

# AERONAUTICS

## CHAPTER 74

S. B. No. 247

(Becker, Tuff, Forkner, Mahoney, Sinner, Berube, Witteman)

### AUTHORITY TO OPERATE AIRPORTS

#### AN ACT

To amend and reenact section 2-02-01 of the North Dakota Century Code, relating to authority to acquire and regulate airports for a public purpose, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 2-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**2-02-01. Authority to Acquire, Operate, and Regulate Airports.)** The North Dakota aeronautics commission and all counties, cities, villages, park districts, and townships of this state, separately or jointly, may acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports and landing fields for the use of aircraft either within or without the geographic limits of such political subdivisions, and may use for such purpose or purposes any available property owned or controlled by the state aeronautics commission or such political subdivisions. Any property acquired, owned, leased, controlled, or occupied for the purpose or purposes enumerated herein hereby is declared to be acquired, owned, leased, controlled, or occupied for a public purpose and as a matter of public need, and there shall be no liability on the part of the state aeronautics commission or any county, city, village, park district, or township in connection therewith, or in the operation thereof, except to its own employees.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect after its passage and approval.

Approved March 18, 1963.

## CHAPTER 75

S. B. No. 301  
(Becker, Mahoney)

## ACCEPTANCE OF FEDERAL AIRPORT FUNDS

## AN ACT

To amend and reenact section 2-05-06.1 of the North Dakota Century Code, relating to authority to accept federal or other moneys for airport construction.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 2-05-06.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**2-05-06.1. Authorization to Accept Federal or Other Moneys.)** The North Dakota aeronautics commission or any county, city, village, park district, or township is authorized to accept, receive, and receipt for federal moneys, and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports and other air navigation facilities, and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such airports and other air navigation facilities.

Approved March 16, 1963.

## CHAPTER 76

S. B. No. 250

(Becker, Tuff, Forkner, Mahoney, Berube, Sinner, Witteman)

## AERONAUTICS COMMISSION POWERS

## AN ACT

Giving the North Dakota aeronautics commission all powers of an airport authority as defined in chapter 2-06, Airport Authorities Act and amendments thereto of the North Dakota Century Code, with certain exceptions, for the purpose of constructing an airport near the International Peace Garden, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. North Dakota Aeronautics Commission Authorized to Have All Powers of an Airport Authority as Defined in Chapter 2-06, Airport Authorities Act of the North Dakota Century Code with Certain Exceptions.)** The North Dakota aeronautics commission shall have all powers of an airport authority as defined in chapter 2-06, Airport Authorities Act and amendments thereto of the North Dakota Century Code, except powers to certify or levy taxes or issue bonds, for the purpose of constructing a public airport near the International Peace Garden.

**§ 2. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 18, 1963.

## CHAPTER 77

S. B. No. 114

(Longmire, Baker, Lips, Saumur, Meidinger)

## AIRPORT AUTHORITIES ACT

## AN ACT

To amend and reenact subsection 4 of section 2-06-01 and sections 2-06-02, 2-06-10, and 2-06-14 of the North Dakota Century Code, relating to municipal and regional airport authorities and the issuance of revenue bonds for their corporate purposes, authorizing governing bodies of municipalities to exercise powers granted to airport authorities, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Subsection 4 of section 2-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Airport authority" or "authority" shall mean any regional airport authority or municipal airport authority created pursuant to the provisions of this chapter, and the governing body of a municipality which has determined to exercise the powers of a municipal airport authority, pursuant to section 2-06-02;

**§ 2. Amendment.)** Section 2-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**2-06-02. Creation of Municipal Airport Authority.)** Any municipality may, by resolution of its governing body, create a public body corporate and politic to be known as a municipal airport authority, which shall be authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof; or the governing body may by resolution determine to exercise any or all powers granted to such authorities in this chapter until or unless such powers are or have been conferred upon a municipal or regional airport authority. Upon the adoption of a resolution creating a municipal airport authority, the governing body of the municipality shall, pursuant to the resolution, appoint five persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four, and five years, respectively, but thereafter, each commissioner shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled for the unexpired term by the governing body.

§ 3. Amendment.) Section 2-06-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**2-06-10. Bonds and Other Obligations.)** An authority shall have the power to borrow money for any of its corporate purposes and issue its bonds therefor, including refunding bonds, in such form and upon such terms as it may determine, payable out of any revenues of the authority, including grants or contributions from the federal government or other sources, which bonds may be sold at public or private sale at not less than par and shall bear interest at a rate or rates not exceeding six percentum per annum. Any bonds issued pursuant to this chapter by an authority, or by a governing body exercising the powers thereof, shall be payable, as to principal and interest, solely from revenues of an airport or air navigation facility or facilities, and shall so state on their face, but if any such issue of bonds constitutes an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, each bond of the issue shall be an equally valid and binding special obligation of the authority or municipality, as the case may be, in accordance with its terms, in an amount proportionate to the total amount of the issue which is within such limitation or restriction. Neither the commissioners of an authority nor the governing body of a municipality nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof, except to the extent that the bonds, if constituting an indebtedness, exceed any applicable limitation or restriction.

In case any of the commissioners or officers of an authority or municipality whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers after authorization but before the delivery of the bonds, the signature shall, nevertheless be valid and sufficient for all purposes, the same as if the commissioners or officers had remained in office until delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

Any bond reciting in substance that it has been issued by the authority or municipality pursuant to the provisions of this chapter and for a purpose or purposes authorized to be accomplished by this chapter shall be conclusively deemed, in any suit, action, or proceeding involving the validity or enforceability of the bond or the security therefor, to have been issued pursuant to such provisions and for such purpose or purposes.

Bonds issued by an authority or municipality pursuant to the provisions of this chapter are declared to be issued for an

essential public and governmental purpose and, together with interest thereon, and income therefrom, shall be exempt from all taxes.

For the security of any such bonds the authority or municipality may by resolution make and enter into any covenant, agreement, or indenture authorized to be made as security for revenue bonds issued under chapter 40-35. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be made payable from any and all revenues referred to in this chapter, prior to the payment of current costs of operation and maintenance of the facilities. Whenever bonds are issued under this chapter and made payable from revenues of an airport acquired in whole or in part from the federal government under a deed or deeds containing restrictive covenants, reservations or restrictions, and a provision that upon breach thereof the title to the land shall revert to the United States, the governing body of the municipality shall be required, in the event that at any time all revenues, including taxes, appropriated and theretofore collected for such bonds are insufficient to pay principal or interest then due, to levy a general tax upon all of the taxable property in the municipality for the payment of such deficiency and at any time a deficiency is likely to occur within one year for the payment of principal and interest due on such bonds, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency, and such taxes shall not be subject to any limitation of rate or amount applicable to other municipal taxes, provided that the initial resolution authorizing bonds for airport financing where reverter provisions are involved shall be published in the official paper, and any owner of taxable property within the city may within sixty days after such publication file with the city auditor a protest against the adoption of the resolution. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to twenty percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under such initial resolution shall be barred.

§ 4. **Amendment.)** Section 2-06-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**2-06-14. Tax Levy May Be Certified by Airport Authority or Municipality.)** The airport authority may certify annually to the governing bodies, the amount of tax to be levied by each municipality participating in the creation of the airport

authority, and the municipality shall levy the amount certified, pursuant to provisions of law authorizing cities and other political subdivisions of this state to levy taxes for airport purposes. The levy made shall not exceed the maximum levy permitted by the laws of this state for airport purposes. The municipality shall collect the taxes certified by an airport authority in the same manner as other taxes are levied and collected and make payment to the airport authority. The proceeds of such taxes when and as paid to the airport authority shall be deposited in a special account or accounts in which other revenues of the authority are deposited and may be expended by the authority as provided for in this chapter. Prior to the issuance of bonds under section 2-06-10 the airport authority or the municipality may by resolution covenant and agree that the total amount of such taxes then authorized by law, or such portion thereof as may be specified by the resolution, will be certified, levied and deposited annually as herein provided, until the bonds and interest thereon are fully paid.

**§ 5. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 18, 1963.