

Part 3

Federal Airport Funds Act

72-10-301 Definitions.

As used in this part:

- (1) "Airport" means 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 aircraft buildings or other airport facilities or rights of way, together with all airport buildings and facilities located on them.
- (2) "Air navigation facility" means 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 the facilities.
- (3) "Airport hazard" means 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 the landing or taking-off of aircraft.
- (4) "Municipality" means any county, city, town, or political subdivision of this state.
- (5) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representation thereof.
- (6) "Public agency" means the United States government or any of its agencies, a state or its agencies, a municipality or other political subdivision, or a tax-supported organization.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-302 Purpose and policy of part.

It is declared that the purpose of this part is to further the public interest in aeronautical progress:

- (1) by authorizing public agencies of this state to accept, channel, and disburse federal, state, and other funds for the planning, acquisition, construction, maintenance, operation, and regulation of airports and air navigation facilities;
- (2) by granting to a state agency the powers and imposing upon it the duties that the state may obtain the full benefit of financial assistance made available by the federal government, as well as assistance from other sources;
- (3) by providing authority that may be exercised by a public agency independently or jointly with other public agencies, and enabling two or more cities, towns, counties, and other political subdivisions jointly to establish, acquire, develop, and operate an airport or airports for their joint or common use.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-303 Submission of requests for aid -- Approval by division -- Receipt and disbursement of funds.

- (1) The state, a county, municipality, or airport authority may not submit to any federal agency or department of the United States any requests for aid under any act of congress that

provides funds for airports or commercial airport construction, development, expansion, or improvements, unless the project and the requests for aid have been first approved by the division.

- (2) The state, a county, municipality, or airport authority may not directly accept, receive, receipt for, or disburse any funds granted by the United States under the act, but it shall designate the division as its agent and in its behalf to accept, receive, receipt for, and disburse the funds.
- (3) The state, a county, municipality, or airport authority shall enter into an agreement with the division, prescribing the terms and conditions of the agency in accordance with federal laws, rules, and regulations and applicable laws of this state.
- (4) Money paid by the United States government shall be retained by the state or paid to a county, municipality, or airport authority under terms and conditions imposed by the United States government in making the grant.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-304 Powers and duties of division.

- (1) The division may make available its engineering and other technical services, with or without charge, to the state, a county, municipality, or airport authority or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities.
- (2)
 - (a) The division may render financial assistance by grant, loan, or both, to any county, municipality, or airport authority, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by the county, municipality, or airport authority, out of appropriations made by the Legislature for these purposes.
 - (b) Financial assistance may be furnished in connection with federal or other financial aid for the same purposes.
- (3)
 - (a) The division may use the facilities and services of other state agencies and of the counties and municipalities to the utmost extent possible.
 - (b) The state agencies, counties, and municipalities shall make available their facilities and services.
- (4) All powers granted to any county, municipality, or airport authority by this chapter may be exercised jointly with any county, municipality, or airport authority, and jointly with any state agency or the United States if the laws of the other state or of the United States permit the joint exercise.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-305 Mutual assistance -- Gifts, leases, and loans.

- (1) If any public agency determines that the public interest and the interest of the public agency will be served by assisting any other public agency in exercising the powers and authority granted by this part, the public agency may furnish assistance by gift of real or personal property or money or lease or loan with or without charge or interest.
- (2) In appropriating the property or money and providing for the assistance by taxation, the issuance of bonds, or other means, the public agency may exercise all of its powers as though used for its own direct purposes as provided in this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-306 Contractual powers of public agencies.

A public agency may enter into any contracts necessary to the execution of the powers granted it, and for the purposes provided by this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-307 Powers of governing bodies.

The governing body of any public agency having power to appropriate and raise money is authorized to appropriate, and to raise by taxation or otherwise, sufficient money to carry out the provisions and purposes of this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-308 Construction of part.

This part shall be so interpreted and construed as to make uniform so far as possible the laws and regulations of this state and other states and of the government of the United States having to do with the subject of public airports.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-309 Severability clause.

If any provision of this part or its application to any person or circumstance shall be held invalid, this invalidity does not affect the provisions or applications of this part which can be given effect without the invalid provision or application, and to this end the provisions of this part are declared to be severable.

Renumbered and Amended by Chapter 270, 1998 General Session