

HOUSE BILL No. 2652

By Committee on Judiciary

2-12

1 AN ACT concerning aircraft and airfields; relating to county airports;
2 zoning; amending K.S.A. 3-307e and 3-701 and repealing the existing
3 sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 3-701 is hereby amended to read as follows: 3-701.
7 As used in ~~this~~ *the airport zoning act*, unless the context otherwise
8 requires:

9 (1) "Airport" means any area of land or water designed and set aside
10 for the landing and taking-off of aircraft and utilized or to be utilized in the
11 interest of the public for such purposes, and also means any military
12 airfield.

13 (2) "Airport hazard" means any structure or tree ~~or use of land~~ which
14 *physically obstructs or materially reduces the airspace ordinarily and*
15 *customarily required for the normal flight of aircraft in landing or taking-*
16 *off at any airport or is otherwise hazardous to presents a clear and present*
17 *danger within such airspace to the normal landing or taking-off of aircraft.*

18 (3) "Airport hazard area" means any area of land or water upon which
19 an airport hazard might be established if not prevented as provided in ~~this~~
20 *the airport zoning act.*

21 (4) "Political subdivision" means those now or hereafter authorized
22 by the laws of this state to acquire, operate, maintain or regulate an airport
23 or airports, acting singly or jointly, and also means those within or partly
24 within ~~fifty thousand (50,000)~~ *50,000* feet of a military airfield control
25 tower.

26 (5) "Person" means any individual, firm, copartnership, corporation,
27 company, association, joint stock association, or body politic, and includes
28 any trustee, receiver, assignee, or other similar representative thereof.

29 (6) "Structure" means any object constructed or installed by man,
30 including, but without limitation, buildings, towers, smokestacks, and
31 overhead transmission lines.

32 (7) "Tree" means any object of natural growth.

33 Sec. 2. K.S.A. 3-307e is hereby amended to read as follows: 3-307e.

34 (a) The airport commission shall act as an airport zoning commission for
35 the county and as such shall make recommendations and serve in the same
36 capacity as an airport zoning commission provided for in subsection (2) of

1 K.S.A. 3-705, and amendments thereto. ~~Said~~ The commission shall make
2 such recommendations concerning type and boundary of zones and
3 regulations to be adopted for public airports and all property within one ~~(1)~~
4 mile thereof. The board of county commissioners shall act on such
5 recommendations and may zone such public airports and the surrounding
6 areas within one ~~(1)~~ mile, except where such areas have already been
7 zoned by city action. In such cases, city zoned areas shall keep ~~such~~
8 ~~exclusive~~ city zoning control, except ~~that any changes in existing city~~
9 ~~zoning must have the approval of the board of county commissioners as~~
10 ~~provided in subsection (b).~~ All airport zoning regulations adopted as
11 provided for herein shall be administered by the airport commission, as
12 directed by the board of county commissioners. The board of county
13 commissioners shall exercise directly all the zoning authority granted by
14 ~~this the airport zoning act~~ in the event an airport commission is not
15 appointed or functioning.

16 (b) *Not more than 60 days after the board of county commissioners*
17 *receives notice of the proposed changes to existing city zoning, the board*
18 *of county commissioners shall conduct an administrative hearing to*
19 *determine if the proposed changes to existing city zoning would create an*
20 *airport hazard, as defined by K.S.A. 3-701, and amendments thereto, and*
21 *shall approve the proposed changes upon a finding that such proposed*
22 *changes do not create an airport hazard, as defined by K.S.A. 3-701, and*
23 *amendments thereto. If such proposed changes are determined by the*
24 *board of county commissioners to create an airport hazard, as defined by*
25 *K.S.A. 3-701, and amendments thereto, the board of county commissioners*
26 *shall identify with specificity the items or elements of the proposed*
27 *changes to existing city zoning determined to create the airport hazard*
28 *and may condition final approval of such proposed changes upon removal*
29 *of the identified airport hazard.*

30 (c) *Nothing in this section shall be construed to grant the board of*
31 *county commissioners authority to reject proposed changes in current city*
32 *zoning within one mile of an airport that would not create an actual or*
33 *potential airport hazard, as defined by K.S.A. 3-701, and amendments*
34 *thereto.*

35 (d) The provisions of article 7 of chapter 3 of the Kansas Statutes
36 Annotated, and amendments thereto, shall, insofar as the same can be
37 made applicable, govern judicial review and enforcement and remedies for
38 airport zoning regulations adopted pursuant hereto.

39 Sec. 3. K.S.A. 3-307e and 3-701 are hereby repealed.

40 Sec. 4. This act shall take effect and be in force from and after its
41 publication in the statute book.