

# COMMITTEE REPORT

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## 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:**

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

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

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

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

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

42 (5) To manage and operate all airports, landing fields, and other

1 air navigation facilities acquired or maintained by the entity; and  
2 to lease all or part of an airport, landing field, or any buildings or  
3 other structures to fix, charge, and collect rentals, tolls, fees, and  
4 charges to be paid for the use of the whole or a part of the  
5 airports, landing fields, or other air navigation facilities by aircraft  
6 landing there and for the servicing of the aircraft; to construct  
7 public recreational facilities that will not interfere with air  
8 operational facilities; to fix, charge, and collect fees for public  
9 admissions and privileges; to make contracts for the operation and  
10 management of the airports, landing fields, and other air  
11 navigation facilities; and to provide for the use, management, and  
12 operation of the air navigation facilities through lessees, through  
13 its own employees, or otherwise. Contracts or leases for the  
14 maintenance, operation, or use of the airport or any part of it may  
15 be made for a term not exceeding fifteen (15) years, and may be  
16 extended for similar terms of years, except that any parcels of the  
17 land of the airport may be leased for any use connected with the  
18 operation and convenience of the airport for an initial term not  
19 exceeding forty (40) years, and may be extended for a period not  
20 to exceed ten (10) years. If a person whose character, experience,  
21 and financial responsibility has been determined satisfactory by  
22 the board offers to erect a permanent structure that facilitates and  
23 is consistent with the operation, use, and purpose of the airport,  
24 on land belonging to the airport. A lease may be entered into for  
25 a period not to exceed ninety-nine (99) years. However, the fiscal  
26 body must pass an ordinance authorizing the board to enter into  
27 such a lease. The board may not grant an exclusive right for the  
28 use of a landing area under its jurisdiction. However, this does not  
29 prevent the making of leases in accordance with other provisions  
30 of this chapter. All contracts and leases are subject to restrictions  
31 and conditions that the board prescribes.

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

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

- 1 (8) To vacate all or parts of roads, highways, streets, or alleys in  
2 land under control of the board in the manner provided by statute.
- 3 (9) To approve, together with the fiscal body of the entity, any  
4 state, county, city, or other highway, road, street, or other public  
5 way, railroad, power line, or other right of way that may be laid  
6 out or opened across an airport or in such proximity as to affect  
7 the safe operation of the airport.
- 8 (10) To construct drainage and sanitary sewers with connections  
9 and outlets as are necessary for the proper drainage and  
10 maintenance of an airport or landing field acquired or maintained  
11 under this chapter, including the necessary buildings and  
12 improvements and for the public use of them, in the same manner  
13 that the eligible entity may construct sewers and drains. However,  
14 with respect to the construction of drains and sanitary sewers  
15 beyond the boundaries of the airport or landing field, the board  
16 shall proceed in the same manner as private owners of property  
17 and may institute proceedings and negotiate with the departments,  
18 bodies, and officers of the entity to secure the proper orders and  
19 approvals.
- 20 (11) To order a public utility or public service corporation or  
21 other person to remove or to install in underground conduits,  
22 wires, cables, and power lines passing through or over the airport  
23 or landing field or along the borders or within a reasonable  
24 distance that may be determined to be necessary for the safety of  
25 operations of the airport or landing field, upon payment to the  
26 utility or other person due compensation for the expense of the  
27 removal or reinstallation. The board must consent to any franchise  
28 granted by state or local authorities for the construction or  
29 maintenance of any railway, telephone, telegraph, electric power,  
30 pipe, or conduit line upon, over, or through land under the control  
31 of the board or within a reasonable distance of land that is  
32 necessary for the safety of operation. The board must also consent  
33 to the installation of overhead electric power lines carrying a  
34 voltage of over forty-four hundred (4,400) volts and having poles,  
35 standards, or supports over thirty (30) feet in height within  
36 one-half (½) mile of a landing area acquired or maintained under  
37 this chapter.
- 38 (12) To contract with any other state agency or instrumentality or  
39 any political subdivision for the rendition of services, the rental  
40 or use of equipment or facilities, or the joint purchase and use of  
41 equipment or facilities that are necessary for the operation,  
42 maintenance, or construction of an airport operated under this

1 chapter.

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

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

7 Renumber all SECTIONS consecutively.

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

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 0.

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**Senator Riegsecker, Chairperson**