

HOUSE BILL NO. 342

INTRODUCED BY STRIZICH, D. BROWN,
GILBERT, GROSFIELD, WANZENRIED

IN THE HOUSE

JANUARY 25, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 10, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 11, 1993	PRINTING REPORT.
FEBRUARY 13, 1993	SECOND READING, DO PASS.
FEBRUARY 15, 1993	ENGROSSING REPORT.
FEBRUARY 16, 1993	THIRD READING, PASSED. AYES, 99; NOES, 0.
FEBRUARY 17, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 24, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 26, 1993	SECOND READING, CONCURRED IN.
MARCH 27, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 29, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 342

2 INTRODUCED BY Steve Brown

3 Steve Brown Libert for the unrepresented.
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN AIRPORT
5 OPERATOR TO ENTER INTO A CONTRACT OR LEASE FOR A TERM NOT
6 EXCEEDING 40 YEARS; ALLOWING AN AIRPORT OPERATOR LATITUDE IN
7 DETERMINING REASONABLE CHARGES; EXEMPTING AIRPORT
8 AUTHORITIES FROM ASSESSMENTS; AND AMENDING SECTIONS
9 67-10-302, 67-11-211, AND 67-11-306, MCA."

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

12 **Section 1.** Section 67-10-302, MCA, is amended to read:

13 "67-10-302. Granting of operation and use privileges.

14 (1) In operating an airport or air navigation facility
15 owned, leased, or controlled by a municipality, such the
16 municipality may, except as may be limited by the terms and
17 conditions of any grant, loan, or agreement pursuant to
18 67-10-405, enter into contracts, leases, and other
19 arrangements for a term not exceeding ~~20~~ 40 years with any
20 persons:

21 (a) granting the privilege of using or improving such
22 the airport or air navigation facility or any portion or
23 facility thereof of or space therein in the airport or air
24 navigation facility for commercial purposes;

25 (b) conferring the privilege of supplying goods,

1 commodities, things, services, or facilities at such the
2 airport or air navigation facility; or

3 (c) making available services to be furnished by the
4 municipality or its agents at such the airport or air
5 navigation facility.

6 (2) In each case, the municipality may establish the
7 terms and conditions and fix the charges, rentals, or fees
8 for the privileges or services, which ~~shall~~ must be
9 reasonable and uniform for the same class of privilege or
10 service ~~and shall be established with due regard to the~~
11 ~~property and improvements used and the expenses of operation~~
12 ~~to the municipality.~~

13 (3) Except as may be limited by the terms and
14 conditions of any grant, loan, or agreement pursuant to
15 67-10-405, a municipality may by contract, lease, or other
16 arrangement, upon a consideration fixed by it, grant to any
17 qualified person for a term not to exceed ~~20~~ 40 years the
18 privilege of operating, as agent of the municipality or
19 otherwise, any airport owned or controlled by the
20 municipality; provided that ~~no such the~~ the person ~~shall~~ may not
21 be granted any authority to operate ~~such an~~ the airport
22 other than as a public airport or to enter into any
23 contracts, leases, or other arrangements in connection with
24 the operation of the airport which the municipality might
25 not have undertaken under subsections (1) and (2) ~~of this~~

1 section."

2 **Section 2.** Section 67-11-211, MCA, is amended to read:

3 "67-11-211. Granting of operation and use privileges.

4 (1) In connection with the operation of an airport or air
5 navigation facility owned or controlled by an authority, the
6 authority may enter into contracts, leases, and other
7 arrangements for terms not to exceed ~~30~~ 40 years with any
8 persons:

9 (a) granting the privilege of using or improving the
10 airport or air navigation facility or any portion or
11 facility thereof of or space therein in the airport or air
12 navigation facility for commercial purposes;

13 (b) conferring the privilege of supplying goods,
14 commodities, things, services, or facilities at the airport
15 or air navigation facility; and

16 (c) making available services to be furnished by the
17 authority or its agents at the airport or air navigation
18 facility.

19 (2) In each case, the authority may establish the terms
20 and conditions and fix the charges, rentals, or fees for the
21 privileges or services, which must be reasonable and uniform
22 for the same class of privilege or service ~~and--must--be~~
23 ~~established-with-due-regard-to-the-property-and-improvements~~
24 ~~used--and--the--expenses--of--operation--to--the--authority;~~
25 provided that ~~in-no-case-may~~ the public may not be deprived

1 of its rightful, equal, and uniform use of the airport, air
2 navigation facility, or portion ~~of or~~ facility thereof of
3 the airport or air navigation facility.

4 (3) Except as may be limited by the terms and
5 conditions of any grant, loan, or agreement authorized by
6 67-11-305, an authority may by contract, lease, or other
7 arrangement, upon a consideration fixed by it, grant to any
8 qualified person for a term not to exceed ~~30~~ 40 years the
9 privilege of operating, as agent of the authority or
10 otherwise, any airport owned or controlled by the authority;
11 provided that ~~no a~~ a person may not be granted any authority
12 to operate an airport other than as a public airport or to
13 enter into any contracts, leases, or other arrangements in
14 connection with the operation of the airport which the
15 authority might not have undertaken under subsections (1)
16 and (2) ~~of-this-section.~~"

17 **Section 3.** Section 67-11-306, MCA, is amended to read:

18 "67-11-306. Tax exemption. Any property in this state
19 acquired by an authority for airport purposes, pursuant to
20 the provisions of this chapter, and any income derived by
21 the authority from the ownership, operation, or control
22 thereof ~~shall-be~~ of the property is exempt from taxation and
23 assessments to the same extent as other property used for
24 public purpose."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 342

INTRODUCED BY STRIZICH, D. BROWN,

GILBERT, GROSFIELD, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN AIRPORT OPERATOR TO ENTER INTO A CONTRACT OR LEASE FOR A TERM NOT EXCEEDING 40 YEARS; ALLOWING AN AIRPORT OPERATOR LATITUDE IN DETERMINING REASONABLE CHARGES; EXEMPTING AIRPORT AUTHORITIES FROM ASSESSMENTS CHARGES; AND AMENDING SECTIONS 67-10-302, 67-11-211, AND 67-11-306, MCA."

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

Section 1. Section 67-10-302, MCA, is amended to read:**"67-10-302.** Granting of operation and use privileges.

(1) In operating an airport or air navigation facility owned, leased, or controlled by a municipality, such the municipality may, except as may be limited by the terms and conditions of any grant, loan, or agreement pursuant to 67-10-405, enter into contracts, leases, and other arrangements for a term not exceeding ~~20~~ 40 years with any persons:

(a) granting the privilege of using or improving such the airport or air navigation facility or any portion or facility thereof of or space therein in the airport or air navigation facility for commercial purposes;

(b) conferring the privilege of supplying goods, commodities, things, services, or facilities at such the airport or air navigation facility; or

(c) ~~making~~ available services to be furnished by the municipality or its agents at such the airport or air navigation facility.

(2) In each case, the municipality may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which ~~shall~~ must be reasonable and uniform for the same class of privilege or service ~~and shall be established with due regard to the property and improvements used and the expenses of operation to the municipality.~~

(3) Except as may be limited by the terms and conditions of any grant, loan, or agreement pursuant to 67-10-405, a municipality may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed ~~20~~ 40 years the privilege of operating, as agent of the municipality or otherwise, any airport owned or controlled by the municipality; provided that ~~no such the~~ the person ~~shall~~ may not be granted any authority to operate ~~such an~~ the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the municipality might

not have undertaken under subsections (1) and (2) of--this section."

Section 2. Section 67-11-211, MCA, is amended to read:

"67-11-211. Granting of operation and use privileges.

(1) In connection with the operation of an airport or air navigation facility owned or controlled by an authority, the authority may enter into contracts, leases, and other arrangements for terms not to exceed 30 40 years with any persons:

(a) granting the privilege of using or improving the airport or air navigation facility or any portion or facility thereof of or space therein in the airport or air navigation facility for commercial purposes;

(b) conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility; and

(c) making available services to be furnished by the authority or its agents at the airport or air navigation facility.

(2) In each case, the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and--must--be established-with-due-regard-to-the-property-and-improvements used--and--the--expenses--of--operation--to--the--authority;

provided that in-no-case-may the public may not be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of or facility thereof of the airport or air navigation facility.

(3) Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by 67-11-305, an authority may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed 30 40 years the privilege of operating, as agent of the authority or otherwise, any airport owned or controlled by the authority; provided that no a person may not be granted any authority to operate an airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the authority might not have undertaken under subsections (1) and (2) of-this-section."

Section 3. Section 67-11-306, MCA, is amended to read:

"67-11-306. Tax exemption. Any property in this state acquired by an authority for airport purposes, pursuant to the provisions of this chapter, and any income derived by the authority from the ownership, operation, or control thereof--shall-be of the property is exempt from taxation and assessments ANY OTHER CHARGES to the same extent as other property used for public purpose."

-End-

-4-

HOUSE BILL NO. 342

INTRODUCED BY STRIZICH, D. BROWN,

GILBERT, GROSFIELD, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN AIRPORT OPERATOR TO ENTER INTO A CONTRACT OR LEASE FOR A TERM NOT EXCEEDING 40 YEARS; ALLOWING AN AIRPORT OPERATOR LATITUDE IN DETERMINING REASONABLE CHARGES; EXEMPTING AIRPORT AUTHORITIES FROM ASSESSMENTS CHARGES; AND AMENDING SECTIONS 67-10-302, 67-11-211, AND 67-11-306, MCA."

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

Section 1. Section 67-10-302, MCA, is amended to read:

"67-10-302. Granting of operation and use privileges.

(1) In operating an airport or air navigation facility owned, leased, or controlled by a municipality, such the municipality may, except as may be limited by the terms and conditions of any grant, loan, or agreement pursuant to 67-10-405, enter into contracts, leases, and other arrangements for a term not exceeding 20 40 years with any persons:

(a) granting the privilege of using or improving such the airport or air navigation facility or any portion or facility thereof of or space therein in the airport or air navigation facility for commercial purposes;

(b) conferring the privilege of supplying goods, commodities, things, services, or facilities at such the airport or air navigation facility; or

(c) making available services to be furnished by the municipality or its agents at such the airport or air navigation facility.

(2) In each case, the municipality may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall must be reasonable and uniform for the same class of privilege or service and ~~shall be established with due regard to the property and improvements used and the expenses of operation to the municipality.~~

(3) Except as may be limited by the terms and conditions of any grant, loan, or agreement pursuant to 67-10-405, a municipality may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed 20 40 years the privilege of operating, as agent of the municipality or otherwise, any airport owned or controlled by the municipality; provided that no such the person shall may not be granted any authority to operate such ~~an~~ the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the municipality might

1 not have undertaken under subsections (1) and (2) of--this
2 section."

3 **Section 2.** Section 67-11-211, MCA, is amended to read:

4 "67-11-211. Granting of operation and use privileges.

5 (1) In connection with the operation of an airport or air
6 navigation facility owned or controlled by an authority, the
7 authority may enter into contracts, leases, and other
8 arrangements for terms not to exceed 30 40 years with any
9 persons:

10 (a) granting the privilege of using or improving the
11 airport or air navigation facility or any portion or
12 facility thereof of or space therein in the airport or air
13 navigation facility for commercial purposes;

14 (b) conferring the privilege of supplying goods,
15 commodities, things, services, or facilities at the airport
16 or air navigation facility; and

17 (c) making available services to be furnished by the
18 authority or its agents at the airport or air navigation
19 facility.

20 (2) In each case, the authority may establish the terms
21 and conditions and fix the charges, rentals, or fees for the
22 privileges or services, which must be reasonable and uniform
23 for the same class of privilege or service and--must--be
24 established-with-due-regard-to-the-property-and-improvements
25 used--and--the--expenses--of--operation--to--the--authority;

1 provided that in-no-case-may the public may not be deprived
2 of its rightful, equal, and uniform use of the airport, air
3 navigation facility, or portion of or facility thereof of
4 the airport or air navigation facility.

5 (3) Except as may be limited by the terms and
6 conditions of any grant, loan, or agreement authorized by
7 67-11-305, an authority may by contract, lease, or other
8 arrangement, upon a consideration fixed by it, grant to any
9 qualified person for a term not to exceed 30 40 years the
10 privilege of operating, as agent of the authority or
11 otherwise, any airport owned or controlled by the authority;
12 provided that no a person may not be granted any authority
13 to operate an airport other than as a public airport or to
14 enter into any contracts, leases, or other arrangements in
15 connection with the operation of the airport which the
16 authority might not have undertaken under subsections (1)
17 and (2) of-this-section."

18 **Section 3.** Section 67-11-306, MCA, is amended to read:

19 "67-11-306. Tax exemption. Any property in this state
20 acquired by an authority for airport purposes, pursuant to
21 the provisions of this chapter, and any income derived by
22 the authority from the ownership, operation, or control
23 thereof-shall-be of the property is exempt from taxation and
24 assessments ANY OTHER CHARGES to the same extent as other
25 property used for public purpose."

-End-

-4-

HOUSE BILL NO. 342

INTRODUCED BY STRIZICH, D. BROWN,
GILBERT, GROSFIELD, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN AIRPORT
OPERATOR TO ENTER INTO A CONTRACT OR LEASE FOR A TERM NOT
EXCEEDING 40 YEARS; ALLOWING AN AIRPORT OPERATOR LATITUDE IN
DETERMINING REASONABLE CHARGES; EXEMPTING AIRPORT
AUTHORITIES FROM ASSESSMENTS CHARGES; AND AMENDING SECTIONS
67-10-302, 67-11-211, AND 67-11-306, MCA."

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

Section 1. Section 67-10-302, MCA, is amended to read:

"67-10-302. Granting of operation and use privileges.

(1) In operating an airport or air navigation facility
owned, leased, or controlled by a municipality, such the
municipality may, except as may be limited by the terms and
conditions of any grant, loan, or agreement pursuant to
67-10-405, enter into contracts, leases, and other
arrangements for a term not exceeding 20 40 years with any
persons:

(a) granting the privilege of using or improving such
the airport or air navigation facility or any portion or
facility thereof of or space therein in the airport or air
navigation facility for commercial purposes;

(b) conferring the privilege of supplying goods,
commodities, things, services, or facilities at such the
airport or air navigation facility; or

(c) making available services to be furnished by the
municipality or its agents at such the airport or air
navigation facility.

(2) In each case, the municipality may establish the
terms and conditions and fix the charges, rentals, or fees
for the privileges or services, which shall must be
reasonable and uniform for the same class of privilege or
service and ~~shall be established with due regard to the~~
~~property and improvements used and the expenses of operation~~
~~to the municipality.~~

(3) Except as may be limited by the terms and
conditions of any grant, loan, or agreement pursuant to
67-10-405, a municipality may by contract, lease, or other
arrangement, upon a consideration fixed by it, grant to any
qualified person for a term not to exceed 20 40 years the
privilege of operating, as agent of the municipality or
otherwise, any airport owned or controlled by the
municipality; provided that no such the person shall may not
be granted any authority to operate such ~~an~~ the airport
other than as a public airport or to enter into any
contracts, leases, or other arrangements in connection with
the operation of the airport which the municipality might

not have undertaken under subsections (1) and (2) of--this section."

Section 2. Section 67-11-211, MCA, is amended to read:

"67-11-211. Granting of operation and use privileges.

(1) In connection with the operation of an airport or air navigation facility owned or controlled by an authority, the authority may enter into contracts, leases, and other arrangements for terms not to exceed 30 40 years with any persons:

(a) granting the privilege of using or improving the airport or air navigation facility or any portion or facility thereof of or space therein in the airport or air navigation facility for commercial purposes;

(b) conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility; and

(c) making available services to be furnished by the authority or its agents at the airport or air navigation facility.

(2) In each case, the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and--must--be established-with-due-regard-to-the-property-and-improvements used--and--the--expenses--of--operation--to--the--authority;

provided that ~~in no case may~~ the public may not be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of or facility thereof of the airport or air navigation facility.

(3) Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by 67-11-305, an authority may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed 30 40 years the privilege of operating, as agent of the authority or otherwise, any airport owned or controlled by the authority; provided that ~~no a person may not~~ be granted any authority to operate an airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the authority might not have undertaken under subsections (1) and (2) of--this--section."

Section 3. Section 67-11-306, MCA, is amended to read:

"67-11-306. Tax exemption. Any property in this state acquired by an authority for airport purposes, pursuant to the provisions of this chapter, and any income derived by the authority from the ownership, operation, or control thereof--shall--be of the property is exempt from taxation and assessments ANY OTHER CHARGES to the same extent as other property used for public purpose."

-End-