

# SENATE BILL No. 306

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-22.

**Synopsis:** Leases by airport authorities and boards. Extends from 10 to 15 years the term of a contract or lease that a board of aviation commissioners or an airport authority may enter into for the maintenance, operation, or use of the airport or a part of the airport. Extends from 20 to 40 years the initial term of a lease that a board of aviation commissioners or an airport authority may enter into for a parcel of airport land for a use connected with the operation and convenience of the airport.

**Effective:** July 1, 1999; March 1, 2001.

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**Riegsecker**

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January 7, 1999, read first time and referred to Committee on Transportation and Interstate Cooperation.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## SENATE BILL No. 306

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



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

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

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

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

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- 1 (5) To manage and operate all airports, landing fields, and other  
2 air navigation facilities acquired or maintained by the entity; and  
3 to lease all or part of an airport, landing field, or any buildings or  
4 other structures to fix, charge, and collect rentals, tolls, fees, and  
5 charges to be paid for the use of the whole or a part of the  
6 airports, landing fields, or other air navigation facilities by aircraft  
7 landing there and for the servicing of the aircraft; to construct  
8 public recreational facilities that will not interfere with air  
9 operational facilities; to fix, charge, and collect fees for public  
10 admissions and privileges; to make contracts for the operation and  
11 management of the airports, landing fields, and other air  
12 navigation facilities; and to provide for the use, management, and  
13 operation of the air navigation facilities through lessees, through  
14 its own employees, or otherwise. Contracts or leases for the  
15 maintenance, operation, or use of the airport or any part of it may  
16 be made for a term not exceeding ~~ten (10)~~ **fifteen (15)** years, and  
17 may be extended for similar terms of years, except that any  
18 parcels of the land of the airport may be leased for any use  
19 connected with the operation and convenience of the airport for  
20 an initial term not exceeding ~~twenty (20)~~ **forty (40)** years, and  
21 may be extended for a period not to exceed ten (10) years. If a  
22 person whose character, experience, and financial responsibility  
23 has been determined satisfactory by the board offers to erect a  
24 permanent structure that facilitates and is consistent with the  
25 operation, use, and purpose of the airport, on land belonging to  
26 the airport. A lease may be entered into for a period not to exceed  
27 ninety-nine (99) years. However, the fiscal body must pass an  
28 ordinance authorizing the board to enter into such a lease. The  
29 board may not grant an exclusive right for the use of a landing  
30 area under its jurisdiction. However, this does not prevent the  
31 making of leases in accordance with other provisions of this  
32 chapter. All contracts and leases are subject to restrictions and  
33 conditions that the board prescribes.
- 34 (6) To sell machinery, equipment, or material under the control of  
35 the board belonging to the eligible entity that is not required for  
36 aviation purposes. The proceeds shall be deposited with the  
37 entity's treasurer or controller to the credit of the department of  
38 aviation.
- 39 (7) To negotiate and execute contracts of sale or purchase, lease,  
40 personal services, materials, supplies, equipment, or any other  
41 transaction or business relative to an airport under the board's  
42 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 SECTION 2. IC 8-22-3-11 (CURRENT VERSION) IS AMENDED  
5 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. The  
6 board may do all acts necessary or reasonably incident to carrying out  
7 the purposes of this chapter, including the following:

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

17 (A) The board may not levy taxes on property in excess of the  
18 following rate schedule, except as provided in sections 17 and  
19 25 of this chapter:

	Rate Per
Total Assessed Property Valuation	\$100 Of Assessed Valuation
\$100 million or less	\$0.30
More than \$100 million but not more than \$150 million	\$0.25
More than \$150 million but not more than \$200 million	\$0.20
More than \$200 million but not more than \$300 million	\$0.15
More than \$300 million	\$0.10

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

35 (C) The board of an authority that was established under  
36 IC 19-6-3 (before its repeal on April 1, 1980) may levy taxes  
37 on property not in excess of twenty cents (\$0.20) on each one  
38 hundred dollars (\$100) of assessed valuation.

39 (5) To incur indebtedness in the name of the authority in  
40 accordance with this chapter.

41 (6) To adopt administrative procedures, rules, and regulations.

42 (7) To acquire property, real, personal, or mixed, by deed,



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1 purchase, lease, condemnation, or otherwise and dispose of it for  
2 use or in connection with or for administrative purposes of the  
3 airport; to receive gifts, donations, bequests, and public trusts and  
4 to agree to conditions and terms accompanying them and to bind  
5 the authority to carry them out; to receive and administer federal  
6 or state aid; and to erect buildings or structures that may be  
7 needed to administer and carry out this chapter.

8 (8) To determine matters of policy regarding internal organization  
9 and operating procedures not specifically provided for otherwise.

10 (9) To adopt a schedule of reasonable charges and to collect them  
11 from all users of facilities and services within the district.

12 (10) To purchase supplies, materials, and equipment to carry out  
13 the duties and functions of the board in accordance with  
14 procedures adopted by the board.

15 (11) To employ personnel that are necessary to carry out the  
16 duties, functions, and powers of the board.

17 (12) To establish an employee pension plan. The board may, upon  
18 due investigation, authorize and begin a fair and reasonable  
19 pension or retirement plan and program for personnel, the cost to  
20 be borne by either the authority or by the employee or by both, as  
21 the board determines. If the authority was established under  
22 IC 19-6-2 (before its repeal on April 1, 1980), the entire cost must  
23 be borne by the authority, and ordinances creating the plan or  
24 making changes in it must be approved by the mayor of the city.  
25 The plan may be administered and funded by a trust fund or by  
26 insurance purchased from an insurance company licensed to do  
27 business in Indiana or by a combination of them. The board may  
28 also include in the plan provisions for life insurance, disability  
29 insurance, or both.

30 (13) To sell surplus real or personal property in accordance with  
31 law.

32 (14) To adopt and use a seal.

33 (15) To acquire, establish, construct, improve, equip, maintain,  
34 control, lease, and regulate municipal airports, landing fields, and  
35 other air navigation facilities, either inside or outside the district;  
36 to acquire by lease (with or without the option to purchase)  
37 airports, landing fields, or navigation facilities, and any structures,  
38 equipment, or related improvements; and to erect, install,  
39 construct, and maintain at the airport or airports facilities for the  
40 servicing of aircraft and for the comfort and accommodation of air  
41 travelers and the public. The Indiana department of transportation  
42 must grant its approval before land may be purchased for the

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

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1 a period not to exceed ten (10) years. If a person whose character,  
 2 experience, and financial responsibility has been determined  
 3 satisfactory by the board offers to erect a permanent structure that  
 4 facilitates and is consistent with the operation, use, and purpose  
 5 of the airport on land belonging to the airport, a lease may be  
 6 entered into for a period not to exceed ninety-nine (99) years.  
 7 However, the board must pass an ordinance to enter into such a  
 8 lease. The board may not grant an exclusive right for the use of a  
 9 landing area under its jurisdiction. However, this does not prevent  
 10 the making of leases in accordance with other provisions of this  
 11 chapter. All contracts and leases are subject to restrictions and  
 12 conditions that the board prescribes. The authority may lease its  
 13 property and facilities for any commercial or industrial use it  
 14 considers necessary and proper, including the use of providing  
 15 airport motel facilities.

16 (21) To sell machinery, equipment, or material that is not required  
 17 for aviation purposes. The proceeds shall be deposited with the  
 18 treasurer of the authority.

19 (22) To negotiate and execute contracts for sale or purchase,  
 20 lease, personal services, materials, supplies, equipment, or any  
 21 other transaction or business relative to an airport under the  
 22 board's control and operation. However, whenever the board  
 23 determines to sell part or all of aviation lands, buildings, or  
 24 improvements owned by the authority, the sale must be in  
 25 accordance with law.

26 (23) To vacate all or parts of roads, highways, streets, or alleys,  
 27 whether inside or outside the district, in the manner provided by  
 28 statute.

29 (24) To annex lands to itself if the lands are owned by the  
 30 authority or are streets, roads, or other public ways.

31 (25) To approve any state, county, city, or other highway, road,  
 32 street or other public way, railroad, power line, or other  
 33 right-of-way to be laid out or opened across an airport or in such  
 34 proximity as to affect the safe operation of the airport.

35 (26) To construct drainage and sanitary sewers with connections  
 36 and outlets as are necessary for the proper drainage and  
 37 maintenance of an airport or landing field acquired or maintained  
 38 under this chapter, including the necessary buildings and  
 39 improvements and for the public use of them in the same manner  
 40 that the authority may construct sewers and drains. However, with  
 41 respect to the construction of drains and sanitary sewers beyond  
 42 the boundaries of the airport or landing field, the board shall

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

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

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

30 (29) To promote or encourage aviation-related trade or commerce  
 31 at the airports that it operates.

32 SECTION 3. IC 8-22-3-11 (DELAYED VERSION) IS AMENDED  
 33 TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 11.  
 34 The board may do all acts necessary or reasonably incident to carrying  
 35 out the purposes of this chapter, including the following:

36 (1) As a municipal corporation, to sue and be sued in its own  
 37 name.

38 (2) To have all the powers and duties conferred by statute upon  
 39 boards of aviation commissioners. The board supersedes all  
 40 boards of aviation commissioners within the district. The board  
 41 has exclusive jurisdiction within the district.

42 (3) To protect all property owned or managed by the board.



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(4) To adopt an annual budget and levy taxes in accordance with this chapter.

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

Total Assessed Property Valuation	Rate Per \$100 Of Assessed Valuation
\$300 million or less	\$0.10
More than \$300 million but not more than \$450 million	\$0.0833
More than \$450 million but not more than \$600 million	\$0.0667
More than \$600 million but not more than \$900 million	\$0.05
More than \$900 million	\$0.0333

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

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

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

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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.  
(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, equipment, or related improvements; and to erect, install, construct, and maintain at the airport or airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers and the public. The Indiana department of transportation must grant its approval before land may be purchased for the establishment of an airport or landing field and before an airport or landing field may be established.  
(16) To fix and determine exclusively the uses to which the airport lands may be put. All uses must be necessary or desirable to the airport or the aviation industry and must be compatible with the uses of the surrounding lands as far as practicable.  
(17) To elect a secretary from its membership, or to employ a secretary, an airport director, superintendents, managers, a treasurer, 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 the compensation to be paid to the persons employed by it in accordance with the authority's

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appropriations. All employees shall be selected irrespective of their political affiliations.  
(18) To make all rules and regulations, consistent with laws regarding air commerce, for the management and control of its airports, landing fields, air navigation facilities, and other property under its control.  
(19) 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.  
(20) To manage and operate airports, landing fields, and other air navigation facilities acquired or maintained by an authority; to lease all or part of an airport, landing field, or any buildings or other structures, and 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; and 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, 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 ~~ten (10)~~ **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 ~~twenty (20)~~ **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 board must pass an ordinance 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. The authority may lease its property and facilities for any commercial or industrial use it

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considers necessary and proper, including the use of providing airport motel facilities.  
(21) To sell machinery, equipment, or material that is not required for aviation purposes. The proceeds shall be deposited with the treasurer of the authority.  
(22) To negotiate and execute contracts for sale or purchase, lease, personal services, materials, supplies, equipment, or any other transaction or business relative to an airport under the board's control and operation. However, whenever the board determines to sell part or all of aviation lands, buildings, or improvements owned by the authority, the sale must be in accordance with law.  
(23) To vacate all or parts of roads, highways, streets, or alleys, whether inside or outside the district, in the manner provided by statute.  
(24) To annex lands to itself if the lands are owned by the authority or are streets, roads, or other public ways.  
(25) To approve any state, county, city, or other highway, road, street or other public way, railroad, power line, or other right-of-way to be laid out or opened across an airport or in such proximity as to affect the safe operation of the airport.  
(26) 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 authority 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 shall proceed in the same manner as private owners of property and may institute proceedings and negotiate with the departments, bodies, and officers of an eligible entity to secure the proper orders and approvals; and 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, upon payment to the utility or other person of due compensation for the expense of the removal or reinstallation. The board must consent before any franchise may be granted by state or local authorities for the construction of or maintenance of railway, telephone, telegraph,

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1 electric power, pipe, or conduit line upon, over, or through land  
2 under the control of the board or within a reasonable distance of  
3 land that is necessary for the safety of operation. The board must  
4 also consent before overhead electric power lines carrying a  
5 voltage of more than four thousand four hundred (4,400) volts and  
6 having poles, standards, or supports over thirty (30) feet in height  
7 within one-half (1/2) mile of a landing area acquired or  
8 maintained under this chapter may be installed.  
9 (27) To contract with any other state agency or instrumentality or  
10 any political subdivision for the rendition of services, the rental  
11 or use of equipment or facilities, or the joint purchase and use of  
12 equipment or facilities that are necessary for the operation,  
13 maintenance, or construction of an airport operated under this  
14 chapter.  
15 (28) To provide air transportation in furtherance of the duties and  
16 responsibilities of the board.  
17 (29) To promote or encourage aviation-related trade or commerce  
18 at the airports that it operates.

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