

## **IC 8-22-4**

### **Chapter 4. Joint State Airport Authorities**

#### **IC 8-22-4-1**

##### **Creation of authority; members**

Sec. 1. (a) Governmental units in each of two (2) party states may combine in the creation of an airport authority for the purpose of jointly supporting and operating an airport terminal and all attached properties. The governmental units are not limited as to number, character, or size, except that the airport authority must be composed of an equal number of members from each party state, designated or appointed by the legislative body of the participating governmental unit. The federal government may be represented by a nonvoting agent or representative if authorized by federal law.

(b) The airport authority is established when resolutions or ordinances containing identical agreement provisions are duly adopted by the legislative bodies of the governmental units to be combined into the airport authority. If passage is by resolution, it may be joint or several, but the resolution or ordinance of the combining governmental units must provide for the number of members, the residence requirements of the members, the length of term of the members, and the appointment of an additional member by the governor of each party state. If the member appointed by the governor is selected from the membership or staff of the aeronautics commission of the state, there is no limitation as to place of residence, and the length of tenure of office is at the pleasure of the governor.

(c) The respective members of the airport authority, except any member representing the federal government, are each entitled to one (1) vote. An action of the membership of the airport authority is official only if taken at a meeting in which a majority of the voting members from each party state are present and a majority of those from each state concur. An action that does not comply with these requirements may be ratified within thirty (30) days by the concurrence of a majority of the members of each party state. In the absence of a member, his vote may be cast by another representative or member of his state if the representative casting the vote has a written proxy in the proper form required by the airport authority.  
*As added by Acts 1980, P.L.8, SEC.73.*

#### **IC 8-22-4-2**

##### **Powers and duties**

Sec. 2. (a) The airport authority may sue and be sued, and shall adopt an official seal.

(b) The airport authority may appoint and remove or discharge personnel as may be necessary for the performance of the airport's functions irrespective of the civil service, personnel, or other merit system laws of either of the party states.

(c) The airport authority shall elect annually, from its membership, a chairman, a vice chairman, and a treasurer.

(d) The airport authority may establish and maintain or participate in programs of employee benefits as may be appropriate to afford employees of the airport authority terms and conditions of employment similar to those enjoyed by the employees of each of the party states.

(e) The airport authority may borrow, accept, or contract for the services of personnel from a state, the United States, or a subdivision or agency of either, from an interstate agency, or from any other institution or person.

(f) The airport authority may accept for its purposes and functions donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from a state, the United States, or a subdivision or agency of either, from an interstate agency, or from any other institution or person. The authority may receive, utilize and dispose of the property.

(g) The airport authority may establish and maintain facilities that may be necessary for the transaction of its business. The airport authority may acquire, hold, and convey real and personal property and any interest in it, and may enter into contracts for improvements upon real estate appurtenant to the airport, including farming, extracting minerals, subleasing, subdividing, promoting and developing of real estate that aids and encourages the development and service of the airport. The airport authority may engage contractors to provide airport services and shall carefully observe all appropriate federal or state regulations in the operation of the air facility.

(h) The airport authority may adopt official rules and regulations for the conduct of its business and may amend or rescind them when necessary.

(i) The airport authority shall annually make a report to the governor of each party state concerning the activities of the airport authority for the preceding year, embodying in the report recommendations that have been adopted by the airport authority. The copies of the report shall be submitted to the legislature or general assembly of each of the party states at any regular session. A copy submitted to the general assembly must be in an electronic format under IC 5-14-6. The airport authority may issue additional reports that are necessary.

*As added by Acts 1980, P.L.8, SEC.73. Amended by P.L.28-2004, SEC.74.*

### **IC 8-22-4-3**

#### **Funding; revenue bonds; loans; budget; expenses and costs; records**

Sec. 3. (a) A party state is not obligated to appropriate funds of the state for the development, support, and maintenance of the airport authority. All revenue received from the air facility and the property, both real and personal, within the jurisdiction and control of the airport authority must be applied to the maintenance and development of the air facility. All limitations upon expenditures,

which may be an element of title to the real estate held by the airport authority, must be observed.

(b) Revenue bonds to be retired exclusively from income received from the operation of the air facility may be issued by the airport authority and in the name of the authority in accordance with the statutes of the state in which the air facility is located that prescribe the terms and conditions for the issuance of revenue bonds by airport authorities.

(c) The airport authority may secure loans from private financing and offer as collateral those assets, real, personal or mixed, in accordance with the statutes of the state in which the airport is located.

(d) Each year the airport authority shall prepare a budget of its estimated expenditures for the fiscal year beginning on January 1 of the succeeding year and shall before July 2 submit a copy of the report to the various combining governmental units. The estimated expenditures must be allocated and pro rated equally between the various combining governmental units and a statement of the allocated amount must be included in the copy of the budgetary report submitted to the combining governmental units. To provide funds to pay its share of the proposed expenditures, each combining governmental unit may annually levy a tax on property located within the governmental unit at a rate sufficient to raise funds to pay its pro rated share of estimated expenditures. The tax shall be levied and collected in the same manner as other property taxes are levied and collected by the governmental unit and in accordance with the statutes of the state in which the unit is located. The money raised by the tax levy shall be appropriated and distributed to the airport authority by the governmental unit. Funds so appropriated shall be used exclusively for the development and maintenance of the air facility.

(e) The airport authority may meet any of its obligations, in whole or in part, with funds made available to it under section 2 of this chapter. However, the airport authority must take specific action to set aside those funds before incurring an obligation to be met in whole or in part in this manner.

(f) The expenses and other costs for each member of the airport authority shall be met by the airport authority in accordance with the standards and procedures that it establishes under its bylaws, rules, and regulations.

(g) The airport authority shall keep accurate records of all receipts and disbursements. The receipts and disbursements of the airport authority are subject to an annual audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the airport authority shall be audited by a qualified public accountant and the report of the audit shall be incorporated into and become a part of the annual report of the airport authority.

(h) The accounts of the airport authority shall be kept open to inspection by the general public at any reasonable times.

*As added by Acts 1980, P.L.8, SEC.73.*

#### **IC 8-22-4-4**

##### **Powers and functions**

Sec. 4. The airport authority may:

- (1) operate and conduct an airport;
- (2) operate farming operations on real estate appurtenant to the airport;
- (3) exercise the power of eminent domain in accordance with the statutes of the state in which the airport is located;
- (4) maintain, operate, and extend water and sewer systems on the land appurtenant to the airport, and make and collect charges for services;
- (5) construct and lease industrial and aviation buildings on the land appurtenant to the airport;
- (6) lease land owned by a combining governmental unit suitable for an airport facility for a term of not less than ninety-nine (99) years;
- (7) secure expert guidance on the development of an area air facility so that the interests of the area are best served and implement that development under the statutes of the party states;
- (8) establish and fix by ordinance a restricted zone for distances in any direction from the boundaries of the airport facility that is necessary and practicable, regulating the height of structures to provide free air space for access by aircraft and for the safe use of the airport, all in accordance with the statutes of the party state in which the airport is located;
- (9) accept, receive, and receipt for federal monies and other monies, public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, other air navigation facilities, and sites for them;
- (10) buy and sell machinery for aviation purposes; and negotiate and contract for personal services, materials and supplies; whenever personal property is to be purchased or sold, there must be due notice and competitive bidding as required by the statutes of the state in which the airport is located; and
- (11) perform all functions and do all acts that are necessary to the total development of a commercial and industrial air facility, in accordance with the laws of the party states.

*As added by Acts 1980, P.L.8, SEC.73.*

#### **IC 8-22-4-5**

##### **Effectiveness of authority**

Sec. 5. The authority to combine into an airport authority becomes effective at the time when reciprocal authorizing legislation is enacted by a party state authorizing governmental units in that state to combine with governmental units in Indiana in an airport authority.

*As added by Acts 1980, P.L.8, SEC.73.*

**IC 8-22-4-6**

**Effect of chapter**

Sec. 6. This chapter does not affect IC 8-22-5.

*As added by Acts 1980, P.L.8, SEC.73.*

**IC 8-22-4-7**

**Approval by other states**

Sec. 7. Before commencement of proceedings for the acquisition and establishment of airports, landing fields, or other air navigation facilities, approval of the acquisition or establishment of the airports, landing fields or other air navigation facilities must be secured and granted by the respective aeronautics commissions of the party states.

*As added by Acts 1980, P.L.8, SEC.73.*