

# AERONAUTICS

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## CHAPTER 90

S. B. No. 218  
(Erickson and Gronvold)

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### AIRCRAFT LIABILITY; GUEST DEFINED

#### AN ACT

Relating to the liability of owners, operators, and others of aircraft, and defining a "guest."

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

**§ 1. Aircraft Accidents; Civil Liability; Definitions.)** No person transported by the owner or operator of any aircraft as a guest without payment for such transportation shall have a cause of action for damages against the owner or operator for injury, death or loss in case of accident, unless the accident shall have been caused by the gross negligence, intoxication or willful and wanton misconduct of the owner or operator of the aircraft, and unless the gross negligence, intoxication or willful and wanton misconduct of the owner or operator of the aircraft contributed to the injury, death or loss for which the action is brought. For purposes of this Act, the word "guest" means any person other than an employee of the owner or registrant of any aircraft, or of a person responsible for its operation with the owner's or registrant's express or implied consent, being in or upon, entering or leaving the same, except any passenger for hire and except any passenger while the aircraft is being used in the business of demonstrating or testing. The sharing of expense shall not constitute a carriage for hire within the meaning of this Act.

Approved March 10, 1959.

## CHAPTER 91

H. B. No. 800

(Lowe, Christopher, Haugland, Lindberg, Neukircher,  
(Vinje, Hilleboe, Thompson of McLean, Brown and Saugstad)

## AIRPORT AUTHORITIES

## AN ACT

Authorizing cities, counties, towns, villages, park districts or public bodies or any combination thereof, by resolution of their respective legislative bodies, to create airport authorities; granting to such airport authorities all powers necessary or incidental to the planning, promoting, acquisition, development, construction, improvement, enlargement, operation and maintenance of one or more public airports and defining its powers and duties; providing that counties may levy tax for airport purposes; and provide reciprocity with adjoining states and political subdivisions.

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

**§ 1. Definitions.)** The following words or terms whenever used or referred to in this Act, shall have the following respective meanings unless different meanings clearly appear from the context:

1. "Municipality" shall mean any county, city, town, village, park district or public body of this state;
2. "Municipal airport authority" or "municipal authority" shall mean a municipal airport authority created pursuant to the provisions of section 2 of this Act;
3. "Regional airport authority" or "regional authority" shall mean a regional airport authority created pursuant to the provisions of section 3 of this Act;
4. "Airport authority" or "authority" shall mean any regional airport authority or municipal airport authority created pursuant to the provisions of this Act;
5. "Governing body" shall mean the official or officials authorized by law to exercise ordinance or other law-making powers of a municipality;
6. "Clerk" shall mean the custodian of the official records of a municipality;
7. "Bonds" shall mean any bonds, notes, interim certificates, debentures, or similar obligations issued by an authority pursuant to this Act;
8. "Airport" shall mean any area of land or water which is used, or intended for use, for the landing and taking-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other

- airport facilities or rights-of-way, including approaches and clear zones, together with all airport buildings and facilities located thereon;
9. "Air navigation facility" shall mean any facility—other than one owned and operated by the United States—used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices, used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities;
  10. "Airport hazard" shall mean any structure, object of natural growth, or use of land which obstructs the air-space required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft;
  11. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof;
  12. "Real property" shall mean lands, structures, and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the term real property, including not only fee simple absolute but also any 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; and
  13. "Project" shall mean any airport operated by the authority, including all real and personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers, and freight or as part of aviation operation, air navigation, and air safety operation.

§ 2. **Creation of Municipal Airport Authority.**) Any municipality may, by resolution, 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. 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 commis-

sioners 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.

### **§ 3. Creation of Regional Airport Authority.)**

1. Two or more municipalities may, by resolution of each, create a public body, corporate and politic, to be known as a regional airport authority which shall be authorized to exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. The governing body of each municipality shall, pursuant to its resolution, appoint one person as a commissioner of the authority; provided that if the regional airport authority consists of an even number of municipalities, an additional commissioner shall be appointed by the governor of the state of North Dakota.
2. A regional airport authority may be increased from time to time to serve one or more additional municipalities if each additional municipality and each of the municipalities then included in the regional authority and the commissioners of the regional authority, respectively, adopt a resolution consenting thereto; provided, that if a municipal airport authority for any municipality seeking to be included in the regional authority is then in existence, the commissioners of the municipal authority must consent to the inclusion of the municipality in the regional authority, and if the municipal authority has any bonds outstanding, one hundred per centum of the holders of the bonds must consent, in writing, 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 shall be in the name of and vest in the regional authority.
3. A regional airport authority may be decreased if each of the municipalities then 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; provided that, if the regional authority has any bonds outstanding no decrease shall be effected unless one hundred per centum of the holders of the bonds consent thereto in writing.
4. A municipality shall not adopt any resolution authorized by this section without a public hearing thereon. Notice

thereof shall be given at least ten days prior thereto in a newspaper published in the municipality, or if there is no newspaper published therein, then in a newspaper having general circulation in the municipality.

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

**§ 4. Certificate of Incorporation of Regional Airport Authority.)**

1. Upon the appointment and qualification of the commissioners first appointed to a regional airport authority, they shall submit to the secretary of state a certified copy of each resolution adopted pursuant to section 3 (1) hereof by the municipalities included in the regional authority, and upon receipt thereof the secretary of state shall issue a certificate of incorporation to the regional airport authority.
2. When a regional airport authority is increased or decreased pursuant to section 3, it shall forward to the secretary of state a certified copy of each resolution adopted pursuant thereto and upon receipt thereof, the secretary of state shall issue an amended certificate of incorporation in accordance therewith.

**§ 5. Proof of Existence of Authority.)**

1. In any suit, action, or proceeding involving the validity or enforcement of, or relating to any contract of a municipal airport authority, created pursuant to section 2 hereof, the municipal authority shall be conclusively deemed to have become established and authorized to transact its business and exercise its powers hereunder upon proof of the adoption by the municipality of the resolution creating the municipal airport authority and of the appointment and qualification of the first commissioners thereof. Duly certified copies of the resolution creating the authority and of the certificates of appointment of the commissioners shall be admissible in evidence in any suit, action, or proceeding.
2. In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract of a regional airport authority, such regional airport authority shall be conclusively deemed to have become established and authorized to transact its business and exercise its powers hereunder upon proof of the issuance by the secretary of state of a certificate of incorporation of such regional airport authority. A copy of such certificate of

incorporation, duly certified by the secretary of state, shall be admissible in evidence in any suit, action, or proceeding.

**§ 6. Commissioners; Compensation; Meetings; Officers.)** A commissioner of an authority shall receive no compensation for his services, but shall be entitled to the necessary expense, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. The certificates of the appointment and reappointment of commissioners shall be filed with the authority.

The powers of each authority shall be vested in the commissioners thereof. A majority of the commissioners of an authority shall constitute a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present.

There shall be elected a chairman and vice chairman from among the commissioners. An authority may employ an executive director, secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the municipality or municipalities included in the authority or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

**§ 7. General Powers of an Authority.)** An authority shall have all the powers necessary or convenient to carry out the purposes of this Act including the power to certify, annually to the governing bodies creating it, the amount of tax to be levied by said governing bodies for airport purposes including, but not limited to, the power:

1. To sue and be sued; to have a seal; and to have perpetual succession;
2. To execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this Act;
3. To plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities. 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 com-

fort 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, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are 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 Act, a regional airport authority shall have the same powers as all other political subdivisions in the adoption and enforcement of comprehensive airport zoning regulations as provided for by the laws of this state.
5. To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, existing airports and air navigation facilities, provided, however, an authority shall not acquire or take over any airport or air navigation facility owned or controlled by another authority, a municipality, or public agency of this or any other state without the consent of such authority, municipality, or public agency.
6. To establish or acquire and maintain airports in, over, and upon any public waters of this state, 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 such airport, and landing floats and breakwaters for the protection thereof.

**§ 8. Eminent Domain.)** In the acquisition of property by eminent domain proceedings authorized by this Act, an airport authority shall proceed in the manner provided by chapter 32-15 of the laws of this state, and such other laws that may now or hereafter apply to the state or to political subdivisions of this state in exercising the right of eminent domain. The fact that the property to be acquired by eminent domain proceedings was acquired by its owner by eminent domain proceedings shall not prevent its acquisition by such proceedings by the authority. For the purpose of making surveys and examinations relative to eminent domain proceedings, it shall be lawful for the authority to enter upon the land, doing no unnecessary damage. Notwithstanding the provisions of any other statute or other law of this state, an authority may take possession of any property to be acquired by eminent

domain proceedings at any time after the commencement of such proceedings. The authority shall not be precluded from abandoning such proceedings at any time prior to final order and decree of the court having jurisdiction of such proceedings, provided that the authority shall be liable to the owner of the property for any damage done to the property during possession thereof by the authority.

**§ 9. Disposal of Airport Property.)** Except as may be limited by the terms and conditions of any grant, loan or agreement, authorized by section 13 of this Act, an authority may, by sale, lease, or otherwise, dispose of any airport, air navigation facility or other property, or portion thereof or interest therein, acquired pursuant to this Act. Such disposal by sale, lease, or otherwise, shall 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 such manner and upon such terms as the commissioners of the authority may deem in the best interest of civil aviation.

**§ 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 per centum per annum. Any bonds of an authority issued pursuant to this Act which are payable, as to principal and interest, solely from revenues of an airport or air navigation facility, and they shall so state on their face, shall not constitute a debt of any municipality, the state, or any political subdivision thereof other than the authority, and shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Neither the commissioners of an authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof.

In case any of the commissioners or officers of an authority 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 notwith-

standing, any bonds issued pursuant to this Act shall be fully negotiable.

Any bond reciting in substance that it has been issued by the authority pursuant to the provisions of this Act and for a purpose or purposes authorized to be accomplished by this Act 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 pursuant to the provisions of this Act 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.

### **§ 11. Operation and Use Privileges.)**

1. In connection with the operation of an airport or air navigation facility owned or controlled by an authority, the authority may enter into contracts, leases, and other arrangements for terms not to exceed thirty years with any persons
  - a. granting the privilege of using or improving the airport or air navigation facility or any portion or facility thereof of space therein for commercial purposes;
  - b. conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility; and
  - c. making available services to be furnished by the authority or its agents at the airport or air navigation facility.

In each case the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class or privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the authority; provided that in no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of facility thereof.

2. Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by section 13 of this Act, 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; provided that no person shall be grant-

ed any authority to operate an airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the authority might not have undertaken under subsection 1 of this section.

**§ 12. Regulations.)** An authority is authorized to adopt, amend, and repeal such reasonable resolutions, rules, regulations, and orders as it shall deem necessary for the management, government, and use of any airport or air navigation facility owned by it or under its control. No rule, regulation, order, or standard prescribed by the commission shall be inconsistent with, or contrary to, any act of the Congress of the United States or any regulation promulgated or standard established pursuant thereto. The authority shall keep on file at the principal office of the authority for public inspection a copy of all its rules and regulations.

**§ 13. Federal and State Aid.)**

1. An authority is authorized to 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, in whole or in part, any of the purposes of this Act. All federal moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the state.
2. An authority is authorized to designate the state aeronautics commission as its agent to 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 in whole or in part, any of the purposes of this Act; and to designate the state aeronautics commission as its agent in contracting for and supervising the planning, acquisition, development, construction, improvement, maintenance, equipment, or operation of any airport or other air navigation facility. An authority may enter into an agreement with the said aeronautics commission prescribing the terms and conditions of the agency in accordance with such terms and conditions as are prescribed by the United States, if federal money is involved, and in accordance with the applicable laws of this state. All federal moneys accepted under this section by the state aeronautics commission shall be accepted and transferred or expended by said

commission upon such terms and conditions as are prescribed by the United States. All moneys received by the state aeronautics commission pursuant to this subsection shall be deposited in the state treasury, and unless otherwise prescribed by the agency from which such moneys were received, shall 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 such purposes.

**§ 14. Tax Levy May Be Certified by Airport Authority.)**

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 Act.

**§ 15. County Tax Levy for Airport Purposes.)** In counties supporting airports or airport authorities, a levy in addition to all other levies permitted by law, not to exceed four mills on the net taxable valuation of property in such county, may be made for such purposes, but such levy shall not apply to any city, village or park district that already has an airport levy.

**§ 16. Joint Operations.)**

1. For the purposes of this section, unless otherwise qualified, the term "public agency" includes municipality and authority, each as defined in this Act, 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 other than an authority or municipality. All powers, privileges, and authority granted by this Act may be exercised and enjoyed 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 such other state or of the United States permit such joint exercise of enjoyment. Any agency of the state government, when acting jointly with any authority, may exercise and enjoy all the powers, privileges, and authority conferred by this Act upon an authority.
2. Any two or more public agencies may enter into agreements with each other for joint action pursuant to the provisions of this section. Each agreement shall specify its duration, the proportionate interest which each public agency shall have in the property, facilities, and privileges involved in the joint undertaking, the proportion of costs of operation, etc., to be borne by each public agency, and such other terms as are deemed necessary or required by law. The agreement may also provide for amendments and termination; disposal of all or any of the property, facilities, and privileges jointly owned, prior to, or at such times as said property, facilities, and privileges, or any part thereof, cease to be used for the purposes provided in this Act, or upon termination of the agreement; the distribution of the proceeds received upon any disposal, and of any funds or other property jointly owned and undisposed of; 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 such other provisions as may be necessary or convenient.
  3. Public agencies acting jointly pursuant to this section shall create a joint board which shall consist of members appointed by the governing body of each participating public agency. The number to be appointed, their term and compensation, if any, shall be provided for in the joint agreement. Each joint board shall organize, select officers for such terms as are fixed by the agreement, and adopt and amend from time to time rules for its own procedure. The joint board shall have power, as agent of the participating public agencies, to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police any airport or air navigation facility or airport hazard to be jointly acquired, controlled, and operated, and the board may be authorized by the participating public agencies to exercise on behalf of its constituent public agencies all the powers of each with respect to the airport, air navigation facility or airport hazard, subject to the limitations of subsection 4 of this section.
  4. a. The total expenditures to be made by the joint board for any purpose in any calendar year shall be

- as determined by a budget approved by the constituent public agencies on or before the preceding December 1, or as otherwise specifically authorized by the constituent public agencies.
- b. No airport, air navigation facility, airport hazard, or real or personal property, the cost of which is in excess of sums fixed therefor 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. Eminent domain proceedings under this section may be instituted by the joint board only by authority of the governing bodies of the constituent public agencies of the joint board. If so authorized, such proceedings shall be instituted in the names of the constituent public agencies jointly, and the property so acquired shall be held by said public agencies as tenants in common.
  - d. The joint board shall not dispose of any airport, air navigation facility, or real property under its jurisdiction except with the consent of the governing bodies of its constituent public agencies, provided that the joint board may, without such consent, enter into contracts, leases, or other arrangements contemplated by section 11 of this Act.
  - e. Any resolutions, rules, regulations, or orders of the joint board dealing with subjects authorized by section 11 of this Act shall become effective only upon approval of the governing bodies of the constituent public agencies, provided that upon such approval, the resolutions, rules, regulations, or orders of the joint board shall have the same force and effect in the territories or jurisdictions involved as the ordinances, resolutions, rules, regulations, or orders of each public agency would have in its own territory or jurisdiction.
5. For the purpose of providing the joint board with moneys for the necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which shall 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 or air navigation facility under the jurisdiction of the joint board shall be paid into the joint fund. Disbursements from such fund shall be made by order of the

board, subject to the limitations prescribed in subsection 4 of this section.

**§ 17. Public Purpose.)** The acquisition of any land, or interest therein, pursuant to this Act, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation and protection of airports and air navigation facilities, including the acquisition or elimination of airport hazards, and the exercise of any other powers herein granted to authorities and other public agencies, to be severally or jointly exercised, are hereby declared to be 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 enumerated in this Act shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

**§ 18. Airport Property and Income Exempt from Taxation.)** Any property in this state acquired by an authority for airport purposes pursuant to the provisions of this Act, and any income derived by the authority from the ownership, operation, or control thereof, shall be exempt from taxation to the same extent as other property used for public purpose.

**§ 19. Municipal Cooperation.)** For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of airports and air navigation facilities pursuant to the provisions of this Act, any municipality for which an authority has been created may, upon such terms, with or without consideration, as it may determine,

1. Lend or donate money to the authority;
2. Provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by, the municipality for airport purposes, be transferred or paid directly to the airport authority as such funds become available to the municipality;
3. Cause water, sewer, or drainage facilities, or any other facilities which it is empowered to provide, to be furnished adjacent to or in connection with such airports or air navigation facilities;
4. Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges therein 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 such airports or air navigation facilities;

6. Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of airports and air navigation facilities; and
7. Enter into agreements with the authority respecting action to be taken by the municipality pursuant to the provisions of this section.

**§ 20. Out of State Airport Jurisdiction Authorized; Reciprocity with Adjoining States and Governmental Agencies.)** For the purpose of this section, "governmental agency" means any municipality, city, town, village, county, public corporation, or other public agency.

This state or any governmental agency of this state having any powers with respect to planning, establishing, acquiring, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, or protecting airports or air navigation facilities within this state, may exercise those powers within any state or jurisdiction adjoining this state, subject to the laws of that state or jurisdiction.

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 and air navigation facilities within this state, subject to the laws of this state applicable to airports and air navigation facilities. The adjoining state or governmental agency shall have the power of eminent domain in this state, which shall be exercised in the manner provided by the laws of this state governing condemnation proceedings, provided that the power of eminent domain shall not be exercised unless the adjoining state authorizes the exercise of that power therein by this state or any governmental agency thereof having any of the powers mentioned in this section.

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 as may be agreed upon by them.

This section may be cited as the "Extraterritorial Airports Section."

**§ 21. Supplemental Authority.)** In addition to the general and special powers conferred by this Act, every authority is authorized to exercise such powers as are necessary incidental to the exercise of such general and special powers.

**§ 22. Savings Clause; Airport Zoning.)** Nothing contained in this Act shall be construed to limit any right, power, or

authority of a municipality to regulate airport hazards by zoning.

**§ 23. Severability.)** If any provision of this Act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**§ 24. Repeal.)** All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

**§ 25. Short Title.)** This Act may be cited as the "Airport Authorities Act."

Approved March 17, 1959.