

360.305 EXPENDITURES FOR AIRPORTS AND NAVIGATION.

Subdivision 1. **Limitations.** The money appropriated to the commissioner of transportation as contemplated by this section shall be used in accordance with this chapter, in amounts not exceeding the sums specified for individual purposes in the acts making such appropriations. Unless otherwise provided in any such act, the governor may on the governor's own initiative or upon application by the commissioner of transportation order a change in the provisional limitations on the amounts to be expended for the individual purposes specified.

Subd. 2. **Commissioner's order; federal essential air service program.** (a) Before any expenditure of any of the money appropriated pursuant to this section to assist political subdivisions, municipalities, and public corporations in acquiring, constructing, improving, maintaining, and operating airports and other air navigation facilities may be authorized, the commissioner of transportation shall have made, with the approval of the governor, an order designating the municipalities and airports which are a part of the key airport system, the intermediate airport system, the landing strip system, and the state system of radio and navigational aids, in accordance with the definitions and limitations stated in subdivision 3.

(b) The commissioner may use state airports fund money to provide the state's matching portion required to participate in the federal essential air service program under United States Code, title 49 App., sections 1301 to 1551, as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, Public Law 100-223, section 202.

Subd. 3. **Types of airport systems.** (a) Key system airports are those used or intended to be used by aircraft of all sizes up to and including large multiengine and jet aircraft, not exceeding 40.

(b) Intermediate system airports shall be those used or intended for use by single engine or light to medium multiengine aircraft and shall include vertical takeoff and landing areas and short takeoff and landing areas not exceeding 90.

(c) The landing strip system shall consist of those small airports which may be unattended, sod or hard surfaced and which are used or intended for use by single or multiengine light aircraft, and not exceeding 65.

(d) The commissioner may amend such order from time to time to expand or modify the airport system to serve best the interest of the state, subject to the approval of the governor.

Subd. 4. **Costs allocated; local contribution; hangar construction account.** (a) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation of the airport, in connection with which the assistance of the state is sought. These costs are referred to as project costs.

(b) For any airport, whether key, intermediate, or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

- (1) the project costs;
- (2) acquisition costs of the land and clear zones, which are referred to as acquisition costs.

(c) For any airport where federal, state, and local funds are to be used, the contribution shall not be less than five percent of the sum of the project costs and acquisition costs.

(d) The commissioner may pay the total cost of radio and navigational aids.

(e) Notwithstanding paragraph (b) or (c), the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

(f) Notwithstanding paragraph (b) or (c), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this paragraph exceed five percent of the amount appropriated for construction grants.

(g) To receive aid under this section for project costs or for acquisition costs, the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public:

(1) for 20 years after the date that any state funds for project costs are received by the municipality; and

(2) for 99 years after the date that any state funds for acquisition costs are received by the municipality. If any land acquired with state funds ceases to be used for aviation purposes, the municipality shall repay the state airports fund the same percentage of the appraised value of the property as that percentage of the costs of acquisition and participation provided by the state to acquire the land.

The agreement may contain other conditions as the commissioner deems reasonable.

(h) The commissioner shall establish a hangar construction revolving account, which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this paragraph, the construction of hangars shall include their design. The commissioner shall transfer up to \$4,400,000 from the state airports fund to the hangar construction revolving account.

(i) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in paragraph (g).

(j) This subdivision applies only to project costs or acquisition costs of municipally owned airports incurred after June 1, 1971.

Subd. 5. Commissioner's powers. The commissioner of transportation shall cause to be prepared or supervise the preparation of plans and specifications for the construction,

improvement, and maintenance of all airports and air navigation facilities upon which expenditures are made pursuant to this section; approve such plans and specifications; supervise and inspect all work; approve all lawful changes in plans and specifications; approve estimates for payments; and approve the construction when completed according to such plans and specifications.

Subd. 6. **Zoning required.** The commissioner shall not expend money for land acquisition, or for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the governmental unit involved has or is establishing a zoning authority for that airport, and the authority has made a good faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. The commissioner shall make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.

Subd. 7. **Reimbursements to state airports fund.** Reimbursements from municipalities for striping runways shall be deposited in the state airports fund.

History: 1945 c 469 s 5; 1947 c 548 s 1; 1963 c 791 s 5; 1965 c 606 s 1; 1967 c 791 s 1-3; 1969 c 786 s 1,2; 1971 c 706 s 1; 1973 c 760 s 1-3; 1974 c 373 s 1; 1976 c 166 s 7; 1978 c 660 s 3,4; 1981 c 209 s 14; 1981 c 357 s 102,103; 1986 c 444; 1989 c 272 s 1; 1994 c 640 s 2; 1995 c 186 s 72-74; 1999 c 230 s 30; 2002 c 364 s 27; 2004 c 136 s 1; 2005 c 41 s 1