

Moved by Heider

Seconded by Tippets

IN THE SENATE  
SENATE AMENDMENT TO S.B. NO. 1265

AMENDMENT TO THE BILL

1  
2 On page 1 of the printed bill, delete lines 21 through 42; and on page 2,  
3 delete lines 1 through 28, and insert:

4 "SECTION 1. That Section 21-502, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 21-502. AVIATION HAZARDS CONTRARY TO PUBLIC INTEREST. It is hereby  
7 found that an aviation hazard endangers the lives and property of users of  
8 the airport and of occupants of land in its vicinity, and also, if of the  
9 obstruction type, in effect reduces the size of the area available for the  
10 landing, taking off and maneuvering of aircraft thus tending to destroy or  
11 impair the utility of the airport and the public investment therein. Accord-  
12 ingly, it is hereby declared:

13 (a) That the creation or establishment of an aviation hazard is a public  
14 nuisance and an injury to the community served by the airport in question;

15 (b) That it is therefore necessary in the interest of the public health,  
16 public safety, and general welfare that the creation or establishment of  
17 aviation hazards be prevented;

18 ~~(c) That this should be accomplished, to the extent legally possible,~~  
19 ~~by exercise of the police power, without compensation.~~

20 ~~It is further declared that both the prevention of the creation or es-~~  
21 ~~tablishment of aviation hazards and the elimination, removal, alteration,~~  
22 ~~mitigation, or marking and lighting of existing aviation hazards are public~~  
23 ~~purposes for which political subdivisions may raise and expend public funds~~  
24 ~~and acquire land and property interests therein.~~

25 SECTION 2. That Sections [21-503](#), [21-504](#), [21-505](#), [21-505A](#), [21-505B](#),  
26 [21-506](#), [21-507](#) and [21-508](#), Idaho Code, be, and the same are hereby re-  
27 pealed."; and renumber sections accordingly.

28 CORRECTION TO TITLE

29 On page 1, in line 2, delete "AMENDING SECTION 21-503, IDAHO CODE, TO  
30 PROVIDE"; delete lines 3 through 6; in line 7, delete "AND TO MAKE TECH-  
31 NICAL CORRECTIONS" and insert: "AMENDING SECTION 21-502, IDAHO CODE, TO  
32 REMOVE CERTAIN PROVISIONS RELATING TO AVIATION HAZARDS CONTRARY TO PUBLIC  
33 INTEREST; REPEALING SECTION 21-503, IDAHO CODE, RELATING TO AIRPORT ZONING  
34 REGULATIONS; REPEALING SECTION 21-504, IDAHO CODE, RELATING TO PROCEDURE  
35 FOR ZONING AN AVIATION HAZARD AREA; REPEALING SECTION 21-505, IDAHO CODE,  
36 RELATING TO AIRPORT ZONING REQUIREMENTS; REPEALING SECTION 21-505A, IDAHO  
37 CODE, RELATING TO PERMITS AND VARIANCES, MARKING AND LIGHTING; REPEALING

1 SECTION 21-505B, IDAHO CODE, RELATING TO RELATION TO COMPREHENSIVE ZONING  
2 REGULATIONS; REPEALING SECTION 21-506, IDAHO CODE, RELATING TO JUDICIAL  
3 REVIEW; REPEALING SECTION 21-507, IDAHO CODE, RELATING TO ENFORCEMENT AND  
4 REMEDIES; REPEALING SECTION 21-508, IDAHO CODE, RELATING TO ACQUISITION OF  
5 AIR RIGHTS".