



February 22, 2002

**ENGROSSED
HOUSE BILL No. 1088**

DIGEST OF HB 1088 (Updated February 19, 2002 11:48 AM - DI 92)

Citations Affected: IC 8-22.

Synopsis: Promotion of aviation related commerce. Allows the board of an airport authority or an aviation commission to enter into agreements and joint contracts with other boards to promote and encourage aviation related trade, education, or commerce.

Effective: July 1, 2002.

Smith M

(SENATE SPONSORS — ALTING, LANANE)

January 8, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

January 15, 2002, reassigned to Committee on Roads and Transportation.

January 30, 2002, reported — Do Pass.

February 4, 2002, read second time, ordered engrossed. Engrossed.

February 5, 2002, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 11, 2002, read first time and referred to Committee on Transportation and Interstate Cooperation.

February 21, 2002, amended, reported favorably — Do Pass.

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EH 1088—LS 6292/DI 47+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1088

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-22-2-5, AS AMENDED BY P.L.29-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 5. (a) The board may adopt and use a seal.
4 Applications, assurances, contracts, and other instruments necessary in
5 the board's performance of its duties and the exercise of its powers may
6 be executed in its name or in the name of the eligible entity, as the case
7 may be, by the president or vice president of the board and attested by
8 its secretary or assistant secretary. However, the board may by
9 resolution prescribe another method of execution.
10 (b) The board, on behalf of the eligible entity, exclusively has the
11 following powers:
12 (1) To acquire, establish, construct, improve, equip, maintain,
13 control, lease, and regulate municipal airports and landing fields
14 and other air navigation facilities, for the use of airplanes and
15 other aircraft, either inside or outside the corporate limits of the
16 entity, subject to statutory limitations; to acquire by lease (with or
17 without the option to purchase) airports, landing fields, air

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1 navigation facilities, and any other structures, equipment, and
2 related improvements; and to erect, install, construct and maintain
3 at those airports facilities for the servicing of aircraft and for the
4 comfort and accommodation of air travelers and the public; and
5 the fiscal body of the entity may by ordinance provide that any
6 land suitable for these purposes that is owned by the entity shall
7 be put under the control of the board of aviation commissioners
8 for aviation and public purposes. However, if at the time of the
9 creation, appointment, and qualification of the board in an entity,
10 the entity owns or controls an airport, landing field, or other air
11 navigation facilities, then the exclusive control, management, and
12 authority over the airport, landing field, or other air navigation
13 facilities shall at once be transferred to the board without the
14 adoption of an ordinance; and the department, board, officer, or
15 officers of the entity, or other persons having possession or
16 control, shall at once turn over and deliver to the board all
17 personal property, records, books, plans, maps, and other papers
18 and documents relating to the aviation business of the entity. The
19 unexpended balance of any fund or funds appropriated by the
20 entity for aviation purposes becomes a part of the aviation fund of
21 the department of aviation. Before land may be purchased by an
22 entity for the establishment of an airport or landing field or an
23 airport or landing field may be established by an entity the action
24 or acquisition of land must be granted by the aeronautics
25 commission of Indiana.

26 (2) To elect a secretary from its membership or to employ a
27 secretary, and to employ superintendents, managers, engineers,
28 surveyors, attorneys, clerks, guards, mechanics, laborers, and all
29 employees the board considers expedient, and to prescribe and
30 assign their respective duties and authorities and to fix and
31 regulate their compensation, in accordance with the
32 appropriations made by the fiscal body of the entity. All
33 employees shall be selected irrespective of their political
34 affiliations.

35 (3) To make rules and regulations, consistent with law, for the
36 management and control of its airports, landing fields, air
37 navigation facilities, and other property under its control. The
38 board may require a special detail of police or hire guards to
39 execute the orders and enforce the rules and regulations.

40 (4) To acquire by lease the use of an airport or landing field for
41 aircraft pending the acquisition and improvement of an airport or
42 landing field. However, a lease must be approved by ordinance or

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resolution of the fiscal body of the entity before it takes effect.
(5) To manage and operate all airports, landing fields, and other air navigation facilities acquired or maintained by the entity; and to lease all or part of an airport, landing field, or any buildings or other structures to fix, charge, and collect rentals, tolls, fees, and charges to be paid for the use of the whole or a part of the airports, landing fields, or other air navigation facilities by aircraft landing there and for the servicing of the aircraft; to construct public recreational facilities that will not interfere with air operational facilities; to fix, charge, and collect fees for public admissions and privileges; to make contracts for the operation and management of the airports, landing fields, and other air navigation facilities; and to provide for the use, management, and operation of the air navigation facilities through lessees, through its own employees, or otherwise. Contracts or leases for the maintenance, operation, or use of the airport or any part of it may be made for a term not exceeding fifteen (15) years, and may be extended for similar terms of years, except that any parcels of the land of the airport may be leased for any use connected with the operation and convenience of the airport for an initial term not exceeding forty (40) years, and may be extended for a period not to exceed ten (10) years. If a person whose character, experience, and financial responsibility has been determined satisfactory by the board offers to erect a permanent structure that facilitates and is consistent with the operation, use, and purpose of the airport, on land belonging to the airport. A lease may be entered into for a period not to exceed ninety-nine (99) years. However, the fiscal body must pass an ordinance authorizing the board to enter into such a lease. The board may not grant an exclusive right for the use of a landing area under its jurisdiction. However, this does not prevent the making of leases in accordance with other provisions of this chapter. All contracts and leases are subject to restrictions and conditions that the board prescribes.
(6) To sell machinery, equipment, or material under the control of the board belonging to the eligible entity that is not required for aviation purposes. The proceeds shall be deposited with the entity's treasurer or controller to the credit of the department of aviation.
(7) To negotiate and execute contracts of sale or purchase, lease, personal services, materials, supplies, equipment, or any other transaction or business relative to an airport under the board's control. However, whenever the board determines to sell part or

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1 all of aviation lands or improvements owned by the eligible entity,
 2 the sale must be in accordance with section 8 of this chapter.
 3 (8) To vacate all or parts of roads, highways, streets, or alleys in
 4 land under control of the board in the manner provided by statute.
 5 (9) To approve, together with the fiscal body of the entity, any
 6 state, county, city, or other highway, road, street, or other public
 7 way, railroad, power line, or other right of way that may be laid
 8 out or opened across an airport or in such proximity as to affect
 9 the safe operation of the airport.
 10 (10) To construct drainage and sanitary sewers with connections
 11 and outlets as are necessary for the proper drainage and
 12 maintenance of an airport or landing field acquired or maintained
 13 under this chapter, including the necessary buildings and
 14 improvements and for the public use of them, in the same manner
 15 that the eligible entity may construct sewers and drains. However,
 16 with respect to the construction of drains and sanitary sewers
 17 beyond the boundaries of the airport or landing field, the board
 18 shall proceed in the same manner as private owners of property
 19 and may institute proceedings and negotiate with the departments,
 20 bodies, and officers of the entity to secure the proper orders and
 21 approvals.
 22 (11) To order a public utility or public service corporation or
 23 other person to remove or to install in underground conduits,
 24 wires, cables, and power lines passing through or over the airport
 25 or landing field or along the borders or within a reasonable
 26 distance that may be determined to be necessary for the safety of
 27 operations of the airport or landing field, upon payment to the
 28 utility or other person due compensation for the expense of the
 29 removal or reinstallation. The board must consent to any franchise
 30 granted by state or local authorities for the construction or
 31 maintenance of any railway, telephone, telegraph, electric power,
 32 pipe, or conduit line upon, over, or through land under the control
 33 of the board or within a reasonable distance of land that is
 34 necessary for the safety of operation. The board must also consent
 35 to the installation of overhead electric power lines carrying a
 36 voltage of over forty-four hundred (4,400) volts and having poles,
 37 standards, or supports over thirty (30) feet in height within
 38 one-half (1/2) mile of a landing area acquired or maintained under
 39 this chapter.
 40 (12) To contract with any other state agency or instrumentality or
 41 any political subdivision for the rendition of services, the rental
 42 or use of equipment or facilities, or the joint purchase and use of

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1 equipment or facilities that are necessary for the operation,
2 maintenance, or construction of an airport operated under this
3 chapter.

4 **(13) To enter into agreements and joint contracts with other**
5 **boards to promote and encourage aviation related trade,**
6 **education, or commerce.**

7 SECTION 2. IC 8-22-3-11, AS AMENDED BY P.L.98-2001,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2002]: Sec. 11. The board may do all acts necessary or
10 reasonably incident to carrying out the purposes of this chapter,
11 including the following:

- 12 (1) As a municipal corporation, to sue and be sued in its own
13 name.
- 14 (2) To have all the powers and duties conferred by statute upon
15 boards of aviation commissioners. The board supersedes all
16 boards of aviation commissioners within the district. The board
17 has exclusive jurisdiction within the district.
- 18 (3) To protect all property owned or managed by the board.
- 19 (4) To adopt an annual budget and levy taxes in accordance with
20 this chapter.

21 (A) The board may not levy taxes on property in excess of the
22 following rate schedule, except as provided in sections 17 and
23 25 of this chapter:

24 Total Assessed	Rate Per \$100 Of
25 Property Valuation	Assessed Valuation
26 \$300 million or less	\$0.10
27 More than \$300 million	
28 but not more than \$450 million	\$0.0833
29 More than \$450 million	
30 but not more than \$600 million	\$0.0667
31 More than \$600 million	
32 but not more than \$900 million	\$0.05
33 More than \$900 million	\$0.0333

34 (B) Clause (A) does not apply to an authority that was
35 established under IC 19-6-2 or IC 19-6-3 (before their repeal
36 on April 1, 1980).

37 (C) The board of an authority that was established under
38 IC 19-6-3 (before its repeal on April 1, 1980) may levy taxes
39 on property not in excess of six and sixty-seven hundredths
40 cents (\$0.0667) on each one hundred dollars (\$100) of
41 assessed valuation.

42 (5) To incur indebtedness in the name of the authority in

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accordance with this chapter.
(6) To adopt administrative procedures, rules, and regulations.
(7) To acquire property, real, personal, or mixed, by deed, purchase, lease, condemnation, or otherwise and dispose of it for use or in connection with or for administrative purposes of the airport; to receive gifts, donations, bequests, and public trusts and to agree to conditions and terms accompanying them and to bind the authority to carry them out; to receive and administer federal or state aid; and to erect buildings or structures that may be needed to administer and carry out this chapter.
(8) To determine matters of policy regarding internal organization and operating procedures not specifically provided for otherwise.
(9) To adopt a schedule of reasonable charges and to collect them from all users of facilities and services within the district.
(10) To purchase supplies, materials, and equipment to carry out the duties and functions of the board in accordance with procedures adopted by the board.
(11) To employ personnel that are necessary to carry out the duties, functions, and powers of the board.
(12) To establish an employee pension plan. The board may, upon due investigation, authorize and begin a fair and reasonable pension or retirement plan and program for personnel, the cost to be borne by either the authority or by the employee or by both, as the board determines. If the authority was established under IC 19-6-2 (before its repeal on April 1, 1980), the entire cost must be borne by the authority, and ordinances creating the plan or making changes in it must be approved by the mayor of the city. The plan may be administered and funded by a trust fund or by insurance purchased from an insurance company licensed to do business in Indiana or by a combination of them. The board may also include in the plan provisions for life insurance, disability insurance, or both.
(13) To sell surplus real or personal property in accordance with law. If the board negotiates an agreement to sell trees situated in woods or forest areas owned by the board, the trees are considered to be personal property of the board for severance or sale.
(14) To adopt and use a seal.
(15) To acquire, establish, construct, improve, equip, maintain, control, lease, and regulate municipal airports, landing fields, and other air navigation facilities, either inside or outside the district; to acquire by lease (with or without the option to purchase) airports, landing fields, or navigation facilities, and any structures,

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- 1 equipment, or related improvements; and to erect, install,
2 construct, and maintain at the airport or airports facilities for the
3 servicing of aircraft and for the comfort and accommodation of air
4 travelers and the public. The Indiana department of transportation
5 must grant its approval before land may be purchased for the
6 establishment of an airport or landing field and before an airport
7 or landing field may be established.
- 8 (16) To fix and determine exclusively the uses to which the
9 airport lands may be put. All uses must be necessary or desirable
10 to the airport or the aviation industry and must be compatible with
11 the uses of the surrounding lands as far as practicable.
- 12 (17) To elect a secretary from its membership, or to employ a
13 secretary, an airport director, superintendents, managers, a
14 treasurer, engineers, surveyors, attorneys, clerks, guards,
15 mechanics, laborers, and all employees the board considers
16 expedient, and to prescribe and assign their respective duties and
17 authorities and to fix and regulate the compensation to be paid to
18 the persons employed by it in accordance with the authority's
19 appropriations. All employees shall be selected irrespective of
20 their political affiliations.
- 21 (18) To make all rules and regulations, consistent with laws
22 regarding air commerce, for the management and control of its
23 airports, landing fields, air navigation facilities, and other
24 property under its control.
- 25 (19) To acquire by lease the use of an airport or landing field for
26 aircraft pending the acquisition and improvement of an airport or
27 landing field.
- 28 (20) To manage and operate airports, landing fields, and other air
29 navigation facilities acquired or maintained by an authority; to
30 lease all or part of an airport, landing field, or any buildings or
31 other structures, and to fix, charge, and collect rentals, tolls, fees,
32 and charges to be paid for the use of the whole or a part of the
33 airports, landing fields, or other air navigation facilities by aircraft
34 landing there and for the servicing of the aircraft; to construct
35 public recreational facilities that will not interfere with air
36 operational facilities; to fix, charge, and collect fees for public
37 admissions and privileges; and to make contracts for the operation
38 and management of the airports, landing fields, and other air
39 navigation facilities; and to provide for the use, management, and
40 operation of the air navigation facilities through lessees, its own
41 employees, or otherwise. Contracts or leases for the maintenance,
42 operation, or use of the airport or any part of it may be made for

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1 a term not exceeding fifteen (15) years and may be extended for
2 similar terms of years, except that any parcels of the land of the
3 airport may be leased for any use connected with the operation
4 and convenience of the airport for an initial term not exceeding
5 forty (40) years and may be extended for a period not to exceed
6 ten (10) years. If a person whose character, experience, and
7 financial responsibility has been determined satisfactory by the
8 board offers to erect a permanent structure that facilitates and is
9 consistent with the operation, use, and purpose of the airport on
10 land belonging to the airport, a lease may be entered into for a
11 period not to exceed ninety-nine (99) years. However, the board
12 must pass an ordinance to enter into such a lease. The board may
13 not grant an exclusive right for the use of a landing area under its
14 jurisdiction. However, this does not prevent the making of leases
15 in accordance with other provisions of this chapter. All contracts
16 and leases are subject to restrictions and conditions that the board
17 prescribes. The authority may lease its property and facilities for
18 any commercial or industrial use it considers necessary and
19 proper, including the use of providing airport motel facilities.
20 (21) To sell machinery, equipment, or material that is not required
21 for aviation purposes. The proceeds shall be deposited with the
22 treasurer of the authority.
23 (22) To negotiate and execute contracts for sale or purchase,
24 lease, personal services, materials, supplies, equipment, or any
25 other transaction or business relative to an airport under the
26 board's control and operation. However, whenever the board
27 determines to sell part or all of aviation lands, buildings, or
28 improvements owned by the authority, the sale must be in
29 accordance with law.
30 (23) To vacate all or parts of roads, highways, streets, or alleys,
31 whether inside or outside the district, in the manner provided by
32 statute.
33 (24) To annex lands to itself if the lands are owned by the
34 authority or are streets, roads, or other public ways.
35 (25) To approve any state, county, city, or other highway, road,
36 street or other public way, railroad, power line, or other
37 right-of-way to be laid out or opened across an airport or in such
38 proximity as to affect the safe operation of the airport.
39 (26) To construct drainage and sanitary sewers with connections
40 and outlets as are necessary for the proper drainage and
41 maintenance of an airport or landing field acquired or maintained
42 under this chapter, including the necessary buildings and

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1 improvements and for the public use of them in the same manner
2 that the authority may construct sewers and drains. However, with
3 respect to the construction of drains and sanitary sewers beyond
4 the boundaries of the airport or landing field, the board shall
5 proceed in the same manner as private owners of property and
6 may institute proceedings and negotiate with the departments,
7 bodies, and officers of an eligible entity to secure the proper
8 orders and approvals; and to order a public utility or public
9 service corporation or other person to remove or to install in
10 underground conduits wires, cables, and power lines passing
11 through or over the airport or landing field or along the borders or
12 within a reasonable distance that may be determined to be
13 necessary for the safety of operations, upon payment to the utility
14 or other person of due compensation for the expense of the
15 removal or reinstallation. The board must consent before any
16 franchise may be granted by state or local authorities for the
17 construction of or maintenance of railway, telephone, telegraph,
18 electric power, pipe, or conduit line upon, over, or through land
19 under the control of the board or within a reasonable distance of
20 land that is necessary for the safety of operation. The board must
21 also consent before overhead electric power lines carrying a
22 voltage of more than four thousand four hundred (4,400) volts and
23 having poles, standards, or supports over thirty (30) feet in height
24 within one-half (1/2) mile of a landing area acquired or
25 maintained under this chapter may be installed.

26 (27) To contract with any other state agency or instrumentality or
27 any political subdivision for the rendition of services, the rental
28 or use of equipment or facilities, or the joint purchase and use of
29 equipment or facilities that are necessary for the operation,
30 maintenance, or construction of an airport operated under this
31 chapter.

32 (28) To provide air transportation in furtherance of the duties and
33 responsibilities of the board.

34 (29) To promote or encourage aviation related trade or commerce
35 at the airports that it operates. **The board may enter into**
36 **agreements and joint contracts with other boards to promote**
37 **and encourage aviation related trade, education, or**
38 **commerce.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1088, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

COOK, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1088, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-22-2-5, AS AMENDED BY P.L.29-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) The board may adopt and use a seal. Applications, assurances, contracts, and other instruments necessary in the board's performance of its duties and the exercise of its powers may be executed in its name or in the name of the eligible entity, as the case may be, by the president or vice president of the board and attested by its secretary or assistant secretary. However, the board may by resolution prescribe another method of execution.

(b) The board, on behalf of the eligible entity, exclusively has the following powers:

(1) To acquire, establish, construct, improve, equip, maintain, control, lease, and regulate municipal airports and landing fields and other air navigation facilities, for the use of airplanes and other aircraft, either inside or outside the corporate limits of the entity, subject to statutory limitations; to acquire by lease (with or without the option to purchase) airports, landing fields, air navigation facilities, and any other structures, equipment, and related improvements; and to erect, install, construct and maintain at those airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers and the public; and the fiscal body of the entity may by ordinance provide that any land suitable for these purposes that is owned by the entity shall be put under the control of the board of aviation commissioners for aviation and public purposes. However, if at the time of the creation, appointment, and qualification of the board in an entity, the entity owns or controls an airport, landing field, or other air navigation facilities, then the exclusive control, management, and authority over the airport, landing field, or other air navigation facilities shall at once be transferred to the board without the adoption of an ordinance; and the department, board, officer, or officers of the entity, or other persons having possession or control, shall at once turn over and deliver to the board all personal property, records, books, plans, maps, and other papers

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and documents relating to the aviation business of the entity. The unexpended balance of any fund or funds appropriated by the entity for aviation purposes becomes a part of the aviation fund of the department of aviation. Before land may be purchased by an entity for the establishment of an airport or landing field or an airport or landing field may be established by an entity the action or acquisition of land must be granted by the aeronautics commission of Indiana.

(2) To elect a secretary from its membership or to employ a secretary, and to employ superintendents, managers, engineers, surveyors, attorneys, clerks, guards, mechanics, laborers, and all employees the board considers expedient, and to prescribe and assign their respective duties and authorities and to fix and regulate their compensation, in accordance with the appropriations made by the fiscal body of the entity. All employees shall be selected irrespective of their political affiliations.

(3) To make rules and regulations, consistent with law, for the management and control of its airports, landing fields, air navigation facilities, and other property under its control. The board may require a special detail of police or hire guards to execute the orders and enforce the rules and regulations.

(4) To acquire by lease the use of an airport or landing field for aircraft pending the acquisition and improvement of an airport or landing field. However, a lease must be approved by ordinance or resolution of the fiscal body of the entity before it takes effect.

(5) To manage and operate all airports, landing fields, and other air navigation facilities acquired or maintained by the entity; and to lease all or part of an airport, landing field, or any buildings or other structures to fix, charge, and collect rentals, tolls, fees, and charges to be paid for the use of the whole or a part of the airports, landing fields, or other air navigation facilities by aircraft landing there and for the servicing of the aircraft; to construct public recreational facilities that will not interfere with air operational facilities; to fix, charge, and collect fees for public admissions and privileges; to make contracts for the operation and management of the airports, landing fields, and other air navigation facilities; and to provide for the use, management, and operation of the air navigation facilities through lessees, through its own employees, or otherwise. Contracts or leases for the maintenance, operation, or use of the airport or any part of it may be made for a term not exceeding fifteen (15) years, and may be

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extended for similar terms of years, except that any parcels of the land of the airport may be leased for any use connected with the operation and convenience of the airport for an initial term not exceeding forty (40) years, and may be extended for a period not to exceed ten (10) years. If a person whose character, experience, and financial responsibility has been determined satisfactory by the board offers to erect a permanent structure that facilitates and is consistent with the operation, use, and purpose of the airport, on land belonging to the airport. A lease may be entered into for a period not to exceed ninety-nine (99) years. However, the fiscal body must pass an ordinance authorizing the board to enter into such a lease. The board may not grant an exclusive right for the use of a landing area under its jurisdiction. However, this does not prevent the making of leases in accordance with other provisions of this chapter. All contracts and leases are subject to restrictions and conditions that the board prescribes.

(6) To sell machinery, equipment, or material under the control of the board belonging to the eligible entity that is not required for aviation purposes. The proceeds shall be deposited with the entity's treasurer or controller to the credit of the department of aviation.

(7) To negotiate and execute contracts of sale or purchase, lease, personal services, materials, supplies, equipment, or any other transaction or business relative to an airport under the board's control. However, whenever the board determines to sell part or all of aviation lands or improvements owned by the eligible entity, the sale must be in accordance with section 8 of this chapter.

(8) To vacate all or parts of roads, highways, streets, or alleys in land under control of the board in the manner provided by statute.

(9) To approve, together with the fiscal body of the entity, any state, county, city, or other highway, road, street, or other public way, railroad, power line, or other right of way that may be laid out or opened across an airport or in such proximity as to affect the safe operation of the airport.

(10) To construct drainage and sanitary sewers with connections and outlets as are necessary for the proper drainage and maintenance of an airport or landing field acquired or maintained under this chapter, including the necessary buildings and improvements and for the public use of them, in the same manner that the eligible entity may construct sewers and drains. However, with respect to the construction of drains and sanitary sewers beyond the boundaries of the airport or landing field, the board

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shall proceed in the same manner as private owners of property and may institute proceedings and negotiate with the departments, bodies, and officers of the entity to secure the proper orders and approvals.

(11) To order a public utility or public service corporation or other person to remove or to install in underground conduits, wires, cables, and power lines passing through or over the airport or landing field or along the borders or within a reasonable distance that may be determined to be necessary for the safety of operations of the airport or landing field, upon payment to the utility or other person due compensation for the expense of the removal or reinstallation. The board must consent to any franchise granted by state or local authorities for the construction or maintenance of any railway, telephone, telegraph, electric power, pipe, or conduit line upon, over, or through land under the control of the board or within a reasonable distance of land that is necessary for the safety of operation. The board must also consent to the installation of overhead electric power lines carrying a voltage of over forty-four hundred (4,400) volts and having poles, standards, or supports over thirty (30) feet in height within one-half (½) mile of a landing area acquired or maintained under this chapter.

(12) To contract with any other state agency or instrumentality or any political subdivision for the rendition of services, the rental or use of equipment or facilities, or the joint purchase and use of equipment or facilities that are necessary for the operation, maintenance, or construction of an airport operated under this chapter.

(13) To enter into agreements and joint contracts with other boards to promote and encourage aviation related trade, education, or commerce."

Page 6, line 14, after "trade" delete "and" and insert "**education, or**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1088 as printed January 31, 2002.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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