

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2178

Introduced by

Senator Urlacher

Representatives Haas, F. Klein

1 A BILL for an Act to amend and reenact sections 2-06-02 and 2-06-03 of the North Dakota  
2 Century Code, relating to the dissolution of airport authorities.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 2-06-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **2-06-02. Creation of municipal airport authority - Dissolution.**

7 1. Any municipality ~~may~~, by resolution of its governing body, may create a public  
8 body corporate and politic to be known as a municipal airport authority, which is  
9 authorized to exercise its functions upon the appointment and qualification of the  
10 first commissioners thereof; or the governing body ~~may~~ by resolution may  
11 determine to exercise any or all powers granted to such authorities in this chapter  
12 until or unless such powers are or have been conferred upon a municipal or  
13 regional airport authority. Upon the adoption of a resolution creating a municipal  
14 airport authority, the governing body of the municipality ~~shall~~, pursuant to the  
15 resolution, shall appoint five persons as commissioners of the authority. The  
16 commissioners who are first appointed are designated to serve for terms of one,  
17 two, three, four, and five years, respectively, but thereafter, each commissioner  
18 ~~shall~~ must be appointed for a term of five years, except that vacancies occurring  
19 otherwise than by expiration of term must be filled for the unexpired term by the  
20 governing body.

21 2. After payment of all debts, a municipal airport authority may be dissolved by  
22 resolution of the governing body of the municipality. Before dissolution, the  
23 property of the airport authority either must be transferred to the municipality or  
24 sold.

1           **SECTION 2. AMENDMENT.** Section 2-06-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **2-06-03. Creation of regional airport authority - Dissolution.**

- 4           1. Two or more municipalities, whether in this state or in an adjoining state, provided  
5 that at least one municipality is in North Dakota, ~~may~~ by joint resolution, may  
6 create a public body, corporate and politic, to be known as a regional airport  
7 authority which is authorized to exercise its functions upon the issuance by the  
8 secretary of state of a certificate of incorporation. The governing bodies of the  
9 municipalities participating in the creation of a regional airport authority ~~shall~~,  
10 pursuant to such joint resolution, shall appoint ~~not less than~~ at least five persons  
11 as commissioners of the regional airport authority. The number to be appointed  
12 and their representation must be provided for in the joint resolution. The term of  
13 office of each regional airport authority commissioner must be in accordance with  
14 subsection 5. Each such regional airport authority, once created, shall organize,  
15 elect officers for terms of office to be fixed by agreement, and adopt and amend  
16 from time to time rules for its own procedure not inconsistent with section 2-06-06.
- 17          2. A regional airport authority may be increased from time to time to serve one or  
18 more additional municipalities if each additional municipality and each of the  
19 municipalities then included in the regional authority and the commissioners of the  
20 regional authority, respectively, adopt a resolution consenting thereto; provided,  
21 that if a municipal airport authority for any municipality seeking to be included in  
22 the regional authority is then in existence, the commissioners of the municipal  
23 authority must consent to the inclusion of the municipality in the regional authority,  
24 and if the municipal authority has any bonds outstanding, one hundred per centum  
25 of the holders of the bonds must consent, in writing, to the inclusion of the  
26 municipality in the regional authority. Upon the inclusion of any municipality in the  
27 regional authority, all rights, contracts, obligations, and property, real and personal,  
28 of the municipal authority ~~shall~~ must be in the name of and vest in the regional  
29 authority.
- 30          3. A regional airport authority may be decreased if each of the municipalities then  
31 included in the regional authority and the commissioners of the regional authority

1 consent to the decrease and make provisions for the retention or disposition of its  
2 assets and liabilities; provided that, if the regional authority has any bonds  
3 outstanding no decrease may be effected unless one hundred per centum of the  
4 holders of the bonds consent thereto in writing.

5 4. A municipality may not adopt any resolution authorized by this section without a  
6 public hearing thereon. Notice thereof must be given at least ten days prior thereto  
7 in a newspaper published in the municipality, or if there is no newspaper published  
8 therein, then in a newspaper having general circulation in the municipality.

9 5. All commissioners of a regional airport authority must be appointed for terms of  
10 five years each, except that a vacancy occurring otherwise than by expiration of  
11 term ~~shall~~ must be filled for the unexpired term in the same manner as the original  
12 appointments.

13 6. After payment of all debts, a regional airport authority may be dissolved by a joint  
14 resolution of the governing bodies of the participating municipalities. Before  
15 dissolution, the property of the regional airport authority must be sold, transferred,  
16 or distributed as agreed by the participating municipalities. Any remaining funds of  
17 the regional airport authority must be distributed to the general funds of the  
18 participating municipalities in proportion to their support of the regional airport  
19 authority.