

360.036 FINANCING AIRPORT AND IMPROVEMENTS.

Subdivision 1. **Proportion; "cost" includes awards and rentals.** The cost of investigating, surveying, planning, acquiring, establishing, constructing, enlarging, or improving or equipping airports and other air navigation facilities, and the sites therefor, including structures and other property incidental to their operation, in accordance with the provisions of sections 360.011 to 360.076, may be paid for by appropriation of money available therefor, or wholly or partly from the proceeds of bonds of the municipality, as the governing body of the municipality shall determine. The word "cost" includes awards in condemnation proceedings and rentals where an acquisition is by lease.

Subd. 2. **Issuance of bonds.** (a) Bonds to be issued by a municipality under sections 360.011 to 360.076, shall be authorized and issued in the manner and within the limitation prescribed by laws or the charter of the municipality for the issuance and authorization of bonds for public purposes generally, except as provided in paragraphs (b) and (c).

(b) No election is required to authorize the issuance of the bonds if:

(1) a board organized under section 360.042 recommends by a resolution adopted by a vote of not less than 60 percent of its members the issuance of bonds, and the bonds are authorized by a resolution of the governing body of each of the municipalities acting jointly pursuant to section 360.042, adopted by a vote of not less than 60 percent of its members;

(2) the bonds are authorized by a resolution of the governing body of the municipality, adopted by a vote of not less than 60 percent of its members; or

(3) the bonds are being issued for the purpose of financing the costs of constructing, enlarging, or improving airports and other air navigation facilities; and

(i) the governing body estimates that passenger facility charges and other revenues pledged to the payment thereof will be at least 20 percent of the debt service payable on the bonds in any year;

(ii) the project will be funded in part by a state or federal grant for airport development; and

(iii) the principal amount of the bonds issued under this clause does not exceed 25 percent of the amount of the state or federal grant.

(c) If the bonds are general obligations of the municipality, the levy of taxes required by section 475.61 to pay principal and interest on the bonds is not included in computing or applying any levy limitation applicable to the municipality.

Subd. 3. **Issuing bonds in excess of tax limitation.** Irrespective of any limitation, by general or special law or charter, as to the amount of bonds which may be issued, a municipality may issue bonds for the purposes defined by sections 360.011 to 360.076, in excess of such limitation, in such amount as may be authorized by the governing body of the municipality as provided in subdivision 2.

Subd. 4. **Bonds heretofore issued.** The amount of all bonds heretofore or hereafter issued by any municipality for the purposes defined in sections 360.011 to 360.076 shall not be counted or included in the net indebtedness of the municipality or in any computation of the outstanding indebtedness of the municipality for the purpose of determining the limit of net indebtedness thereof.

Subd. 5. **Bonds for preliminary purpose.** In all cases where a municipality has heretofore issued any bonds for the purpose of investigating, surveying, planning, acquiring, establishing, constructing, enlarging, equipping, or improving any airport, or other air navigation facility, or site therefor, or to meet the cost of

structures or other property incidental to their operation, whether such airport or other air navigation facility was termed under the law existing at the time of the issuance of such bonds an airport, a landing field, a landing strip, an aviation field, or a flying field, or has incurred any other indebtedness, or entered into any lease or other contract in connection with the acquisition, establishment, construction, ownership, enlargement, control, leasing, equipment, improvement, maintenance, operation, or regulation of any such airport or other air navigation facility, or site therefor, or structure or other property incidental to its operation, the proceedings heretofore taken in all such cases are hereby in all respects validated and confirmed; any bonds already issued thereunder are validated and made legal obligations of such municipality, and such municipality is hereby authorized and empowered, pursuant to such proceedings, to issue further bonds for such purposes up to the limit fixed in the original authorization thereof, without limitation of the general power herein granted to all municipalities in this state, which bonds when issued shall be legal obligations of such municipality according to their terms.

Subd. 6. Expenditure in excess of limitation. The governing body of any municipality may expend money for the purpose of acquiring property, real or personal, to establish, construct, or enlarge an airport or other air navigation facility by purchase, lease, or condemnation, irrespective of any limitation by general or special law or charter as to the amount that may be so expended by such governing body; provided state or federal funds or funds received by gift have been allocated or otherwise made available to such municipality to reimburse it for the entire amount of such expenditure in excess of the amount authorized by such general or special law or charter; or, provided such municipality has obtained funds from the sale of an existing airport, the funds obtained from such sale may be used to acquire land and establish and construct an airport on another site. The acquisition by any such municipality of any airport or airport property heretofore acquired by gift, purchase, lease, or condemnation is hereby validated and confirmed irrespective of any limitation by general or special law or charter provision to the contrary notwithstanding.

History: 1945 c 303 s 15; 1951 c 163 s 1; 1978 c 674 s 58; 1994 c 587 art 5 s 17,18; 2000 c 493 s 2; 2009 c 88 art 6 s 5