

HOUSE BILL 789

IN THE HOUSE

|                   |                                                                  |
|-------------------|------------------------------------------------------------------|
| February 13, 1979 | Introduced and referred to<br>Committee on State Administration. |
| February 20, 1979 | Committee recommend bill, do not<br>pass.                        |
| February 21, 1979 | Report adopted.                                                  |

1 *HOUSE* BILL NO. *789*  
 2 INTRODUCED BY *BURNETT & Smith* *Kropp*  
 3 *Luci Day*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 LAWS RELATING TO STATE AIRCRAFT; CLARIFYING THE POWERS AND  
 6 DUTIES OF THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING  
 7 EXEMPTIONS; AMENDING SECTIONS 67-2-201 THROUGH 67-2-203,  
 8 MCA; AND REPEALING SECTION 67-2-205, MCA."  
 9

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

11 Section 1. Section 67-2-201, MCA, is amended to read:  
 12 "67-2-201. Department as custodian of state ~~airplanes~~  
 13 aircraft. The department is hereby designated the custodian  
 14 of all ~~airplanes aircraft and airport-related facilities~~  
 15 owned or leased by the state of Montana or its boards,  
 16 commissions, or agencies."

17 Section 2. Section 67-2-202, MCA, is amended to read:  
 18 "67-2-202. Rules enforcement. The department is hereby  
 19 delegated the power and authority to:

20 (1) formulate and enforce reasonable rules governing  
 21 the use and operation of all ~~airplanes aircraft and~~  
 22 airport-related facilities under control of the ~~division~~  
 23 department;

24 (2) encourage and coordinate use of such ~~airplanes~~  
 25 aircraft and facilities by individual state agencies (an

1 agency for which an aircraft has been specially equipped or  
 2 modified shall have priority for the use of such aircraft);  
 3 (3) charge the individual state agencies using the  
 4 ~~airplanes such aircraft and facilities~~ the estimated costs  
 5 for administration, operation, maintenance, service,  
 6 storage, and replacement;

7 (4) establish a capital fund for new and replacement  
 8 equipment using that portion of the money paid by individual  
 9 state agencies for the use of the ~~airplanes such aircraft~~  
 10 and facilities; and

11 (5) place any surplus resulting from use charges into  
 12 the capital fund."

13 Section 3. Section 67-2-203, MCA, is amended to read:  
 14 "67-2-203. Operational deficit. Any deficit resulting  
 15 from the ~~use and~~ operation of the ~~airplanes aircraft and~~  
 16 airport-related facilities by the department shall be  
 17 provided for in the state's general fund budget as  
 18 determined by legislative action."

19 NEW SECTION. Section 4. Exemptions. This part does  
 20 not apply to:

- 21 (1) helicopters;
- 22 (2) "restricted category aircraft" as defined by
- 23 federal aviation administration (FAA) regulation;
- 24 (3) aircraft not meeting FAA certification standards
- 25 and being operated as "public aircraft" as defined by the

1 Federal Aviation Act of 1958, Public Law 85-726;

2 (4) aircraft used solely for game management or law  
3 enforcement;

4 (5) aircraft used for a special purpose, other than  
5 personnel transportation, as specifically authorized by the  
6 legislature; or

7 (6) the employment of pilots used solely to accomplish  
8 special-purpose missions, other than personnel  
9 transportation, as specifically authorized by the  
10 legislature.

11 Section 5. Codification. Section 4 is intended to be  
12 codified as an integral part of Title 67, chapter 2, part 2.  
13 The provisions of Title 67, chapter 2, part 2, apply to  
14 section 4, and section 4 applies to Title 67, chapter 2,  
15 part 2. All references in the MCA to Title 67, chapter 2,  
16 part 2, include section 4.

17 Section 6. Repealer. Section 67-2-205, MCA, is  
18 repealed.

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