

HOUSE BILL NO. 344

INTRODUCED BY D. BROWN, GILBERT, GROSFIELD, SCHYE,
ANDERSON, WANZENRIED

IN THE HOUSE

JANUARY 25, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 12, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 13, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 15, 1993	ENGROSSING REPORT.
FEBRUARY 16, 1993	THIRD READING, PASSED. AYES, 98; NOES, 1.
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. *344*
 2 INTRODUCED BY *Don Brown* *Billbert* *Gutfield*
 3 *Sehye* *Amerson* *Winters*.
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
 5 LAWS RELATING TO AIRPORTS; REDEFINING "GOVERNING BODY";
 6 ALLOWING A LOCAL GOVERNMENT TO DESIGNATE AN AIRPORT
 7 INFLUENCE AREA AT ANY TIME; ALLOWING AN AIRPORT AUTHORITY TO
 8 ADOPT RULES FOR THE DISPOSAL OF PROPERTY; ALLOWING AN
 9 AIRPORT AUTHORITY TO CREATE A RESERVE FUND; AND AMENDING
 10 SECTIONS 67-1-101, 67-4-201, 67-4-202, 67-4-313, 67-5-211,
 11 67-11-232, AND 67-11-304, MCA."

12
 13 STATEMENT OF INTENT

14 A statement of intent is required for this bill because
 15 [section 6] allows an airport authority to adopt rules for
 16 the purpose of disposing of airport property. At a minimum,
 17 the rules should address:

- 18 (1) appraisal requirements for property to be sold;
 19 (2) terms for sale or lease agreements;
 20 (3) requirements for public auctions;
 21 (4) the procedure to be followed if the property is not
 22 sold; and
 23 (5) disposition of sale or lease proceeds.

24
 25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Section 67-1-101, MCA, is amended to read:

2 "67-1-101. Definitions. Unless the context requires
 3 otherwise, in this title the following definitions apply:

4 (1) "Aeronautics" means transportation by aircraft; the
 5 operation, construction, repair, or maintenance of aircraft,
 6 aircraft power plants and accessories, including the repair,
 7 packing, and maintenance of parachutes; the design,
 8 establishment, construction, extension, operation,
 9 improvement, repair, or maintenance of airports, restricted
 10 landing areas, or other air navigation facilities; and air
 11 instruction.

12 (2) "Aeronautics instructor" means an individual
 13 engaged in giving instruction or offering to give
 14 instruction in aeronautics, either in flying or ground
 15 subjects, or both, for hire or reward, without advertising
 16 that occupation, without calling his the facilities an "air
 17 school" or anything equivalent to an "air school", and
 18 without employing or using other instructors. It does not
 19 include an instructor in a public school or university of
 20 this state or an institution of higher learning accredited
 21 and approved for carrying on collegiate work while engaged
 22 in his duties as an instructor.

23 (3) "Air carrier" means a person or corporation owning,
 24 controlling, operating, or managing aircraft as a scheduled
 25 common carrier of passengers or freight for compensation

1 within this state.

2 (4) "Aircraft" means a contrivance used or designed for
3 navigation of or flight in the air.

4 (5) "Aircrew" includes an individual who engages, as
5 the person in command or as pilot, mechanic, or member of
6 the crew, in the navigation of aircraft while under way; an
7 individual who is directly in charge of the inspection,
8 maintenance, overhauling, or repair of aircraft engines,
9 propellers, or appliances except for an individual employed
10 outside the United States, an individual employed by a
11 manufacturer of aircraft, aircraft engines, propellers, or
12 appliances to perform duties as inspector or mechanic in
13 connection with them, and an individual performing
14 inspection or mechanical duties in connection with aircraft
15 owned or operated by the individual; and an individual who
16 serves in the capacity of aircraft dispatcher or air traffic
17 control tower operator.

18 (5)(6) "Air instruction" means the imparting of
19 aeronautical information by an aeronautics instructor or in
20 or by an air school or flying club.

21 (6)--"Airman"--means--an--individual--who--engages--as--the
22 person-in-command-or-as-pilot,-mechanic,-or--member--of--the
23 crew,-in--the--navigation--of--aircraft-while-under-way,-an
24 individual-who-is-directly--in--charge--of--the--inspection,-
25 maintenance,-overhauling,-or--repair--of--aircraft-engines,-

1 propellers,-or-appliances--(excepting--individuals--employed
2 outside--the--United--States,-an--individual--employed-by-a
3 manufacturer-of-aircraft,-aircraft-engines,-propellers,-or
4 appliances--to--perform--duties--as-inspector-or-mechanic-in
5 connection--with--them,-and--an--individual--performing
6 inspection--or-mechanical-duties-in-connection-with-aircraft
7 owned-or-operated-by-him)-and-an-individual-who-serves--in
8 the--capacity--of-aircraft-dispatcher-or-air-traffic-control
9 tower-operator.

10 (7) "Air navigation" means the operation or navigation
11 of aircraft in the air space over this state or upon an
12 airport or restricted landing area within this state.

13 (8) "Air navigation facility" means a facility used in,
14 available for use in, or designed for use in aid of air
15 navigation, including airports, restricted landing areas,
16 and structures, mechanisms, lights, beacons, marks,
17 communicating systems, or other instrumentalities or devices
18 used or useful as an aid or constituting an advantage or
19 convenience to the safe taking off, navigation, and landing
20 of aircraft or the safe and efficient operation or
21 maintenance of an airport or restricted area and any
22 combination of these facilities.

23 (9) "Airport" means an area of land or water, except a
24 restricted landing area, which that is designed for the
25 landing and takeoff of aircraft, whether or not facilities

are provided for the shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities and all appurtenant rights-of-way.

(10) "Airport and landing field" means any area of land or water, or both, which that is used or is made available for the landing and takeoff of aircraft, owned, leased, controlled, operated, or maintained by the United States, the state of Montana, or any county thereof or any municipality, or any of the authorized agencies or branches thereof of a county or municipality within the state of Montana.

(11) "Airport authority" or "authority" means a regional airport authority or municipal airport authority created under chapter 11 and the governing body of a municipality which that has determined to exercise the powers of a municipal airport authority under 67-11-102.

(12) "Airport hazard" means a structure, object of natural growth, or use of land which that obstructs the air space required for the flight of aircraft in landing or taking off at an airport or restricted landing area or is otherwise hazardous to landing or taking off.

(13) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if

not prevented as provided in this title.

(14) "Airport protection privileges" means easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas and the safe and efficient operation thereof of airports or restricted landing areas.

(15) "Air school" means a person engaged in giving or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising or representing-or-holding-himself out-as-giving to the public that the person gives or offering offers to give that instruction. It does not include a public school or university of this state or an institution of higher learning accredited and approved for carrying on collegiate work.

(16) "Board" means the board of aeronautics provided for in 2-15-2506.

(17) "Bonds" means bonds, notes, interim certificates, debentures, or similar obligations issued by an authority under chapter 11.

(18) "Building or structure" means any edifice, structure, or construction of any kind, character, or

1 description and any object of natural growth erected,
 2 constructed, grown, located or proposed to be erected,
 3 constructed, grown, or located within the area described in
 4 67-5-201 hereof as safety zones, including any edifice,
 5 structure, or construction or object within ~~said~~ the
 6 restricted zones erected, constructed, placed, or located on
 7 or over land or water, or both.

8 (19) "Civil aircraft" means an aircraft other than a
 9 public aircraft.

10 (20) "Commercial air operator" means any person owning,
 11 controlling, operating, or managing aircraft for any
 12 commercial purpose for compensation.

13 (21) "Department" means the department of transportation
 14 provided for in Title 2, chapter 15, part 25.

15 (22) "Established perimeter of an airport or landing
 16 field", for the purposes of computing all distances and
 17 elevations as contemplated by chapter 5, ~~shall--be~~ is the
 18 metes and bounds and elevations along the respective sides
 19 thereof of the airport or landing field as determined by the
 20 United States government, the state of Montana, ~~the--several~~
 21 ~~counties~~ a county, ~~the---several---municipalities~~ a
 22 municipality, or any other public authority owning, leasing,
 23 controlling, operating, or maintaining ~~such the~~ airport or
 24 landing field~~7-the~~. The determination and definition to must
 25 be evidenced by a plat showing the metes~~7~~ and bounds~~7~~ and

1 elevations to that must be filed in ~~and-among~~ the records of
 2 ~~said the~~ public authority for official purposes and subject
 3 to inspection and examination at all reasonable times by any
 4 interested persons.

5 (23) "Flying club" means a person other than an
 6 individual ~~which that~~, neither for profit nor reward, owns,
 7 leases, or uses one or more aircraft for the purpose of
 8 instruction or pleasure, or both.

9 (24) "Governing body" means ~~bodies--and---boards---~~by
 10 ~~whatever--names-they-are-known-having-charge-of-finances-and~~
 11 ~~management--of--a--municipality~~ a city commission, town
 12 council, or county commission and the boards, departments,
 13 and divisions of those entities, by whatever name they are
 14 known, that have charge of finances and management of a
 15 municipality or a county.

16 (25) "Height of buildings and structures" means, for the
 17 purposes of chapter 5, the vertical distance measured from
 18 the ground or surface level of the airport or landing field
 19 on the side adjacent to the ~~said~~ building or structure to
 20 the level of the highest point of the building or structure.

21 (26) "Municipal airport authority" or "municipal
 22 authority" means a municipal airport authority created under
 23 67-11-102.

24 (27) "Municipality" or "political subdivision" means a
 25 county, city, village, or town of this state and any other

political subdivision, public corporation, authority, or district in this state authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

(28) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the laws of this state or by regulations of the department.

(29) "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation and includes the navigation or piloting of aircraft. A person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, operates the aircraft.

(30) "Person" means an individual, firm, partnership, corporation (private, municipal, or public), company, association, joint-stock association, or body politic and includes a trustee, receiver, assignee, or other similar representative.

(31) "Public aircraft" means an aircraft used exclusively in the service of any government or of a political subdivision of a government, including the government of a state, territory, or possession of the United States, or the District of Columbia but not including a government-owned aircraft engaged in carrying persons or

property for commercial purposes.

(32) "Real property" means lands, structures, buildings, and interests in land, including lands under water and riparian rights, and all things and rights usually included within the term real property, including not only fee simple absolute but also all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property.

(33) "Regional airport authority" or "regional authority" means a regional airport authority created under 67-11-103.

(34) "Restricted landing area" means an area of land, or water, or both, which that is used or is made available for the landing and takeoff of aircraft, the use of which ~~shall~~ must, except in case of emergency, be only as provided by the department.

(35) "State airway" means a route in the navigable air space over and above the lands or waters of this state, designated by the department as a route suitable for air navigation.

(36) "Structure" means any object constructed or installed by ~~man~~ a person, including, but without ~~limitation~~, not limited to buildings, towers, smokestacks, and overhead transmission lines.

(37) "Tree" means any object of natural growth."

Section 2. Section 67-4-201, MCA, is amended to read:

"67-4-201. Designation of airport influence areas. (1)

A local government with an airport shall designate an airport influence area around the airport ~~within 3 years~~ ~~from July 1, 1977~~. The designation ~~shall~~ must be based on federal aviation administration rules and guidelines. However, ~~no~~ an airport influence area may not extend more than 10,000 feet out from the thresholds of the primary instrument approach runway or exceed 1 mile in width on each side of the primary instrument approach runway and its extended centerline. A public hearing ~~shall~~ must be held by the local government following the procedure prescribed in 67-4-302.

(2) A map of the designation ~~shall~~ must be filed with the county clerk and recorders of the affected counties and the city clerks of the affected cities and towns."

Section 3. Section 67-4-202, MCA, is amended to read:

"67-4-202. Temporary effect of designation. Upon the designation of an airport influence area, the use of land within the airport influence area shall be restricted as to height consistent with part 77, federal aeronautics regulations, until rules are adopted pursuant to this chapter. This restriction does not affect nonconforming uses and areas already zoned on July 1, 1977, and may not be

imposed for a period of more than 1 year. After the designation of an airport influence area, ~~no a person may not~~ recover from a local government, an airport authority, an airport operator, or an airport owner damages caused by noise and vibrations from normal and anticipated normal airport operations."

Section 4. Section 67-4-313, MCA, is amended to read:

"67-4-313. Variance. (1) Any person desiring to erect or increase the height of a structure, permit the growth of a tree, or use ~~his~~ property in violation of the rules adopted pursuant to this chapter may apply to the board of airport hazard adjustment for a variance from the rules.

(2) A variance ~~shall~~ must be granted where a literal application or enforcement of the rules would result in substantial practical difficulty or unnecessary hardship and where the variance would not be contrary to the public interest.

(3) A variance ~~shall~~ must be granted for a nonconforming use where there is no immediate hazard to safe flying operations or persons and property in the vicinity of the airport and where the noise or vibrations from normal and anticipated normal operations of the airport would not be likely to cause structural damage.

(4) Within an airport influence area a person who obtains a variance for building a structure which is a

1 nonconforming use under rules adopted pursuant to this
 2 chapter or a person who takes or buys property subject to
 3 ~~such~~ a variance is on notice that the airport existed before
 4 the variance was granted and that normal and anticipated
 5 normal operations of the airport will result in noise and
 6 vibrations being projected over the property. Furthermore, ~~a~~
 7 A person using a structure built under a variance may not
 8 collect damages from a local government, an airport
 9 authority, an airport operator, or an airport owner for
 10 interference with the enjoyment of that structure caused by
 11 noise and vibrations from normal and anticipated normal
 12 airport operations."

13 **Section 5.** Section 67-5-211, MCA, is amended to read:

14 "67-5-211. Enforcement. ~~It shall be the duty and~~
 15 ~~authority of every~~ A public body or governmental authority
 16 owning, operating, or maintaining a public airport or
 17 landing field or that creates a municipal or regional
 18 airport authority for that purpose to shall enforce the
 19 provisions of this chapter as it pertains to areas
 20 surrounding the particular airport under the control of such
 21 the body or authority, the same to This chapter must be
 22 enforced in either the a court of law or of equity in the
 23 state of Montana having jurisdiction of such the action.
 24 Cases are to must be instituted in the name of the
 25 governmental body charged hereunder with the enforcement

1 hereof of this chapter. Such An action may be brought to
 2 prevent the erection, construction, or maintenance of such
 3 buildings or other structures or parts of buildings or
 4 structures as may exceed the height limits fixed by this law
 5 or to restrain, correct, or abate any such violation and to
 6 prevent the occupancy and use of any part of a building or
 7 structure erected in violation of this law."

8 **Section 6.** Section 67-11-232, MCA, is amended to read:

9 "67-11-232. Airport property -- disposal. Except as may
 10 be limited by the terms and conditions of any grant, loan,
 11 or agreement authorized by 67-11-305, an authority may, by
 12 sale, lease, or otherwise, dispose of any airport, air
 13 navigation facility, or other property or portion thereof of
 14 or interest therein in an airport or facility acquired
 15 pursuant to this chapter. Such The disposal by sale, lease,
 16 or otherwise ~~shall~~ must be in accordance with the adopted
 17 rules of the authority or the laws of this state governing
 18 the disposition-of-other-public disposal of county property,
 19 except that in the case of disposal to another authority, a
 20 municipality, or an agency of the state or federal
 21 government for use and operation as a public airport, the
 22 sale, lease, or other disposal may be effected in such a
 23 manner and upon such terms as the commissioners of the
 24 authority ~~may deem~~ consider to be in the best interest of
 25 civil aviation."

1 **Section 7.** Section 67-11-304, MCA, is amended to read:

2 "67-11-304. ~~Debt---~~service Reserve fund. An airport
3 authority may create a ~~debt--service--fund--and--accumulate~~
4 ~~therein-the-sum-of-\$5-million-together-with-interest-thereon~~
5 reserve fund for the use, repairs, maintenance, and capital
6 outlays of an airport."

7 NEW SECTION. **Section 8.** Code commissioner instruction.

8 Wherever the term "airman" appears in Title 67 or elsewhere
9 within the Montana Code Annotated or in legislation enacted
10 by the 1993 legislature and the term means an "airman" as
11 defined in 67-1-101, the code commissioner shall change the
12 term to "aircrew" and make grammatical changes necessary to
13 reflect the change.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 344

INTRODUCED BY D. BROWN, GILBERT, GROSFIELD, SCHYE,
ANDERSON, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
LAWS RELATING TO AIRPORTS; REDEFINING "GOVERNING BODY";
ALLOWING A LOCAL GOVERNMENT TO DESIGNATE AN AIRPORT
INFLUENCE AREA AT ANY TIME; ALLOWING AN AIRPORT AUTHORITY TO
ADOPT RULES FOR THE DISPOSAL OF PROPERTY; ALLOWING AN
AIRPORT AUTHORITY TO CREATE A RESERVE FUND; AND AMENDING
SECTIONS 67-1-101, 67-4-201, 67-4-202, 67-4-313, 67-5-211,
67-11-232, AND 67-11-304, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 6] allows an airport authority to adopt rules for
the purpose of disposing of airport property. At a minimum,
the rules should address:

- (1) appraisal requirements for property to be sold;
- (2) terms for sale or lease agreements;
- (3) requirements for public auctions;
- (4) the procedure to be followed if the property is not
sold; and
- (5) disposition of sale or lease proceeds.

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

Section 1. Section 67-1-101, MCA, is amended to read:

"67-1-101. Definitions. Unless the context requires
otherwise, in this title the following definitions apply:

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operation, construction, repair, or maintenance of aircraft,
aircraft power plants and accessories, including the repair,
packing, and maintenance of parachutes; the design,
establishment, construction, extension, operation,
improvement, repair, or maintenance of airports, restricted
landing areas, or other air navigation facilities; and air
instruction.

(2) "Aeronautics instructor" means an individual
engaged in giving instruction or offering to give
instruction in aeronautics, either in flying or ground
subjects, or both, for hire or reward, without advertising
that occupation, without calling his the facilities an "air
school" or anything equivalent to an "air school", and
without employing or using other instructors. It does not
include an instructor in a public school or university of
this state or an institution of higher learning accredited
and approved for carrying on collegiate work while engaged
in his duties as an instructor.

(3) "Air carrier" means a person or corporation owning,
controlling, operating, or managing aircraft as a scheduled

common carrier of passengers or freight for compensation within this state.

(4) "Aircraft" means a contrivance used or designed for navigation of or flight in the air.

(5) "Aircrew" includes an individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances except for an individual employed outside the United States, an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with them, and an individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual; and an individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator.

(5)(6) "Air instruction" means the imparting of aeronautical information by an aeronautics instructor or in or by an air school or flying club.

(6)--"Airman"--means--an--individual--who--engages--as--the person--in--command--or--as--pilot--mechanic--or--member--of--the crew--in--the--navigation--of--aircraft--while--under--way--an individual--who--is--directly--in--charge--of--the--inspection,

maintenance--overhauling--or--repair--of--aircraft--engines, propellers, or appliances--(excepting--individuals--employed outside--the--United--States--an--individual--employed--by--a manufacturer--of--aircraft--aircraft--engines--propellers--or appliances--to--perform--duties--as--inspector--or--mechanic--in connection--with--them,--and--an--individual--performing inspection--or--mechanical--duties--in--connection--with--aircraft owned--or--operated--by--him)--and--an--individual--who--serves--in the--capacity--of--aircraft--dispatcher--or--air--traffic--control tower--operator.

(7) "Air navigation" means the operation or navigation of aircraft in the air space over this state or upon an airport or restricted landing area within this state.

(8) "Air navigation facility" means a facility used in, available for use in, or designed for use in aid of air navigation, including airports, restricted landing areas, and structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft or the safe and efficient operation or maintenance of an airport or restricted area and any combination of these facilities.

(9) "Airport" means an area of land or water, except a restricted landing area, which that is designed for the

1 landing and takeoff of aircraft, whether or not facilities
2 are provided for the shelter, servicing, or repair of
3 aircraft or for receiving or discharging passengers or
4 cargo, and all appurtenant areas used or suitable for
5 airport buildings or other airport facilities and all
6 appurtenant rights-of-way.

7 (10) "Airport and landing field" means any area of land,
8 or water, or both, which that is used or is made available
9 for the landing and takeoff of aircraft, owned, leased,
10 controlled, operated, or maintained by the United States,
11 the state of Montana, or any county thereof or any
12 municipality, or any of the authorized agencies or branches
13 thereof of a county or municipality within the state of
14 Montana.

15 (11) "Airport authority" or "authority" means a regional
16 airport authority or municipal airport authority created
17 under chapter 11 and the governing body of a municipality
18 which that has determined to exercise the powers of a
19 municipal airport authority under 67-11-102.

20 (12) "Airport hazard" means a structure, object of
21 natural growth, or use of land which that obstructs the air
22 space required for the flight of aircraft in landing or
23 taking off at an airport or restricted landing area or is
24 otherwise hazardous to landing or taking off.

25 (13) "Airport hazard area" means any area of land or

1 water upon which an airport hazard might be established if
2 not prevented as provided in this title.

3 (14) "Airport protection privileges" means easements
4 through or other interests in air space over land or water,
5 interests in airport hazards outside the boundaries of
6 airports or restricted landing areas, and other protection
7 privileges, the acquisition or control of which is necessary
8 to ensure safe approaches to the landing areas of airports
9 and restricted landing areas and the safe and efficient
10 operation thereof of airports or restricted landing areas.

11 (15) "Air school" means a person engaged in giving or
12 offering to give instruction in aeronautics, either in
13 flying or ground subjects, or both, for or without hire or
14 reward, and advertising, or representing, or holding-himself
15 out-as-giving to the public that the person gives or
16 offering offers to give that instruction. It does not
17 include a public school or university of this state or an
18 institution of higher learning accredited and approved for
19 carrying on collegiate work.

20 (16) "Board" means the board of aeronautics provided for
21 in 2-15-2506.

22 (17) "Bonds" means bonds, notes, interim certificates,
23 debentures, or similar obligations issued by an authority
24 under chapter 11.

25 (18) "Building or structure" means any edifice,

structure, or construction of any kind, character, or description and any object of natural growth erected, constructed, grown, located or proposed to be erected, constructed, grown, or located within the area described in 67-5-201 hereof as safety zones, including any edifice, structure, or construction or object within said the restricted zones erected, constructed, placed, or located on or over land or water, or both.

(19) "Civil aircraft" means an aircraft other than a public aircraft.

(20) "Commercial air operator" means any person owning, controlling, operating, or managing aircraft for any commercial purpose for compensation.

(21) "Department" means the department of transportation provided for in Title 2, chapter 15, part 25.

(22) "Established perimeter of an airport or landing field", for the purposes of computing all distances and elevations as contemplated by chapter 5, ~~shall--be~~ is the metes and bounds and elevations along the respective sides thereof of the airport or landing field as determined by the United States government, the state of Montana, the--several counties a county, the---several---municipalities a municipality, or any other public authority owning, leasing, controlling, operating, or maintaining such the airport or landing field; ~~the~~. The determination and definition to must

be evidenced by a plat showing the metes, and bounds, and elevations to that must be filed in ~~and-among~~ the records of said the public authority for official purposes and subject to inspection and examination at all reasonable times by any interested persons.

(23) "Flying club" means a person other than an individual which that, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure, or both.

(24) "Governing body" means ~~bodies--and---boards---by whatever--names-they-are-known-having-charge-of-finance-and management--of--a---municipality~~ a city commission, town council, or county commission and the boards, departments, and divisions of those entities, by whatever name they are known, that have charge of finances and management of a municipality or a county.

(25) "Height of buildings and structures" means, for the purposes of chapter 5, the vertical distance measured from the ground or surface level of the airport or landing field on the side adjacent to the ~~said~~ building or structure to the level of the highest point of the building or structure.

(26) "Municipal airport authority" or "municipal authority" means a municipal airport authority created under 67-11-102.

(27) "Municipality" or "political subdivision" means a

1 county, city, village, or town of this state and any other
2 political subdivision, public corporation, authority, or
3 district in this state authorized by law to acquire,
4 establish, construct, maintain, improve, and operate
5 airports and other air navigation facilities.

6 (28) "Navigable air space" means air space above the
7 minimum altitudes of flight prescribed by the laws of this
8 state or by regulations of the department.

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 18 landing field or that creates a municipal or regional
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-End-

1 HOUSE BILL NO. 344

2 INTRODUCED BY D. BROWN, GILBERT, GROSFIELD, SCHYE,

3 ANDERSON, WANZENRIED

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
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15 A statement of intent is required for this bill because
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- 19 (1) appraisal requirements for property to be sold;
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8 packing, and maintenance of parachutes; the design,
9 establishment, construction, extension, operation,
10 improvement, repair, or maintenance of airports, restricted
11 landing areas, or other air navigation facilities; and air
12 instruction.

13 (2) "Aeronautics instructor" means an individual
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THERE ARE NO CHANGES IN THIS BILL
AND WILL NOT BE REPRINTED. PLEASE
REFER TO YELLOW COPY FOR COMPLETE TEXT.

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(3) "Air carrier" means a person or corporation owning, controlling, operating, or managing aircraft as a scheduled

common carrier of passengers or freight for compensation within this state.

(4) "Aircraft" means a contrivance used or designed for navigation of or flight in the air.

(5) "Aircrew" includes an individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances except for an individual employed outside the United States, an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with them, and an individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual; and an individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator.

(5)(6) "Air instruction" means the imparting of aeronautical information by an aeronautics instructor or in or by an air school or flying club.

(6) "Airman" means an individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual who is directly in charge of the inspection,

maintenance, overhauling, or repair of aircraft engines, propellers, or appliances--excepting--individuals--employed outside--the--United--States--an--individual--employed--by--a manufacturer of aircraft, aircraft engines, propellers, or appliances--to--perform--duties--as--inspector--or--mechanic--in connection--with--them,--and--an--individual--performing inspection--or--mechanical--duties--in--connection--with--aircraft owned--or--operated--by--him,--and--an--individual--who--serves--in the--capacity--of--aircraft--dispatcher--or--air--traffic--control tower operator.

(7) "Air navigation" means the operation or navigation of aircraft in the air space over this state or upon an airport or restricted landing area within this state.

(8) "Air navigation facility" means a facility used in, available for use in, or designed for use in aid of air navigation, including airports, restricted landing areas, and structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft or the safe and efficient operation or maintenance of an airport or restricted area and any combination of these facilities.

(9) "Airport" means an area of land or water, except a restricted landing area, which that is designed for the

1 landing and takeoff of aircraft, whether or not facilities
2 are provided for the shelter, servicing, or repair of
3 aircraft or for receiving or discharging passengers or
4 cargo, and all appurtenant areas used or suitable for
5 airport buildings or other airport facilities and all
6 appurtenant rights-of-way.

7 (10) "Airport and landing field" means any area of land,
8 or water, or both, which that is used or is made available
9 for the landing and takeoff of aircraft, owned, leased,
10 controlled, operated, or maintained by the United States,
11 the state of Montana, or any county thereof or any
12 municipality, or any of the authorized agencies or branches
13 thereof of a county or municipality within the state of
14 Montana.

15 (11) "Airport authority" or "authority" means a regional
16 airport authority or municipal airport authority created
17 under chapter 11 and the governing body of a municipality
18 which that has determined to exercise the powers of a
19 municipal airport authority under 67-11-102.

20 (12) "Airport hazard" means a structure, object of
21 natural growth, or use of land which that obstructs the air
22 space required for the flight of aircraft in landing or
23 taking off at an airport or restricted landing area or is
24 otherwise hazardous to landing or taking off.

25 (13) "Airport hazard area" means any area of land or

1 water upon which an airport hazard might be established if
2 not prevented as provided in this title.

3 (14) "Airport protection privileges" means easements
4 through or other interests in air space over land or water,
5 interests in airport hazards outside the boundaries of
6 airports or restricted landing areas, and other protection
7 privileges, the acquisition or control of which is necessary
8 to ensure safe approaches to the landing areas of airports
9 and restricted landing areas and the safe and efficient
10 operation thereof of airports or restricted landing areas.

11 (15) "Air school" means a person engaged in giving or
12 offering to give instruction in aeronautics, either in
13 flying or ground subjects, or both, for or without hire or
14 reward, and advertising, or representing, or holding-himself
15 out-as-giving to the public that the person gives or
16 offering offers to give that instruction. It does not
17 include a public school or university of this state or an
18 institution of higher learning accredited and approved for
19 carrying on collegiate work.

20 (16) "Board" means the board of aeronautics provided for
21 in 2-15-2506.

22 (17) "Bonds" means bonds, notes, interim certificates,
23 debentures, or similar obligations issued by an authority
24 under chapter 11.

25 (18) "Building or structure" means any edifice,

structure, or construction of any kind, character, or description and any object of natural growth erected, constructed, grown, located or proposed to be erected, constructed, grown, or located within the area described in 67-5-201 hereof as safety zones, including any edifice, structure, or construction or object within said the restricted zones erected, constructed, placed, or located on or over land or water, or both.

(19) "Civil aircraft" means an aircraft other than a public aircraft.

(20) "Commercial air operator" means any person owning, controlling, operating, or managing aircraft for any commercial purpose for compensation.

(21) "Department" means the department of transportation provided for in Title 2, chapter 15, part 25.

(22) "Established perimeter of an airport or landing field", for the purposes of computing all distances and elevations as contemplated by chapter 5, ~~shall--be~~ is the metes and bounds and elevations along the respective sides thereof of the airport or landing field as determined by the United States government, the state of Montana, the--several counties a county, the---several---municipalities a municipality, or any other public authority owning, leasing, controlling, operating, or maintaining such the airport or landing field,--the. The determination and definition to must

be evidenced by a plat showing the metes, and bounds, and elevations to that must be filed in ~~and-among~~ the records of said the public authority for official purposes and subject to inspection and examination at all reasonable times by any interested persons.

(23) "Flying club" means a person other than an individual which that, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure, or both.

(24) "Governing body" means ~~bodies--and---boards---~~by ~~whatever--names-they-are-known-having-charge-of-finance-and~~ management--of--a--municipality a city commission, town council, or county commission and the boards, departments, and divisions of those entities, by whatever name they are known, that have charge of finances and management of a municipality or a county.

(25) "Height of buildings and structures" means, for the purposes of chapter 5, the vertical distance measured from the ground or surface level of the airport or landing field on the side adjacent to the said building or structure to the level of the highest point of the building or structure.

(26) "Municipal airport authority" or "municipal authority" means a municipal airport authority created under 67-11-102.

(27) "Municipality" or "political subdivision" means a

1 county, city, village, or town of this state and any other
2 political subdivision, public corporation, authority, or
3 district in this state authorized by law to acquire,
4 establish, construct, maintain, improve, and operate
5 airports and other air navigation facilities.

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