SENATE LOCAL GOVERNMENT
EXHIBIT NO. 4
DATE 3.6.09
BILL NO. HB426

HB 426

RESOLUTION 2008 - 03

CLARIFICATION OF A GOVERNING BODY'S APPOINTMENT RIGHTS TO AN AIRPORT AUTHORITY

It is the intent of the Montana Association of Counties to seek clarification of a governing body's appointment rights to an Airport Authority.

WHEREAS, the laws of Montana sections 67-11-101 through 67-11-107 empower the creation of municipal and regional Airport Authorities; and

WHEREAS, the laws of Montana are designed to utilize elected representation as a check on the power of appointed agents of the state and local government; and

WHEREAS, the checks on the authority and power of the Airport Authority boards is vested in the appointment powers of the governing bodies; and

WHEREAS, the Great Falls Regional Airport Authority has presumed to take on the authority to judge the qualifications of an appointment made by one of its governing bodies; and

WHEREAS, said Airport Authority refused to seat the appointee of its governing body based upon its internally generated policies; and

WHEREAS, the litigation seeking to answer the critical question regarding the appointment powers of local government was rendered moot due to the withdraw of the applicant in question; and

WHEREAS, over two years of litigation has yielded no resolution of the issue.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties will seek legislation clarifying the right of governing bodies to make appointments to the authorities who were created through their actions

SPONSOR:	**Districts 4 & 5**
RECOMMENDATION:	**Do Pass**
PRIORITY:	**Medium**
REFERRED TO:	**Transportation Committee**
ADOPTED:	**Annual Conference, Hamilton, MT September 24, 2008**