

SENATE BILL 290

IN THE SENATE

January 30, 1979	Introduced and referred to Committee on Local Government.
February 19, 1979	Committee recommend bill, as amended.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, as amended.
February 23, 1979	Considered correctly engrossed.  On motion, rules suspended. Bill placed on calendar for third reading this day.  Third reading, passed.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on Local Government.
March 15, 1979	Committee recommend bill, not concurred.
March 17, 1979	Report adopted.

IN THE SENATE

March 19, 1979	Returned from House, not concurred.
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1 *Senate* BILL NO. *290*  
 2 INTRODUCED BY *Don, Mad. Ernest Love*  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 DEPARTMENT OF COMMUNITY AFFAIRS TO IDENTIFY AND MITIGATE  
 6 AIRCRAFT HAZARDS."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definitions. As used in [this act], the  
 10 following definitions apply:

11 (1) "Aircraft hazard" means any structure or object of  
 12 natural growth or use of land which obstructs the airspace  
 13 required for the safe flight of aircraft landing and taking  
 14 off at an airport or which is otherwise hazardous to such  
 15 landing or taking off.

16 (2) "Structure" means an object constructed or  
 17 installed by man, including but not limited to buildings,  
 18 towers, smokestacks, overhead transmission lines, support  
 19 lines, information displays, illuminations, standpipes, bulk  
 20 storage, cranes, and cable lifts.

21 (3) "Aircraft hazard zone" means the area described in  
 22 Title 14, parts 77.13 and 77.25, of the Code of Federal  
 23 Regulations.

24 (4) "Department" means the department of community  
 25 affairs provided for in Title 2, chapter 15, part 11.

1 Section 2. Designation of aircraft hazards. Any  
 2 structure or obstacle which obstructs the airspace above  
 3 ground or water level determined by the department to be a  
 4 hazard or potential hazard to the safe flight of aircraft  
 5 shall be plainly marked, illuminated, or designated in a  
 6 manner to be approved in accordance with the rules of the  
 7 department and the United States department of  
 8 transportation, obstruction marking and lighting standards,  
 9 so that they will not be a potential hazard to airmen or  
 10 aircraft in flight.

11 Section 3. Identification of aircraft hazards. In  
 12 identifying aircraft hazards the department shall consider  
 13 those obstacles located at river, lake, and canyon  
 14 crossings, any obstacle within an aircraft hazard zone, and  
 15 those obstacles located in any other low-altitude flight  
 16 paths.

17 Section 4. Persons required to report hazards to  
 18 department. Owners, operators, lessees, or others having  
 19 control or management of structures or obstacles which are  
 20 or may be a hazard to air flight or any structure within an  
 21 airport hazard zone shall report the location of such  
 22 existing or proposed structures or obstacles to the  
 23 department.

24 Section 5. Enforcement power of department. The  
 25 department may prevent the establishment of aircraft hazards

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 INTRODUCED BILL

1 or potential aircraft hazards within an aircraft hazard  
2 zone. On a complaint received or on its own motion, the  
3 department may require any such hazard to be removed and may  
4 initiate appropriate action as provided by law.

5 Section 6. Penalty. A person who violates the  
6 provisions of [sections 1 through 5] is guilty of a  
7 misdemeanor and upon conviction is punishable by a fine of  
8 not more than \$500 or by imprisonment in the county jail for  
9 a term not to exceed 6 months, or both. Each day of  
10 violation constitutes a separate violation.

-End-

SENATE BILL NO. 290

INTRODUCED BY DOVER, MATHERS, ETCHART, LOWE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF COMMUNITY AFFAIRS TO IDENTIFY AND MITIGATE AIRCRAFT HAZARDS."

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

Section 1. Definitions. As used in [this act], the following definitions apply:

(1) "Aircraft hazard" means any structure or object of nature, growth, or use of land which obstructs the airspace required for the safe flight of aircraft landing and taking off at an airport or which is otherwise hazardous to such landing or taking off, OVER 200 FEET IN HEIGHT ABOVE GROUND LEVEL CONSTRUCTED BY MAN WHICH OBSTRUCTS THE AIRSPACE REQUIRED FOR SAFE FLIGHT OF AIRCRAFT.

(2) "Structure" means an object OVER 200 FEET IN HEIGHT ABOVE GROUND LEVEL constructed or installed by man, including but not limited to buildings, towers, smokestacks, overhead transmission lines, support lines, information displays, illuminations, standpipes, bulk storage, cranes, and cable lifts.

(3) "Aircraft hazard zone" means the area described in Title 14, parts 77.13 and 77.25, of the Code of Federal

Regulations.

(4) "Department" means the department of community affairs provided for in Title 2, chapter 15, part 11.

Section 2. Designation of ~~aircraft hazards~~ AND IDENTIFICATION OF CERTAIN AIRCRAFT HAZARDS IN AIRCRAFT HAZARD ZONES. Any ~~structure or obstacle which obstructs the airspace above ground or water level determined~~ ANY STRUCTURE OBSTRUCTING THE AIRSPACE ABOVE GROUND OR WATER LEVEL, THAT IS LOCATED AT RIVER, LAKE, AND CANYON CROSSINGS, DETERMINED, AFTER HEARING, by the department to be a hazard or potential hazard to the safe flight of aircraft shall be plainly marked, illuminated, or designated in a manner to be approved in accordance with the rules of the department and the United States department of transportation, obstruction marking and lighting standards, so that they will not be a potential hazard to airmen or aircraft in flight.

~~Section 3. Identification of aircraft hazards in identifying aircraft hazards the department shall consider those obstacles located at rivers, keys, and canyon crossings, any obstacle within an aircraft hazard zone, and those obstacles located in any other low altitude flight paths.~~

Section 3. Persons required to report hazards to department. Owners, operators, lessees, or others having control or management of structures or obstacles which are

1 or may be a hazard to air flight or any structure within an  
2 airport hazard zone shall report the location of such  
3 existing or proposed structures or--obstacles to the  
4 department.

5 Section 4. Enforcement power of department. The  
6 department ~~may prevent the establishment of aircraft hazards~~  
7 ~~or potential aircraft hazards within an aircraft hazard~~  
8 ~~zone. On a complaint received or on its own motion, the~~  
9 ~~department may require any such hazard to be removed and may~~  
10 ~~initiate appropriate action as provided by law.~~ SHALL  
11 REQUIRE THAT ANY HAZARD WITHIN AN AIRCRAFT HAZARD ZONE,  
12 DESIGNATED BY THE DEPARTMENT UNDER [SECTION 2], BE  
13 APPROPRIATELY MARKED BY THE OWNER, OPERATOR, LESSEES, OR  
14 OTHERS HAVING CONTROL OR MANAGEMENT OF THE HAZARD.

15 ~~Section 6. Penalty. A person who violates the~~  
16 ~~provisions of [sections 1 through 5] is guilty of a~~  
17 ~~misdemeanor and upon conviction is punishable by a fine of~~  
18 ~~not more than \$500 or by imprisonment in the county jail for~~  
19 ~~a term not to exceed 6 months, or both. Each day of~~  
20 ~~violation constitutes a separate violation.~~

21 SECTION 5. THERE IS A NEW MCA SECTION THAT READS:  
22 Period of time for marking. Upon adoption of [this act]  
23 the department has until July 1, 1982 to determine those  
24 aircraft hazards which are now in existence. As of July 1,  
25 1979, the department has the authority to determine those

1 new structures which are a hazard. New structures which are  
2 determined by the department to be a hazard must be  
3 appropriately marked and must meet department standards upon  
4 the date of completion.

5 SECTION 6. THERE IS A NEW MCA SECTION THAT READS:

6 Funds for marking hazards. (1) Following identification  
7 of hazards as provided in [this act], the sum of \$25,000 may  
8 be allocated from the earmarked revenue fund, from the  
9 account created by 67-1-301(3), for the fiscal year ending  
10 July 1, 1983, and so much for each succeeding fiscal year as  
11 may be necessary to reimburse the fund for expenditures and  
12 commitments made and to maintain the fund at \$25,000 at the  
13 beginning of each fiscal year thereafter, for participation  
14 by the department in marking the hazards.

15 (2) The department shall participate to the extent of  
16 50% of the costs of marking those hazards which in the  
17 opinion of the department are most in need of marking, after  
18 concluding the hearing and identification procedures as  
19 provided in [this act].

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
5 DEPARTMENT OF COMMUNITY AFFAIRS TO IDENTIFY AND MITIGATE  
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16 LEVEL CONSTRUCTED BY MAN WHICH OBSTRUCTS THE AIRSPACE  
17 REQUIRED FOR SAFE FLIGHT OF AIRCRAFT.18 (2) "Structure" means an object OVER 200 FEET IN  
19 HEIGHT ABOVE GROUND LEVEL constructed or installed by man,  
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3 affairs provided for in Title 2, chapter 15, part 11.4 Section 2. Designation of ~~aircraft hazards~~ AND  
5 IDENTIFICATION OF CERTAIN AIRCRAFT HAZARDS IN AIRCRAFT  
6 HAZARD ZONES. Any structure or obstacle which obstructs the  
7 airspace above ground or water level determined ANY  
8 STRUCTURE OBSTRUCTING THE AIRSPACE ABOVE GROUND OR WATER  
9 LEVEL, THAT IS LOCATED AT RIVER, LAKE, AND CANYON CROSSINGS,  
10 DETERMINED, AFTER HEARING, by the department to be a AN  
11 AIRCRAFT hazard or potential AIRCRAFT hazard to the safe  
12 flight of aircraft shall be plainly marked, illuminated, or  
13 designated in a manner to be approved in accordance with the  
14 rules of the department and the United States department of  
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25 to department. Owners, operators, lessees, or others having

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 2 or may be a hazard AIRCRAFT HAZARDS to air flight or any  
 3 structure within an airport hazard zone shall report the  
 4 location of such existing or proposed structures or  
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-End-