R.C.M. 1947, is amended to
10 read as follows:

*1-821. Joint operations. (a) Authorization. For the 11 purposes of this section, unless otherwise qualified, the 12 term "public agency" includes municipality, as defined in 13 this act, any agency of the state government and of the 14 United States, and any municipality, political subdivision 15 and agency of another state; and the term "governing body" 16 means the governing body of a county or municipality, and 17 the head of the agency if the public agency is other than a 18 county or municipality. All powers, privileges and authority 19 granted to any municipality by this act may be exercised and 20 enjoyed jointly with any public agency of this state, and 21 jointly with any public agency of any other state or of the 22 United States to the extent that the laws of such other 23 state or of the United States permit such joint exercise or 24 enjoyment. If not otherwise authorized by law, any agency of 25

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the state government when acting jointly with any
 municipality, may exercise and enjoy all of the powers,
 privileges and authority conferred by this act upon a
 municipality.

5 (b) Agreement. Any two or more public agencies may 6 enter into agreements with each other for joint action 7 pursuant to the provisions of this section. Concurrent 8 action by ordinance, resolution or otherwise of the 9 governing bodies of the participating public agencies shall 10 constitute joint action. Each such agreement shall specify 11 its duration, the proportionate interest which each public 12 agency shall have in the property, facilities and privileges 13 involved, the proportion to be borne by each public agency 14 of preliminary costs and costs of acquisition, 15 establishment, construction, enlargement, improvement, and 16 equipment of the airport or air navigation facility, the 17 proportion of the expenses of maintenance, operation, 18 regulation and protection thereof to be borne by each, and 19 such other terms as are required by the provisions of this 20 section. The agreement may also provide for: amendments thereof, and conditions and methods of termination of the 21 22 agreement; the disposal of all or any of the property. 23 facilities and privileges jointly owned, prior to or upon 24 said property, facilities and privileges, or any part 25 thereof, ceasing to be used for the purposes provided in -2-HB 24

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1 this act, or upon termination of the agreement; the 2 distribution of the proceeds received upon any such 3 disposal, and of any funds or other property jointly owned and undisposed of; the assumption or payment of any 4 5 indebtedness arising from the joint venture which remains 6 unpaid upon the disposal of all assets or upon a termination 7 of the agreement; and such other provisions as may be 8 necessary or convenient.

9 (c) Joint board. Public agencies acting jointly 10 pursuant to this section shall create a joint board which shall consist of members appointed by the governing body of 11 12 each participating public agency. Per diem and mileage of 13 such joint board shall MAY be set by resolution of the board 14 of county commissioners. The number to be appointed,-their 15 term-and-compensationy-if-any, and their term shall be provided for in the joint agreement. Each such joint board 16 17 shall organize, select officers for terms to be fixed by the 18 agreement, and adopt and amend from time to time rules for 19 its own procedure. The joint board shall have power to plan, 20 acquire, establish, develop, construct, enlarge, improve, 21 maintain, equip, operate, regulate, protect and police any 22 airport or air navigation facility or airport hazard to be 23 jointly acquired, controlled and operated, and such board 24 may exercise on behalf of its constituent public agencies 25 all the powers of each with respect to such airport, air HB 24

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navigation facility or airport hazard, subject to the 1 limitations of subsection (d) of this section. 2

(d) Limitations of joint board.

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(1) Expenditures. The total expenditures to be made by 4 the joint board for any purpose in any calendar year shall 5 be determined by a budget approved by the governing bodies 6 7 of its constituent public agencies.

8 (2) Acquisitions beyond sums allotted. No airport, air navigation facility, airport hazard, or real or personal 9 10 property, the cost of which is in excess of sums therefor fixed by the joint agreement or allotted in the annual 11 12 budget, may be acquired by the joint board without the approval of the governing bodies of its constituent public 13 14 agencies.

(3) Eminent domain. Eminent domain proceedings under 15 this section may be instituted only by authority of the 16 17 governing bodies of the constituent public agencies of the joint board. If so authorized, such proceedings shall be 18 instituted in the names of the constituent public agencies 19 20 jointly, and the property so acquired shall be held by said 21 public agencies as tenants in common until conveyed by them 22 to the joint board.

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15 (e) Joint fund. For the purpose of providing a joint board with moneys for the necessary expenditures in carrying 16 17 out the provisions of this section, a joint fund shall be 18 created and maintained, into which shall be deposited the share of each of the constituent public agencies as provided 19 by the joint agreement. Each of the constituent public 20 agencies shall provide its share of the fund from sources 21 available to each. Any federal, state or other contributions 22 or loans, and the revenues obtained from the joint 23 24 ownership, control and operation of any airport or air 25 navigation facility under the jurisdiction of the joint -5-HB 24

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1 board shall be paid into the joint fund. Disbursements from
2 such fund shall be made by order of the board, subject to
3 the limitations prescribed in subsection (d) of this
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-End-

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:	3	3	privileges and authority conferm
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-End-

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