CHAPTER 2-06
AIRPORT AUTHORITIES ACT

2-06-01. Definitions.

In this chapter:

1. "Airport" means any real or personal property used or intended to be used for the navigation, landing, and taking off of aircraft, and any real or personal property used or intended to be used for airport operations or maintenance, buildings, facilities, rights of way, or approaches and clear zones.
2. "Airport authority" or "authority" means any regional airport authority or municipal airport authority created under this chapter, and the governing body of a municipality exercising the powers of a municipal airport authority.
3. "Airport hazard" means any structure, object, or use of property which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at an airport.
4. "Bonds" means any bonds, notes, interim certificates, debentures, or similar obligations issued by an authority under this chapter.
5. "Clerk" means the custodian of the official records of a municipality.
6. "Governing body" means the official or officials authorized by law to exercise ordinance or other lawmaking powers of a municipality.
7. "Municipal airport authority" or "municipal authority" means a municipal airport authority created under section 2-06-02.
8. "Municipality" means any county, city, or township of this state.
9. "Real property" means lands, structures, and interests in land, including lands under water and riparian rights, and all things and rights usually included within the term real property, including fee simple absolute and all lesser interests, such as easements, rights of way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property.
10. "Regional airport authority" or "regional authority" means a regional airport authority created under section 2-06-03.

2-06-01.1. Aeronautics commission may exercise powers of airport authority - Exceptions.

The North Dakota aeronautics commission has the powers of an airport authority provided in this chapter, except powers to certify or levy taxes or issue bonds, for the purpose of constructing and operating a public airport near the International Peace Garden and other public airports near international border ports of entry, state or national parks, or recreational areas.

2-06-01.2. Airport operation and income.

The aeronautics commission has operational control of airports constructed under section 2-06-01.1 and may provide for the imposition of landing fees, granting of fuel and service concessions, or the lease of portions of the premises for other related airport services or for purposes consistent with the use of the premises for airport purposes. All income from the operation of such airports must be deposited in the state treasury in a special operating fund to be known as the airport operating fund. All expenditures from such fund must be within the limits of legislative appropriations and must be made upon vouchers, signed and approved by the director of the aeronautics commission.

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

1. A governing body of a municipality, by resolution, may create a municipal airport authority or choose to exercise the powers provided to a municipal airport authority under this chapter.
2. Upon the adoption of a resolution creating a municipal airport authority, the governing body of the municipality shall appoint five commissioners of the authority. The commissioners who are first appointed must be designated to serve for terms of one,

two, three, four, and five years, respectively, but thereafter, each commissioner must be appointed for a term of five years, except that vacancies occurring other than by expiration of term must be filled for the unexpired term by the governing body.

3. Upon the adoption of a resolution to exercise the powers provided to a municipal airport authority under this chapter, the members of the governing body of the municipality constitute the commissioners of the authority.
4. After payment of all debts, a municipal airport authority may be dissolved by resolution of the governing body of the municipality. Before dissolution, the property of the airport authority must be transferred to the municipality or sold, and the net proceeds of sale deposited in the general fund of the municipality.

2-06-03. Regional airport authority creation or expansion - Dissolution.

1. A municipality in North Dakota, by joint resolution with one or more municipalities in North Dakota or an adjoining state, may create a regional airport authority which may exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. Under the joint resolution, the governing bodies of the municipalities participating in the creation of a regional airport authority shall appoint at least five commissioners of the regional airport authority. The number to be appointed and their representation must be provided for in the joint resolution. The commissioners who are first appointed must be designated to serve terms of one, two, three, four, or five years with at least one commissioner's term expiring each year. Each regional airport authority shall organize, elect officers, and adopt procedural rules consistent with section 2-06-06.
2. A regional airport authority may be expanded to serve one or more additional municipalities if the governing body of each additional municipality, the governing body of each of the municipalities included in the regional authority, and the commissioners of the regional authority each adopt a resolution consenting to the expansion.
   If a municipal airport authority exists for any municipality seeking to be included in a regional authority, the commissioners of that municipal authority must consent to the inclusion of the municipality in the regional authority. If the municipal authority has any bonds outstanding, one hundred percent of the bondholders must provide written consent to the inclusion of the municipality in the regional authority. Upon the inclusion of any municipality in the regional authority, all rights, contracts, obligations, and property, real and personal, of the municipal authority must be in the name of and vest in the regional authority.
3. The area encompassed in a regional airport authority may be decreased if each of the municipalities included in the regional authority and the commissioners of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets and liabilities. If the regional authority has any bonds outstanding, no decrease may be effected unless one hundred percent of the bondholders provide written consent to the decrease.
4. A municipality may not adopt any resolution authorized by this section without a public hearing on the resolution. Ten days prior notice of the hearing must be published in a newspaper published in the municipality or, if there is no newspaper published in the municipality, in a newspaper having general circulation in the municipality.
5. The term of a commissioner of a regional airport authority is five years, except that a vacancy in an unexpired term must be filled for the remainder of the term.
6. After payment of all debts, a regional airport authority may be dissolved by a joint resolution of the governing bodies of the participating municipalities. Before dissolution, the property of the regional airport authority must be sold, transferred, or distributed as agreed by the participating municipalities. Any remaining funds of the regional airport authority must be distributed to the general funds of the participating municipalities in proportion to their support of the regional airport authority.

2-06-04. Certificate of incorporation of regional airport authority.

1. Upon the appointment and qualification of the commissioners first appointed to a regional airport authority, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted under section 2-06-03 by the municipalities included in the regional authority, and the secretary of state shall issue a certificate of incorporation to the regional airport authority upon receipt of the resolutions.
2. When a regional airport authority is increased or decreased under section 2-06-03, it shall forward to the secretary of state a certified copy of each resolution adopted under that section, and the secretary of state shall issue an amended certificate of incorporation upon receipt of the resolutions.

2-06-05. Proof of existence of authority.

Repealed by S.L. 2017, ch. 60, § 24.

2-06-06. Commissioners - Compensation - Meetings - Officers.

Each commissioner of an airport authority shall hold office until the commissioner's successor has been appointed and has qualified. The certificates of the appointment and reappointment of commissioners must be filed with the authority. The appointing authority shall establish the rate of compensation for commissioners, and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.

The powers of each authority are vested in its commissioners. A majority of the commissioners of an authority constitutes a quorum for the purpose of conducting business. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present.

Each authority shall elect a chairman and vice chairman from among the commissioners. An authority may employ an executive director, secretary, technical experts, and other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. An authority may obtain legal services from the chief law officer of the municipality or municipalities included in the authority or may employ its own legal counsel. An authority may delegate powers or duties to its agents or employees as it deems proper.

2-06-07. General powers of an authority.

An authority has all the powers necessary or convenient to carry out the purposes of this chapter including the power to certify, annually to the governing bodies creating it, the amount of the proposed tax to be levied by the governing bodies for airport purposes within the limitations in section 2-06-15, and the power:

1. To sue and be sued, to have a seal, and to have perpetual succession.
2. To execute contracts and other instruments necessary or convenient to carry out the purposes of this chapter.
3. To plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect airports, within this state and within any adjoining state, including the acquisition, construction, installation, equipment, maintenance, and operation at such airports or buildings and other facilities for the servicing of aircraft or for comfort and accommodation of air travelers, and the purchase and sale of supplies, goods, and commodities as are incident to the operation of its airport properties. For such purposes, an authority may by purchase, gift, devise, lease, eminent domain proceedings, or otherwise acquire property, real or personal, including easements in airport hazards or land outside the boundaries of an airport or airport site, as necessary to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards.
4. To establish comprehensive airport zoning regulations in accordance with the laws of this state. For the purpose of this chapter, a regional airport authority has the same

powers as all other political subdivisions to adopt and enforce comprehensive airport zoning regulations under the laws of this state.

5. To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, existing airports, provided an authority may not acquire or take over any airport owned or controlled by another authority, a municipality, or public agency of this or any other state without the consent of the authority, municipality, or public agency.
6. To establish or acquire and maintain airports in, over, and upon any public waters of this state, and any submerged lands under such public waters; and to construct and maintain terminal buildings, landing floats, causeways, roadways, and bridges for approaches to or connecting with any airport, and landing floats and breakwaters for the protection of an airport.
7. To establish toll access roadways leading to air carrier terminal buildings. The toll access charge may not exceed one dollar per vehicle.

2-06-08. Eminent domain.

In the acquisition of property by eminent domain proceedings authorized by this chapter, an airport authority shall proceed in the manner provided by chapter 32-15 and other applicable laws. An airport authority may use eminent domain to acquire property acquired by its current owner by eminent domain proceedings. The authority may enter land to make surveys and examinations related to eminent domain proceedings as long as doing so results in no unnecessary damage. Notwithstanding the provisions of any other statute, an authority may take possession of any property to be acquired by eminent domain proceedings at any time after the commencement of the proceedings. The authority may abandon the proceedings at any time before final order and decree of the court having jurisdiction of the proceedings, provided the authority is liable to the owner of the property for any damage done to the property during possession by the authority.

2-06-09. Disposal of airport property.

Except as limited by any grant, loan, or agreement authorized by section 2-06-13, an authority may, by sale, lease, or otherwise, dispose of any airport or other property interest acquired under this chapter. The disposal by sale, lease, or otherwise must be in accordance with the laws of this state governing the disposition of other public property, except that in the case of disposal to another authority, a municipality or an agency of the state or federal government for use and operation as a public airport, the sale, lease, or other disposal may be effected in the manner the commissioners of the authority deem in the best interest of civil aviation.

2-06-10. Bonds and other obligations.

1. An authority may borrow money and issue bonds for any of its corporate purposes, including refunding bonds, in the form and upon the terms as it chooses, payable out of any revenues of the authority, including grants or contributions from the federal government or other sources. The bonds may be sold at not less than ninety-eight percent of par plus the interest accrued on the bonds to the date of the delivery.
2. Bond issues sold at private sale must bear interest at a rate or rates and be sold at a price resulting in an average net interest cost not exceeding twelve percent per annum. There is no interest rate ceiling on those issues sold at public sale or to the state or any of its agencies or instrumentalities.
3. Any bonds issued under this chapter by an authority, or by a governing body exercising the powers of an authority, are payable, as to principal and interest, solely from revenues of an airport and must so state on their face, but if any issue of bonds constitutes an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, each bond of the issue is, subject to the requirements of subsection 9, an equally valid and binding special obligation of the authority or municipality, in accordance with its terms, in an amount proportionate to the total amount of the issue which is within the limitation or restriction. Neither the

commissioners of an authority nor the governing body of a municipality nor any person executing the bonds is liable personally by reason of the issuance, except to the extent the bonds, if constituting an indebtedness, exceed any applicable limitation or restriction.

4. If any commissioners or officers of an authority or municipality whose signatures appear on any bonds or coupons ceases to be a commissioner or officer after authorization but before the delivery of the bonds, the signature of the commissioner or official remains valid and sufficient for all purposes, the same as if the commissioner or officer had remained in office until delivery. Any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.
5. Any bond reciting in substance that it has been issued by the authority or municipality under this chapter and for a purpose authorized by this chapter must be deemed, in any suit, action, or proceeding involving the validity or enforceability of the bond or the security for the bond, to have been issued under this chapter and for that purpose.
6. Bonds issued by an authority or municipality under this chapter are declared to be issued for an essential public and governmental purpose and, together with interest on the bonds, and income from the bonds, are exempt from all taxes.
7. For the security of any such bonds, the authority or municipality may by resolution enter any covenant, agreement, or indenture authorized to be made as security for revenue bonds issued under chapter 40-35. The sums required to pay principal and interest and to create and maintain a reserve for the bonds may be made payable from any revenues referred to in this chapter, before the payment of current costs of operation and maintenance of the facilities.
8. The governing body of a municipality that issues revenue bonds under this chapter shall levy a general tax upon all taxable property in the municipality for the payment of any deficiency in airport authority funds to pay principal or interest due for the bonds before August 1, 2015, and made payable from revenues of an airport authority. The governing body of the municipality may levy a general tax upon all taxable property in the municipality for the payment of any deficiency that is likely to occur within one year in airport authority funds to pay principal or interest due for revenue bonds issued under this chapter before August 1, 2015, and made payable from revenues of an airport authority. The taxes levied by the municipality under this subsection are not subject to any limitation of rate or amount applicable to other municipal taxes.
9. Revenue bonds issued by an airport authority after July 31, 2015, must include the commitment of the municipality for the payment of any deficiency in airport authority funds to pay principal or interest due for revenue bonds as provided in this subsection. The governing body of the municipality shall levy a general tax upon all taxable property in the municipality for the payment of any deficiency in airport authority funds to pay principal or interest due for revenue bonds issued under this chapter after July 31, 2015, and made payable from revenues of an airport authority. The governing body of the municipality may levy a general tax upon all taxable property in the municipality for the payment of any deficiency that is likely to occur within one year in airport authority funds to pay principal or interest due for revenue bonds issued under this chapter after July 31, 2015, and made payable from revenues of an airport authority. The taxes levied by the municipality under this subsection are not subject to any limitation of rate or amount applicable to other municipal taxes. The commitment of the municipality and the issuance of the bonds must be approved by a majority vote of the governing body of each municipality involved or, upon placement of the question on the ballot at a primary, general, or special election, by approval of a majority of the qualified electors of the municipalities voting on the question.

2-06-11. Operation and use privileges.

1. a. In connection with the operation of an airport owned or controlled by an authority, the authority may enter contracts, leases, and other arrangements for terms not to exceed thirty years with any persons:

(1) Granting the privilege of using or improving the airport or any portion or facility of the airport for commercial purposes;
(2) Conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport; and
(3) Making available services to be furnished by the authority or its agents at the airport.

b. In each case the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which must be reasonable and uniform for the same class or privilege or service and must be established with due regard to the property and improvements used and the expenses of operation to the authority. However, the public may not be deprived of its rightful, equal, and uniform use of the airport or portion of the airport.

2. Except as may be limited by any grant, loan, or agreement authorized by section 2-06-13, an authority may by contract, lease, or other arrangements, upon a consideration fixed by it, grant to any qualified person for a term not to exceed thirty years the privilege of operating, as agent of the authority or otherwise, any airport owned or controlled by the authority. However, the person may not be granted authority to operate an airport other than as a public airport, and may not enter any contracts, leases, or other arrangements in connection with the operation of the airport which the authority might not have undertaken under subsection 1.

2-06-12. Regulations.

An authority may adopt, amend, and repeal any reasonable resolutions, rules, and orders necessary for the management, government, and use of any airport it owns or controls. An airport authority may not issue any rule, order, or standard inconsistent with, or contrary to, any act of the Congress of the United States or any regulation or standard established under federal law. Each airport authority shall keep on file at the principal office of the authority for public inspection a copy of all its rules.

2-06-13. Federal and state aid.

1. An authority may accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish any of the purposes of this chapter. All federal moneys accepted under this section must be accepted and expended by the authority upon the terms and conditions prescribed by the United States and consistent with state law, and all state moneys accepted under this section must be accepted and expended by the authority upon the terms and conditions prescribed by the state.
2. An authority may designate the state aeronautics commission as its agent to:
   a. Accept, receive, receipt for, and disburse federal and state moneys, and other moneys, public or private, made available by grant or loan or both, to accomplish any of the purposes of this chapter; and
   b. Contract for and supervise the planning, acquisition, development, construction, improvement, maintenance, equipment, or operation of any airport.
3. An authority may enter an agreement with the aeronautics commission prescribing the terms and conditions of the agency in accordance with the terms and conditions prescribed by the United States, if federal money is involved, and in accordance with applicable laws of this state. All federal moneys accepted under this section by the state aeronautics commission must be accepted and transferred or expended by the commission upon the terms and conditions prescribed by the United States. All moneys received by the state aeronautics commission under subsection 2 must be deposited in the state treasury, and unless otherwise prescribed by the agency from which the moneys were received, must be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for those purposes.

2-06-14. Tax levy may be requested by airport authority or municipality - Financial report.

An airport authority may request annually from the governing bodies of the municipalities within the authority, an amount of tax to be levied by each municipality, and the municipalities may levy the amount requested, under the law authorizing cities and other political subdivisions of this state to levy taxes for airport purposes. With its levy request under this section, an airport authority may certify its current and anticipated revenues and resources, any anticipated revenue shortfall for bonded debt payment, and the amount necessary from its property tax levy authority for its annual principal and interest payment for bonded debt incurred under this chapter. If the authority finds the certified amount is necessary for the annual bonded debt payment, the municipality shall levy for the airport authority not less than the certified amount. In the year for which the levy is sought, an airport authority that is not a city or county governing body and which is seeking approval of a property tax levy of a city or county governing body under this chapter shall file with the auditor of each participating city or county, at a time and in a format prescribed by the auditors, a financial report for the preceding calendar year showing the ending balances of each fund held by the airport authority during that year. The levy made may not exceed the maximum levy permitted by the laws of this state for airport purposes.

The municipality shall collect the taxes levied for an airport authority in the same manner as other taxes are levied and collected. The proceeds of the taxes must be deposited in a special account in which other revenues of the authority are deposited, and may be expended by the authority as allowed under this chapter.

Before the issuance of bonds under section 2-06-10, the airport authority or the municipality may by resolution provide its commitment under section 2-06-10 that the total amount of taxes then authorized by law, or such portion as may be specified by the resolution, will be certified, levied, and deposited annually until the bonds and interest are fully paid.

2-06-15. Tax levy by county, city, or township for airport or airport authority purposes.

A county, city, or township supporting an airport or airport authority may levy up to four mills for airport or airport authority purposes. If any city or township within the county is levying a tax for support of an airport or airport authority and the total of the county and city or county and township levies exceeds four mills, the county tax levy within the city or township levying under this section must be reduced so the total levy in the city or township does not exceed four mills.

2-06-16. Joint operations.

1. For the purposes of this section, unless otherwise qualified, the term "public agency" includes municipality and authority, any agency of the state government and of the United States, and any municipality, political subdivision, and agency of an adjoining state; and the term "governing body" includes commissioners of an authority, the governing body of a municipality, and the head of an agency of a state or the United States if the public agency is not an authority or municipality. All powers, privileges, and authority granted by this chapter may be exercised by an authority jointly with any public agency of this state, and jointly with any public agency of any adjoining state or of the United States to the extent that the laws of the other state or the United States permit such joint exercise. Any agency of the state government, when acting jointly with any authority, may exercise all the powers, privileges, and authority conferred by this chapter upon an authority.
2. Any two or more public agencies may enter agreements with each other for joint action under this section. Each agreement must specify its duration, the proportionate interest that each public agency must have in the property, facilities, and privileges involved in the joint undertaking, the proportion of costs to be borne by each public agency, and other terms as necessary or required by law. The agreement may provide for amendments and termination; disposal of the property, facilities, and privileges jointly owned, before, or at such times as the property, facilities, and privileges cease to be used for the purposes provided in this chapter, or upon termination of the agreement; the distribution of the proceeds received upon any disposal, and of any funds or other property jointly owned; the assumption of payment of any indebtedness

arising from the joint undertaking which remains unpaid upon the disposal of all assets or upon a termination of the agreement; and other provisions as necessary or convenient.

3. Public agencies acting jointly under this section shall create a joint board consisting of members appointed by the governing body of each participating public agency. The number to be appointed and the term and compensation of the members must be provided for in the joint agreement. Each joint board shall organize, select officers for terms that are fixed by the agreement, and adopt and amend rules for its own procedure. The joint board, as agent of the participating public agencies, may plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police any airport or airport hazard to be jointly acquired, controlled, and operated, and the participating public agencies may authorize the joint board to exercise all the powers of the constituent public agencies with respect to the airport or airport hazard, subject to the limitations of subsection 4.
4. a. The total expenditures to be made by the joint board for any purpose in any calendar year must be as determined by a budget approved by the constituent public agencies on or before the preceding December first, or as otherwise specifically authorized by the constituent public agencies.
   b. No airport or airport hazard, or real or personal property, the cost of which is in excess of sums fixed by the joint agreement or allotted in the annual budget, may be acquired, established, or developed by the joint board without the approval of the governing bodies of its constituent public agencies.
   c. Subject to chapter 32-15, the joint board may institute eminent domain proceedings under this section only if the governing bodies of the constituent public agencies of the joint board authorize the board to do so. If authorized, the proceedings must be instituted in the names of the constituent public agencies jointly, and the property acquired must be held by the public agencies as tenants in common.
   d. The joint board may not dispose of any airport or real property under its jurisdiction except with the consent of the governing bodies of its constituent public agencies, except the joint board may, without that consent, enter contracts, leases, or other arrangements contemplated by section 2-06-11.
   e. Any resolutions, rules, or orders of the joint board dealing with subjects authorized by section 2-06-11 become effective only upon approval of the governing bodies of the constituent public agencies. Upon the approval, the resolutions, rules, or orders of the joint board have the same effect in the territories or jurisdictions involved as the ordinances, resolutions, rules, or orders of each public agency would have in its territory or jurisdiction.
5. The joint board shall create a joint fund for the purpose of providing the joint board with moneys for necessary expenditures to carry out this section, and into which must be deposited the share of each of the constituent public agencies as provided by the joint agreement. Any federal, state, or other grants, contributions, or loans, and the revenues obtained from the joint ownership, control, and operation of any airport under the jurisdiction of the joint board must be paid into the joint fund. Disbursements from the fund must be made by order of the board, subject to the limitations prescribed in subsection 4.

2-06-17. Public purpose.

The acquisition of any land, or interest therein, pursuant to this chapter, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of airports, including the acquisition or elimination of airport hazards, and the exercise of any other powers granted to authorities and other public agencies, to be severally or jointly exercised, are public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of any authority or other public agency in the manner and for the

purposes in this chapter are acquired and used for public and governmental purposes and as a matter of public necessity.

2-06-18. Airport property and income exempt from taxation.

Any property in this state acquired by an authority for airport purposes under this chapter, and any income derived by the authority from the ownership, operation, or control of the property, is exempt from taxation to the same extent as other property used for public purpose.

2-06-19. Municipal cooperation.

For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of airports under this chapter, any municipality for which an authority has been created may, with or without consideration:

1. Lend or donate money to the authority.
2. Provide that all revenues received by the municipality for airport purposes, be transferred, paid, or credited to an airport authority fund. The city auditor or county treasurer may establish and maintain the fund to account for airport authority revenues and shall make payments from the fund for invoices submitted and approved by the governing body of the airport authority. On request of the city auditor or county treasurer and during an audit, the governing board of the airport authority shall supply its records on a timely basis. The fund may not revert to the governing body of the municipality at the end of any fiscal year. The fund must be used exclusively for the establishment and maintenance of airport facilities.
3. Cause water, sewer, or drainage facilities, or any other facilities that it is empowered to provide, to be furnished adjacent to or in connection with airports.
4. Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges in the property to the authority.
5. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, and walks from established streets or roads to airports.
6. Do all things not prohibited by law, necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of airports.
7. Enter agreements with the authority respecting action to be taken by the municipality under this section.

2-06-20. Out-of-state airport jurisdiction authorized - Reciprocity with adjoining states and governmental agencies.

1. For the purpose of this section, "governmental agency" means any municipality, city, county, public corporation, or other public agency.
2. This state or any governmental agency of this state having powers with respect to planning, establishing, acquiring, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, or protecting airports within this state, may exercise those powers within any state or jurisdiction adjoining this state, subject to the laws of that state or jurisdiction.
3. Any state adjoining this state or any governmental agency thereof may plan, establish, acquire, develop, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports within this state, subject to the laws of this state applicable to airports. Subject to chapter 32-15, the adjoining state or governmental agency has the power of eminent domain in this state, which must be exercised in the manner provided by the laws of this state governing condemnation proceedings, except the power of eminent domain may not be exercised unless the adjoining state authorizes the exercise of that power in that state by this state or any governmental agency of this state having any of the powers mentioned in this section.
4. The powers granted in this section may be exercised jointly by two or more states or governmental agencies, including this state and its governmental agencies, in such combination agreed upon by them.

2-06-21. Supplemental authority.

In addition to the general and special powers conferred by this chapter, every authority may exercise powers necessary to the exercise of the authority's general and special powers.

2-06-22. Zoning.

This chapter does not supersede the authority of a municipality to regulate airport hazards by zoning.

2-06-23. Short title.

Repealed by S.L. 2017, ch. 60, § 24.