

HOUSE BILL NO. 354

INTRODUCED BY BRANDEWIE, MERCER, HARBIN, SCHYE, MCCALLUM

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on State Administration.
January 25, 1985	Fiscal Note requested.
January 29, 1985	Fiscal Note returned.
February 5, 1985	Rereferred to Committee on Business and Labor.
February 18, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 19, 1985	Second reading, do pass. Considered correctly engrossed.
February 20, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 22, 1985	Received from House. Introduced and referred to Committee on Judiciary.
March 25, 1985	Committee recommend bill be concurring in as amended. Report adopted.
March 27, 1985	Second reading, pass consideration.
March 28, 1985	Motion pass consideration.

March 29, 1985

Second reading, concurred in.

On motion, reconsider its action.

On motion, taken from engrossing and referred to second reading. Motion adopted.

Second reading, concurred in as amended.

April 1, 1985

Third reading, concurred in. Ayes, 44; Noes, 4.

Returned to House with amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 4, 1985

Second reading, amendments concurred in.

April 5, 1985

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 186-85

Form BD-15

In compliance with a written request received January 25, 19 85, there is hereby submitted a Fiscal Note for H.B. 354 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 354 would repeal sections 67-3-301 through 67-3-306, MCA, and abolish state licensing of airports and other air navigation facilities.

ASSUMPTIONS:

1. Enforcement of the airport licensing as provided in Montana statutes has required the addition of one F.T.E. to Aeronautics Division. Such licensing has not been done in the past but, as a result of a court order, has been implemented in FY 85.
2. According to Montana statute, the Division may charge a licensing fee of only \$1 per airport license.
3. Besides personnel costs, the greatest costs in a licensing program will be in travel for airport inspections.

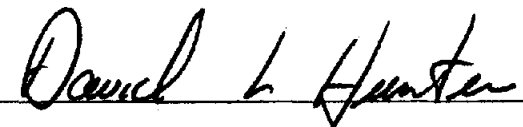
FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>
Revenue to Earmarked Account	(\$ <u>125</u>)	(\$ <u>125</u>)
Expenditures: Personnel	(<u>27,073</u>)	(<u>27,084</u>)
Operating	(<u>26,400</u>)	(<u>26,541</u>)
Total	(\$ <u>53,473</u>)	(\$ <u>53,625</u>)

The amounts listed below would be saved if this legislation passes.

	<u>\$ 53,348</u>	<u>\$ 53,500</u>
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No impact upon State General Fund.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 29, 1985

RE-REFERRED AND APPROVED BY COMM. ON BUSINESS AND LABOR

1 HOUSE BILL NO. 354
2 INTRODUCED BY *B. ... Merce ... Selge*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING STATE
5 LICENSING OF AIRPORTS AND OTHER AIR NAVIGATION FACILITIES;
6 REPEALING SECTIONS 67-3-301 THROUGH 67-3-306, MCA; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8
9 WHEREAS, on August 2, 1984, the District Court of Lewis
10 and Clark County ordered the establishment of a procedure to
11 license airports and the actual licensing of airports
12 meeting the appropriate criteria; and

13 WHEREAS, the regulation of airports and other air
14 navigation facilities is the responsibility of the United
15 States, which inspects airports and other air navigation
16 facilities and certifies or licenses airports and other air
17 navigation facilities in accordance with the applicable
18 federal aviation regulations and Federal Aviation
19 Administration advisory circulars; and

20 WHEREAS, it is unnecessary that the State of Montana
21 also inspect and license airports and other air navigation
22 facilities; and

23 WHEREAS, it is the intent of the Legislature to remove
24 the requirement for the licensing of airports and other air
25 navigation facilities by the repeal of sections 67-3-301

1 through 67-3-306, MCA.

2 THEREFORE, it is the intent of this bill to remove the
3 need for the State of Montana to license airports and other
4 air navigation facilities.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

7 Section 1. Repealer. Sections 67-3-301 through
8 67-3-306, MCA, are repealed.

9 Section 2. Effective date. This act is effective on
10 passage and approval.

-End-



-2- SECOND READING
HB 354

1 HOUSE BILL NO. 354
 2 INTRODUCED BY Bruce Lewis Merce Hobbs Selge
 3 Walters

4 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING STATE
 5 LICENSING OF AIRPORTS AND OTHER AIR NAVIGATION FACILITIES;
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 10 passage and approval.

-End-

STANDING COMMITTEE REPORT

SENATE

March 23 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 354

third reading copy (blue)
color

(Senator McCallum)

ABOLISHING STATE LICENSING OF AIRPORTS AND AIR NAVIGATION FACILITIES

Respectfully report as follows: That HOUSE BILL No. 354

be amended as follows:

1. Page 2, line 1.

Following: "MCA"

Strike: "."

Insert: "; and"

2. Page 2, line 2.

Following: line 1

Insert: "WHEREAS, the department has authority to control the safety of persons and property on land or water in connection with the use of aircraft in this state under 67-2-102, MCA."

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXX~~



Senator Joe Mazurek

Chairman.

SENATE COMMITTEE OF THE WHOLE AMENDMENT

Page 1 of 3

Mar 29, 1985 DATE

Page 2 of 3 HB 354

March 29, 19 85

12:00 TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 354

third reading copy (blue) as follows. Color

1. Title, line 6. Following: line 5 Insert: "AMENDING SECTIONS 67-3-101 AND 67-3-104, MCA;"

2. Page 2, line 9. Following: line 8 Insert: "Section 2. Section 67-3-101, MCA, is amended to read:

"67-3-101. Regulation and licensing -- general provisions. In order to promote the general public interest and safety and to carry out the purposes of this title, the department may:

(1) require the annual registration of federal licenses, permits, or certificates of civil aircraft engaged in air navigation within this state, of airmen engaged in aeronautics within this state, and of aeronautics instructors giving instruction in flying subjects and may issue certificates of registration. The certificates of registration constitute licenses of the aircraft, airmen, and instructors for operations within this state to the extent permitted by the federal licenses, certificates, or permits so registered. The department may charge a fee for the registration of each federal license, certificate, or permit not exceeding \$1. It may accept as evidence of the holding of a federal license, certificate, or permit the verified application of the owner of the aircraft, the airman, or the instructor. The application shall contain information which the department may by rule or order prescribe.

(2) register aircraft repair shops, aircraft, aircraft parts and sales dealers, and other persons operating in aviation and license aircraft repair shops, aircraft, aircraft parts and dealers, and other persons operating in aviation, air schools, and aeronautics instructors giving instruction in ground subjects, in accordance with rules to be adopted by the department, and may annually renew these licenses. It may charge for the original licensing of aircraft repair shops, aircraft, aircraft parts and sales dealers, and other persons operating in aviation, air schools, and aeronautics instructors not more than \$1 and for the renewal of a license not more than \$1.

...(continued) (W)

(3) approve airport and restricted landing area sites and license airports, restricted landing areas, or other air navigation facilities, in accordance with rules adopted by the department, and may annually renew these licenses, licenses granted under this section or under any prior law shall be annually renewed upon payment of the fee. The department may not charge for approving certificates of proposed property acquisition for airport or restricted landing area purposes. It may charge for the issuance and annual renewal of each license for an airport or restricted landing area not to exceed \$1.

(4) (3) upon notification by the civil aeronautics authority that it has revoked the license or certificate of an aircraft, airman, air school, or aeronautics instructor, temporarily or permanently revoke the license or certificate of registration issued for that aircraft, airman, air school, or aeronautics instructor, giving reasons for the action."

Section 3. Section 67-3-104, MCA, is amended to read:

"67-3-104. Department orders. (1) The department shall set forth its reasons for its action and shall state the requirements to be met before approval will be given, registration permitted, license granted, or order modified or changed before it:

(a) refuses to issue a certificate of approval, issue a license, or renew a license for an airport, restricted landing area, or other air navigation facility;

(b) (a) refuses to permit the registration of a license, certificate, or permit;

(c) (b) refuses to grant a license to an air school or to an aeronautics instructor in ground subjects; or

(d) (c) issues an order requiring certain things to be done or revoking a license or certificate.

(2) An order made by the department under this title shall be served upon the interested persons by registered or certified mail or in person.

(3) (a) A person aggrieved by an order of the department or by the granting or denial of a license, certificate, or registration may, within 10 days after receiving notice of the department's order or action, appeal from the order or action to the district court of the county in which the person resides or the county in which any property affected by the order or action is located.

(b) The appellant shall file with the clerk of the district court to which the appeal is taken a notice of appeal which shall state the substance of the order or action appealed from, the date of the order or action, and that the person appeals to the court from it.

(continued) (W)

ADOPTED

March 29, 1985

(c) The appellant shall serve a copy of the notice of appeal upon the department. The order of filing and service is immaterial.

(d) The appeal shall be heard not less than 10 days or more than 30 days after the filing of the notice of appeal unless the judge, for sufficient cause resulting from press of business or other reason, is unable to hear the appeal within that time. In that event, the hearing may be deferred until it can be heard by the court. The appeal may be heard without formal pleadings."

Renumber: subsequent section

PC3HB354.682

ADOPT

REJECT

C. Weeding
WEEDING

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5 LICENSING OF AIRPORTS AND OTHER AIR NAVIGATION FACILITIES;
6 AMENDING SECTIONS 67-3-101 AND 67-3-104, MCA; REPEALING
7 SECTIONS 67-3-301 THROUGH 67-3-306, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."
9

10 WHEREAS, on August 2, 1984, the District Court of Lewis
11 and Clark County ordered the establishment of a procedure to
12 license airports and the actual licensing of airports
13 meeting the appropriate criteria; and

14 WHEREAS, the regulation of airports and other air
15 navigation facilities is the responsibility of the United
16 States, which inspects airports and other air navigation
17 facilities and certifies or licenses airports and other air
18 navigation facilities in accordance with the applicable
19 federal aviation regulations and Federal Aviation
20 Administration advisory circulars; and

21 WHEREAS, it is unnecessary that the State of Montana
22 also inspect and license airports and other air navigation
23 facilities; and

24 WHEREAS, it is the intent of the Legislature to remove
25 the requirement for the licensing of airports and other air

1 navigation facilities by the repeal of sections 67-3-301
2 through 67-3-306, MCA; AND

3 WHEREAS, THE DEPARTMENT HAS AUTHORITY TO CONTROL THE
4 SAFETY OF PERSONS AND PROPERTY ON LAND OR WATER IN
5 CONNECTION WITH THE USE OF AIRCRAFT IN THIS STATE UNDER
6 67-2-102, MCA.

7 THEREFORE, it is the intent of this bill to remove the
8 need for the State of Montana to license airports and other
9 air navigation facilities.
10

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

12 Section 1. Repealer. Sections 67-3-301 through
13 67-3-306, MCA, are repealed.

14 SECTION 2. SECTION 67-3-101, MCA, IS AMENDED TO READ:

15 "67-3-101. Regulation and licensing -- general
16 provisions. In order to promote the general public interest
17 and safety and to carry out the purposes of this title, the
18 department may:

19 (1) require the annual registration of federal
20 licenses, permits, or certificates of civil aircraft engaged
21 in air navigation within this state, of airmen engaged in
22 aeronautics within this state, and of aeronautics
23 instructors giving instruction in flying subjects and may
24 issue certificates of registration. The certificates of
25 registration constitute licenses of the aircraft, airmen,

1 and instructors for operations within this state to the
 2 extent permitted by the federal licenses, certificates, or
 3 permits so registered. The department may charge a fee for
 4 the registration of each federal license, certificate, or
 5 permit not exceeding \$1. It may accept as evidence of the
 6 holding of a federal license, certificate, or permit the
 7 verified application of the owner of the aircraft, the
 8 airman, or the instructor. The application shall contain
 9 information which the department may by rule or order
 10 prescribe.

11 (2) register aircraft repair shops, aircraft, aircraft
 12 parts and sales dealers, and other persons operating in
 13 aviation and license aircraft repair shops, aircraft,
 14 aircraft parts and dealers, and other persons operating in
 15 aviation, air schools, and aeronautics instructors giving
 16 instruction in ground subjects, in accordance with rules to
 17 be adopted by the department, and may annually renew these
 18 licenses. It may charge for the original licensing of
 19 aircraft repair shops, aircraft, aircraft parts and sales
 20 dealers, and other persons operating in aviation, air
 21 schools, and aeronautics instructors not more than \$1 and
 22 for the renewal of a license not more than \$1.

23 ~~{3}--approve--airport-and-restricted-landing-area-sites~~
 24 ~~and-license-airports;--restricted-landing-areas;--or-other-air~~
 25 ~~navigation-facilities;--in-accordance-with-rules--adopted--by~~

1 the--department;--and--may--annually--renew--these--licenses--
 2 licenses-granted-under-this-section-or-under-any--prior--law
 3 shall--be--annually--renewed--upon--payment--of--the--fee--The
 4 department-may-not--charge--for--approving--certificates--of
 5 proposed--property--acquisition--for--airport--or--restricted
 6 landing-area-purposes;--It-may-charge-for--the--issuance--and
 7 annual--renewal--of--each--license--for--an--airport--or--restricted
 8 landing-area-not-to-exceed-\$1;

9 ~~{4}~~{3} upon notification by the civil aeronautics
 10 authority that it has revoked the license or certificate of
 11 an aircraft, airman, air school, or aeronautics instructor,
 12 temporarily or permanently revoke the license or certificate
 13 of registration issued for that aircraft, airman, air
 14 school, or aeronautics instructor, giving reasons for the
 15 action."

16 SECTION 3. SECTION 67-3-104, MCA, IS AMENDED TO READ:

17 "67-3-104. Department orders. (1) The department shall
 18 set forth its reasons for its action and shall state the
 19 requirements to be met before approval will be given,
 20 registration permitted, license granted, or order modified
 21 or changed before it:

22 ~~{a}--refuses--to-issue-a-certificate-of-approval;--issue~~
 23 ~~a-license;--or-renew-a-license--for--an--airport;--restricted~~
 24 ~~landing-area;--or-other-air-navigation-facility;~~

25 ~~{b}~~{a} refuses to permit the registration of a

1 license, certificate, or permit;

2 {e}(b) refuses to grant a license to an air school or
3 to an aeronautics instructor in ground subjects; or

4 {d}(c) issues an order requiring certain things to be
5 done or revoking a license or certificate.

6 (2) An order made by the department under this title
7 shall be served upon the interested persons by registered or
8 certified mail or in person.

9 (3) (a) A person aggrieved by an order of the
10 department or by the granting or denial of a license,
11 certificate, or registration may, within 10 days after
12 receiving notice of the department's order or action, appeal
13 from the order or action to the district court of the county
14 in which the person resides or the county in which any
15 property affected by the order or action is located.

16 (b) The appellant shall file with the clerk of the
17 district court to which the appeal is taken a notice of
18 appeal which shall state the substance of the order or
19 action appealed from, the date of the order or action, and
20 that the person appeals to the court from it.

21 (c) The appellant shall serve a copy of the notice of
22 appeal upon the department. The order of filing and service
23 is immaterial.

24 (d) The appeal shall be heard not less than 10 days or
25 more than 30 days after the filing of the notice of appeal

1 unless the judge, for sufficient cause resulting from press
2 of business or other reason, is unable to hear the appeal
3 within that time. In that event, the hearing may be deferred
4 until it can be heard by the court. The appeal may be heard
5 without formal pleadings."

6 Section 4. Effective date. This act is effective on
7 passage and approval.

-End-