

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

1 the state government when acting jointly with any
 2 municipality, may exercise and enjoy all of the powers,
 3 privileges and authority conferred by this act upon a
 4 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
 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
 24 said property, facilities and privileges, or any part
 25 thereof, ceasing to be used for the purposes provided in

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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
 4 and undisposed of; the assumption or payment of any
 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
 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 be set by resolution of the board of
 14 county commissioners. The number to be appointed--~~their~~
 15 ~~term--and--compensation--if--any~~ and their term shall be
 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,
 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

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

3 (d) Limitations of joint board.

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

1 the governing bodies of its constituent public agencies,
 2 provided that the joint board may, without such consent,
 3 enter into the contract, lease or other arrangements
 4 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
 10 approval, the resolutions, rules, regulations or orders of
 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.

15 (e) Joint fund. For the purpose of providing a joint
 16 board with moneys for the necessary expenditures in carrying
 17 out the provisions of this section, a joint fund shall be
 18 created and maintained, into which shall be deposited the
 19 share of each of the constituent public agencies as provided
 20 by the joint agreement. Each of the constituent public
 21 agencies shall provide its share of the fund from sources
 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
 25 navigation facility under the jurisdiction of the joint

1 board shall be paid into the joint fund. Disbursements from
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Approved by Committee
on State Administration

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 25 all the powers of each with respect to such airport, air

1 navigation facility or airport hazard, subject to the
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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
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