

AN ACT

ENTITLED, An Act to revise and repeal provisions regarding aviation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 50-1-1 be amended to read:

50-1-1. Terms as used in this title mean:

- (1) "Aeronautics," the science, art, and physics of flight. The term also means the method or act of construction, repair, or maintenance of airports, airport facilities, aircraft, and aviation facilities;
- (2) "Air traffic control," a service operated by an authority under Federal Aviation Administration oversight to promote the safe, orderly, and expeditious flow of air traffic in the United States;
- (3) "Aircraft," a device that is used, intended to be used, or designed for flight in the air. The term includes any airplane, balloon, civil aircraft, drone, glider, helicopter, and public aircraft;
- (4) "Aircraft dealer," any person, manufacturer, or distributor engaged in the business of buying, selling, exchanging, or acting as a broker for three or more aircraft in any twelve consecutive months, other than a business liquidation of used aircraft;
- (5) "Airport," any area of land or water used, or intended to be used, for landing and take-off of aircraft, and any appurtenant area, structure, facility, or right of way to facilitate that use. The term includes any military airport, private airport, public airport, and temporary airport;
- (6) "Airport authority," any regional airport authority created under this chapter;
- (7) "Airport facility," any structure, mechanism, light, beacon, marker, communicating system, or other instrumentality or device used as an aid to the safe taking off and landing

of aircraft, or the safe and efficient operation or maintenance of an airport, and which is not owned or operated by the federal government;

- (8) "Airport hazard," any existing or potential condition that can endanger the life or property of a user of an airport or any occupant of land in the vicinity of an airport, and which can lead to damage to or loss of airport system equipment or property or the environment;
- (9) "Airport obstruction," any structure or obstacle, or use of land, that obstructs an aerial approach of an airport or is otherwise hazardous to the use of an airport by aircraft for landing or taking off;
- (10) "Airport sponsor," a public agency, private owner, state entity, or other political subdivision that is associated with a public use airport facility and is a recipient of any federal airport improvement grant;
- (11) "Anemometer tower," a structure, including any guy wire or accessory facility, on which an anemometer is mounted;
- (12) "Aviation facility," any airport facility that supports aviation activities, including any airport, heliport, and navigational aid;
- (13) "Balloon," an aircraft that is not engine-driven, is lighter than air, and sustains flight through the use of gas buoyancy or an airborne heater;
- (14) "Civil aircraft," any aircraft other than a public aircraft;
- (15) "Commercial purpose," an aviation activity for profit that includes flight instruction, charter, air taxi, or rental, but does not include the substitution of a commercial use stamp for regular aircraft registration for the promotion of a business or other purpose that does not involve aviation;
- (16) "Commission," the South Dakota Aeronautics Commission;
- (17) "Controlled airspace," any airspace of specific and defined classifications and dimensions

inside of which air traffic control services are provided;

- (18) "Department," the Department of Transportation;
- (19) "Drone," a small unmanned aircraft system;
- (20) "Helipport," an area of land, water, or a structural surface, used or intended for use as a landing and take-off area for helicopters. The term includes both public and private heliports;
- (21) "Military airport," any military air base, air station, airfield, or other area, publicly or privately owned, that is designed, set aside, and operated by the state, a political subdivision of the state, or the United States, for civil or national defense, or for any federal program relating to flight, or for the operation of military aircraft, and used in the interest of the public for those purposes;
- (22) "Navigational aid," any device external to an aircraft specifically intended to assist a pilot in determining the aircraft's position and safe course;
- (23) "Place of business," a permanent enclosed structure at which a permanent business of bartering, trading, or selling aircraft is carried out in good faith. The term does not include any residence, tent, stand, or any other temporary structure;
- (24) "Prescribed adjusted height," a height adjusted upward seventeen feet for an interstate highway, fifteen feet for any other public road, ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, and twenty-three feet for a railroad;
- (25) "Private airport," any privately owned airport that is available for use only by the owner and the owner's invitees;
- (26) "Project," any airport operated by an authority, including any real and personal property, structure, machinery, equipment, or appurtenance or facility that is part of the airport or

used in connection with the airport either as a ground facility for the convenience of handling aviation equipment, passengers, or freight, or as part of any aviation or air safety operation;

- (27) "Public aircraft," any aircraft, including military aircraft, used exclusively in the governmental service of any state or territory of the United States;
- (28) "Public airport," any airport, whether publicly or privately owned, that is available to the public for aviation activity;
- (29) "Small unmanned aircraft system" or "sUAS," any unmanned aircraft and its associated elements that is operated without the possibility of direct human intervention from within or on the aircraft, and that weighs not more than fifty-five pounds, including anything that is onboard or otherwise attached to the aircraft;
- (30) "Temporary airport," any airport established and set aside for the operation of aircraft for transitory or impermanent purposes.

Section 2. That § 50-2-1 be amended to read:

50-2-1. The commission consists of seven persons appointed by the Governor who shall receive the per diem set by § 4-7-10.4 for the time actually spent in the performance of their official duties, together with traveling expenses set by rule of the Board of Finance. At least four members of the commission shall be or have been actively engaged in and have had at least one year of practical experience in civil or military aeronautics.

The term of each member begins on October thirty-first of the calendar year in which the Governor appoints the member, unless otherwise designated by the Governor. The member's term is for three years and expires on October thirtieth in the third year of the member's appointment.

Section 3. That § 50-2-12 be amended to read:

50-2-12. The commission shall approve the expenditure and disbursement of grants or funds

appropriated and available for matching purposes, and for the construction, development, operation, and maintenance of airport facilities.

Section 4. That § 50-2-13 be amended to read:

50-2-13. The commission shall promulgate rules in accordance with chapter 1-26 that are consistent with federal law and regulations governing aeronautics.

Section 5. That § 50-2-15 be amended to read:

50-2-15. The commission, when its state aircraft are not being used in the conduct of the necessary activities of the department, may operate the aircraft for other departments of this state. The rate of reimbursement to the department shall be set by the Board of Finance, to fully defray the cost and expenses of rendering the service under this section.

Section 6. That § 50-4-1 be amended to read:

50-4-1. The department shall assist in the development of aviation and aviation facilities within this state.

Section 7. That § 50-4-2 be amended to read:

50-4-2. The department may, out of appropriations and other funds or grants made available, construct, maintain, and operate airports and aviation facilities, and financially assist any county, municipality, or organized township in constructing, maintaining, and operating airports and aviation facilities. The department may exercise any power or authority conferred upon municipal corporations under this title.

Section 8. That § 50-4-3 be amended to read:

50-4-3. The department may cooperate with any agency or department of the United States in the acquisition, construction, improvement, maintenance, and operation of airports and aviation facilities in this state.

Section 9. That § 50-4-4 be amended to read:

50-4-4. The department may accept and receive federal grants and other funds, either public or private, for and on behalf of the state, any county, or any municipality, for the acquisition, construction, maintenance, and operation of airports and aviation facilities, whether the work is to be done by the state, a county, or a municipality, or jointly, aided by grants from the United States.

Section 10. That § 50-4-5 be amended to read:

50-4-5. The department shall act as an agent of any airport sponsor of this state upon the request of the airport sponsor, in accepting, receiving and receipting for any grants or funds for airports or other aviation purposes, and in contracting for the acquisition, construction, maintenance, or operation of airports or aviation facilities, financed either in whole or in part by federal grants. The governing body of the airport sponsor shall designate the department as its agent for purposes of this section and enter into an agreement with the department prescribing the terms and conditions of the agency.

Section 11. That § 50-4-6 be amended to read:

50-4-6. Any grant paid by the United States government under § 50-4-4 or 50-4-5 shall be retained by the state or appropriated to the airport sponsor under the terms and conditions imposed by the United States government in making the grant.

Section 12. That § 50-4-7 be amended to read:

50-4-7. Any contract for the acquisition, construction, maintenance, and operation of airports or aviation facilities made by the department, either as the agent of this state or as the agent of any airport sponsor, shall be made in accordance with the laws of this state governing the making of contracts.

Section 13. That § 50-4-8 be amended to read:

50-4-8. All grants or funds accepted for disbursement by the department under §§ 50-4-3 to 50-4-7, inclusive, shall be deposited in the state treasury, and, unless otherwise prescribed by the authority

from which the grants or funds are received, kept in separate funds, designated according to the purposes for which the grants or funds were made available, and held by the state in trust for those purposes. All grants or funds are continuously appropriated for the purposes for which the grants or funds are made available, to be expended in accordance with those sections. The department may, whether acting for this state or as the agent of any airport sponsor, or if requested by any department or agency of the United States, disburse the grants or funds for their designated purposes.

Section 14. That § 50-4-14 be amended to read:

50-4-14. The state aeronautics fund and the accumulations to the fund as appropriated by the Legislature may be used for:

- (1) The construction, development, and maintenance of public airports;
- (2) The lighting, marking, and maintenance of runways, taxiways, and parking areas of public airports licensed by the commission, in proportion to the amount of the aircraft fuel tax paid on the aircraft fuel purchased for resale for use in aircraft at each public airport, as nearly as practicable, as to each airport the commission deems to be operated and maintained in accordance with the laws of this state, the rules of the commission, and the standards established by any agency of the United States, provided that the unrestricted use of the airport is at all times available to the general public for the taking off and landing of aircraft;
- (3) The matching of any funds made available by the United States, this state, or any of the political subdivisions of this state for the purchase of sites for airports, and for the construction, development, and maintenance of the airports, in amounts the commission may determine; and
- (4) The paying of salaries, office expenses, traveling, and other expenses of commission and department staff to carry out the responsibilities defined in chapter 50-2.

Section 15. That § 50-4-16 be amended to read:

50-4-16. The department shall make an allocation of a portion of the aircraft fuel tax collected under §§ 10-47B-1 and 10-47B-4, to each eligible airport. The allocation rate shall be determined by the commission. The monthly allocation shall be determined by the department from the monthly reports required by § 50-4-12, and be based as nearly as practicable upon the amount of aircraft fuel tax collected on retail sales of aircraft fuel sold at each eligible airport for use in general aviation aircraft. The amount of aircraft fuel tax collected on aircraft fuel sales to airport sponsors shall be allocated separately by the department. Any remaining aircraft fuel tax collected under §§ 10-47B-1 and 10-47B-4 shall be placed in the aeronautics fund and be used by the commission as provided in § 50-4-14.

Section 16. That § 50-5-1 be amended to read:

50-5-1. Any owner or operator of a public airport shall apply to the commission for approval for the public airport prior to its use. Any owner or operator of a private airport located within six miles of the nearest boundary of any approved public airport shall apply to the commission for approval for the private airport prior to its use. The commission shall approve or reject an application within sixty days of receipt of the completed application.

A person is guilty of a Class 2 misdemeanor if the person uses or operates a public airport or a private airport located within six miles of the nearest boundary of an approved public airport without the approval of the commission.

Section 17. That § 50-5-8 be amended to read:

50-5-8. The commission or the commission's agent may inspect and examine at reasonable hours, to carry out the provisions of this title, the premises, buildings, and other structures where airports or aviation facilities are operated.

Section 18. That § 50-7-1 be amended to read:

50-7-1. For the purposes of this chapter, the term, municipalities, includes organized townships and organized counties, with any power and authority to be conferred upon organized townships and organized counties as is conferred upon municipalities.

Section 19. That § 50-7-2.2 be amended to read:

50-7-2.2. This state or any governmental agency of this state having any powers with respect to planning, constructing, and maintaining aviation facilities within this state, may exercise those powers within any state or jurisdiction adjoining this state, subject to the laws of that state or jurisdiction.

Section 20. That § 50-7-2.3 be amended to read:

50-7-2.3. Any state adjoining this state or any governmental agency of that state that plans or constructs aviation facilities within this state are subject to the laws of this state applicable to airports and airport facilities. The adjoining state or governmental agency may exercise eminent domain in this state in the manner provided by the laws of this state. An adjoining state may not exercise eminent domain within this state unless the adjoining state authorizes the exercise of eminent domain within the adjoining state by this state or any governmental agency of this state having the powers under this section and § 50-7-2.2.

Section 21. That § 50-7-10 be amended to read:

50-7-10. The airport sponsor shall designate the department as the airport sponsor's agent to accept, receive, and receipt for federal grants in the body's behalf for airport purposes, and to contract for the planning, construction, and maintenance of aviation facilities. The airport sponsor may enter into an agreement with the department prescribing the terms and conditions of the agency under this section. The federal grants shall be paid to the airport sponsor under the terms and conditions imposed by the United States government in making the grant.

Section 22. That § 50-7-11 be amended to read:

50-7-11. Any contract for the planning, construction, and maintenance of any aviation facility, made by the airport sponsor, or through the agency of the department, shall be made in accordance with the laws of this state governing the making of contracts.

Section 23. That § 50-7-12 be amended to read:

50-7-12. The airport sponsor that has established an airport and acquired, leased, or set apart real property for purposes of an airport may plan, construct, and maintain the airport, and may lease or sublet the property for airport purposes. The expenses of the planning, construction, and maintenance shall be charged to the appropriate airport sponsor.

Section 24. That § 50-7-13 be amended to read:

50-7-13. The airport sponsor that has established an airport and acquired, leased, or set apart real property for purposes of an airport may vest jurisdiction for the planning, construction, maintenance, and operation of the airport, in any suitable officer, board, or body of the airport sponsor. The airport sponsor, if a county or municipality, may create by ordinance a board whose sole purpose shall be to improve, regulate, and supervise the operation and management of airport facilities.

Section 25. That § 50-9-1 be amended to read:

50-9-1. A person or organization that has obtained a Federal Aviation Administration determination of no hazard, shall provide the determination to the commission prior to the start of construction or alteration of any structure that is subject to the jurisdiction of the Federal Aviation Administration.

A violation of this section is a Class 1 misdemeanor.

Section 26. That § 50-9-4 be amended to read:

50-9-4. A person may appeal an action of the commission in accordance with chapter 1-26.

Section 27. That § 50-10-2 be amended to read:

50-10-2. The creation or establishment of an airport hazard is a public nuisance and an injury to

the community or the United States served by the airport and shall be prevented in accordance with this chapter.

Section 28. That § 50-10-5 be amended to read:

50-10-5. Each airport sponsor that is a municipality, county, or political subdivision of the state that has an airport layout plan shall take measures for the protection of airport approaches, and shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions prescribed by this chapter, airport zoning regulations applicable to the area.

Section 29. That § 50-10-6 be amended to read:

50-10-6. The regulations required by § 50-10-5 shall divide the airport layout into zones, and, within each zone, specify the land uses permitted, regulate and restrict the height to which structures and trees may be erected or allowed to grow, prohibit the obstruction by lights, smoke, electronic devices, or any other means, of the safe operation of aircraft near airports, and impose other restrictions and requirements as may be necessary for the protection of the airport. The existing and ultimate runway protection zone as depicted on the airport layout plan shall be zoned to exclude homes and structures that constitute a concentration of people.

Section 30. That § 50-10-14 be amended to read:

50-10-14. The governing body of any political subdivision adopting airport zoning regulations under this chapter may delegate the duty of administering and enforcing the regulations to any administrative agency under its jurisdiction. The administrative agency may not be or include any member of the board of appeals. The agency may not have or exercise any of the powers delegated to the board of appeals.

Section 31. That § 50-10-15 be amended to read:

50-10-15. Airport zoning regulations adopted under this chapter shall provide for the appointment of a board of appeals to:

- (1) Hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this chapter or of any ordinance adopted under this chapter; and
- (2) Hear and decide special exceptions to the terms of the ordinance upon which the board may be required to pass under the ordinance.

If a zoning board of appeals or adjustment already exists, it may be appointed as the board of appeals. The board of appeals shall consist of five members, each appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearing.

Section 32. That § 50-11-9 be amended to read:

50-11-9. The owner or lessee of an aircraft to be operated within this state shall, except as otherwise expressly provided, file with the department on a form furnished by the department, an application for registration of the aircraft. A person who fails to register an aircraft within thirty days after it is operated in this state is guilty of a Class 2 misdemeanor. A person who knowingly makes a false statement of a material fact in the application is guilty of a Class 5 felony. This section does not apply to any sUAS.

Section 33. That § 50-11-19 be amended to read:

50-11-19. In addition to all other registration fees paid to the department, an additional original registration tax of four percent, based upon the purchase price of the aircraft, shall be paid to the department, along with the application for the original registration of an aircraft. For an initial registration of aircraft manufactured and used exclusively for agricultural purposes, the registration tax under this section is three percent.

Aircraft subject to the tax imposed by this chapter are exempt from taxes imposed by chapters 10-45 and 10-46. Aircraft used under a use stamp or dealer certificate, or engaged in regularly scheduled flying consisting of an act of interstate or foreign commerce, are exempt from the taxes

imposed by chapters 10-45 and 10-46.

Failure to pay the registration tax under this section within thirty days after an aircraft is operated in this state is a Class 2 misdemeanor. Failure to pay the registration tax within ninety days of the due date shall result in a civil penalty of one-half percent of the tax due for each month, or portion of the month, until the tax is paid in accordance with this chapter, not to exceed five percent of the tax due. A civil penalty imposed under this section shall be deposited into the aeronautics fund.

Section 34. That § 50-11-19.4 be amended to read:

50-11-19.4. The department shall inform the Department of Revenue of the amount of credit granted under § 50-11-19.3 on a quarterly basis. The Department of Revenue shall transfer to the department, for deposit into the aeronautics fund, the amount of credit granted under § 50-11-19.3. Transfers to the aeronautics fund shall be made on a quarterly basis.

Section 35. That § 50-11-22 be amended to read:

50-11-22. If an aircraft registered under this chapter is sold or transferred, the person in whose name the aircraft is registered shall complete and sign the endorsement on the back of the certificate of registration as prescribed by the department and shall, within seven working days, forward to the department by mail a notice of the sale or transfer including the date and place of the sale or transfer, and the name and address of the purchaser or transferee. A violation of this section is a Class 2 misdemeanor. A person who knowingly makes a false statement of a material fact in the certificate of registration is guilty of a Class 5 felony.

Section 36. That § 50-11-23 be amended to read:

50-11-23. The purchaser or transferee under § 50-11-22 shall, within sixty days, apply to the department for the transfer of the registration of the aircraft to the purchaser's or transferee's name and the issuance of a new certificate of registration. A violation of this section is a Class 2 misdemeanor. A person who knowingly makes a false statement of a material fact in the application

is guilty of a Class 5 felony.

The endorsed certificate of registration is void sixty days after the date of the sale or transfer of the aircraft.

Section 37. That § 50-11-25 be amended to read:

50-11-25. This chapter does not apply to any aircraft and person operating an aircraft that is owned by or used exclusively in the service of the United States, any state or political subdivision of the state, territory, possession of the United States, or the District of Columbia, and that is not engaged in carrying persons or property for commercial purposes.

Section 38. That § 50-11-26 be amended to read:

50-11-26. This chapter does not apply to military aircraft and personnel of the United States government, or any aircraft and personnel licensed by a foreign country with which the United States has reciprocal relations, if the aircraft and personnel are not engaged in any intrastate commercial activity within this state.

Section 39. That § 50-11-27 be amended to read:

50-11-27. Any aircraft of any resident of another state, and any nonresident person, having complied with the registration requirements of that state, may be operated or operate within this state for a period of not more than ninety days in any one year without complying with this chapter if the aircraft or person is not engaged in any intrastate commercial activity within this state, and that under the laws of the state of the person's residence, like exemptions and privileges are granted to aircraft owned by residents of this state and resident persons of this state duly registered under the laws of this state. A nonresident under this section is a person who has not resided within this state for a period of ninety days. Failure to register after ninety days is a Class 1 misdemeanor.

Section 40. That § 50-11-28 be amended to read:

50-11-28. This chapter does not apply to any aircraft, or person operating an aircraft, which is

engaged in regularly scheduled flying constituting an act of interstate or foreign commerce.

Section 41. That § 50-11-29 be amended to read:

50-11-29. This chapter does not apply to any person operating model aircraft, balloons, gliders, or sUAS.

Section 42. That § 50-11-33 be amended to read:

50-11-33. A person is guilty of a Class 5 felony if the person alters, forges, or causes to be altered or forged, a certificate of registration or permit issued under this chapter, or an assignment or endorsement of a certificate of registration or permit, or to hold or use a certificate, assignment, or endorsement knowing it has been altered or forged.

Section 43. That § 50-11-35 be amended to read:

50-11-35. For aircraft leased for thirty-six calendar months or less, the original registration tax of four percent, as required under § 50-11-19, applies only to the scheduled lease payments, excluding fuel, routine maintenance, insurance, and crew, and shall be paid by the lessee at the time payments are made to the lessor. For aircraft leased for more than thirty-six calendar months, by multiple short-term agreements or a long-term agreement, the original registration tax under § 50-11-19 shall be assessed on the market value of the aircraft at the time registration is due as stated in the aircraft bluebook and price digest. The original registration tax shall be paid by the owner of the aircraft. A copy of the lease agreement shall be provided to the department with the application for registration. If the lessee purchases the aircraft during the lease, any amount paid to the department for registration taxes under this chapter shall be credited to taxes required under § 50-11-19. The annual registration fee required under §§ 50-11-12 and 50-11-14 applies for each aircraft under lease.

Section 44. That chapter 50-12 be amended by adding a NEW SECTION to read:

An aircraft dealer's place of business shall have a business name, and the telephone listing shall indicate the business is an aircraft-related place of business. The structure of an aircraft dealer's place

of business shall be used primarily as a place of business for the sale or commercial use of aircraft.

A licensed aircraft dealer may maintain a branch office or subagency in more than one location in this state, if the dealer obtains a separate license for each location. Each application for a branch office or subagency at any location other than the principal place of business shall be submitted in accordance with § 50-12-2.

Section 45. That § 50-12-5 be amended to read:

50-12-5. A dealer's certificate issued under this chapter may be used only by a licensed aircraft dealer for aircraft owned or controlled by the dealer for the purposes of sale, resale, or flight instruction without charge. Use of a certificate for any purpose other than as permitted under this section is a Class 2 misdemeanor.

Section 46. That § 50-12-7 be amended to read:

50-12-7. Upon the sale of any aircraft bearing an aircraft dealer's certificate, the dealer shall comply with §§ 50-11-22 and 50-11-23. If possession of an aircraft is transferred to a new owner, the dealer shall deliver the aircraft dealer's certificate and sales affidavit to the department. The department shall hold the certificate until an application is received from the dealer for transfer to another aircraft. Any person who makes a false statement of a material fact on a sales affidavit under this section is guilty of a Class 1 misdemeanor. Failure to report aircraft purchases and sales as required under this chapter is punishable by a civil penalty equal to the annual registration fee as provided in § 50-11-12. A civil penalty imposed under this section shall be deposited into the aeronautics fund.

Section 47. That § 50-12-9 be amended to read:

50-12-9. Any aircraft subject to registration under an aircraft dealer's certificate for a period exceeding twenty-four months shall be registered in accordance with §§ 50-11-12 and 50-11-19.

Section 48. That § 50-12-13 be amended to read:

50-12-13. The aircraft dealer's license as provided by § 50-12-3 expires on the thirty-first day of January of the second year next succeeding the calendar year in which it was issued. The commercial use stamps as provided by § 50-12-8 expire twenty-four months after they are issued, if a valid dealer's license is in effect. The commercial use stamp expires automatically if the aircraft dealer's license expires or the aircraft dealer no longer holds a valid aircraft dealer's license.

Section 49. That § 1-16J-7 be amended to read:

1-16J-7. For the purpose of protecting and promoting the economic impact of Ellsworth Air Force Base and associated industry, and to promote the health and safety of those living or working near the base, the authority may:

- (1) Have perpetual succession as a body politic and corporate exercising essential public functions;
- (2) Sue and be sued in its own name;
- (3) Have an official seal and alter the seal at will;
- (4) Maintain an office at any place within the state as the authority may designate;
- (5) Make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;
- (6) Borrow money and accept gifts;
- (7) Apply for and use gifts, grants, loans of money, or other property from the United States, the state, a unit of local government, or any person, for any purposes of the authority, and to enter into agreements required in connection with those purposes;
- (8) Hold, use, and dispose of any gift, grant, loan, agreement, or property for any purposes of the authority in accordance with the terms of the gift, grant, loan, agreement, or property;
- (9) Employ fiscal consultants, engineers, attorneys, management service providers, and other

consultants and employees as may be required, and contract with agencies of the state to provide staff and support services;

- (10) Procure insurance against any loss in connection with its property and other assets, including loans, bonds, and notes in amounts and from insurers as the authority deems advisable;
- (11) Hold, control, and acquire by donation or purchase any private or public easements, dedications to public use, platted reservations for private or public purposes, or any reservations for those purposes authorized by this chapter, and make use of such easements, dedications, or reservations for any of the purposes authorized by this chapter;
- (12) Lease to or from any person, firm, limited liability company, corporation, association, or body, public or private, any projects of the type that the authority may undertake and facilities or property of any nature for the use of the authority to carry out any of the purposes authorized by this chapter;
- (13) Borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as authorized by this chapter;
- (14) Procure insurance, letters of credit, guarantees, or other credit enhancement arrangements from any public or private entity, including any department, agency, or instrumentality of the United States or the state, for payment of all or any portion of any bond issued by the authority, including the power to pay premiums, fees, or other charges on any insurance, letters of credit, guarantees, or credit arrangements;
- (15) Receive and accept from any source financial aid or contributions of any grant, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this chapter, subject to the conditions upon which the grant or contribution is made, including a gift or grant from any department, agency, or instrumentality of the United

States for any purpose consistent with this chapter;

- (16) To the extent permitted under its contract with the holders of bonds of the authority, consent to any modification with respect to the rate of interest, time, and payment of any installment of principal or interest, or any other term of any contract, loan, loan note, loan note commitment, contract, lease, or agreement of any kind to which the authority is a party;
- (17) Make loans and grants to, and enter into financing agreements with, any governmental agency or any person for the costs incurred in connection with the development, construction, acquisition, improvement, maintenance, operation, or decommissioning of any facility, or for the maintenance of the physical or structural integrity of real or personal property incorporated or which may be incorporated into the facility, in accordance with a written agreement between the authority and the governmental agency or person. A loan or grant made under this section may not exceed the total cost of the facility as determined by the governmental agency or person, and approved by the authority;
- (18) Cooperate with, and exchange services, personnel, and information with, any governmental agency or political subdivision;
- (19) Enter into agreements for management on behalf of the authority of any of its properties upon such terms and conditions as may be mutually agreeable;
- (20) Sell, exchange, lease, donate, and convey any of its properties in furtherance of the purposes for which the authority is organized;
- (21) Purchase from a willing seller, construct, develop, maintain, hold, lease, license, operate, dispose of, or decommission real and personal property projects, facilities, or any undertaking necessary for establishing compatible land use around Ellsworth Air Force

Base, or generally suitable for protecting or promoting the economic impact on the state of Ellsworth Air Force Base and related industries;

- (22) Indemnify any person or governmental agency for reasonable risks as the authority deems advisable if the indemnification is a condition of a grant, gift, or donation to the authority. Any obligation to indemnify may only be paid from insurance or from revenues of the authority, and the obligation does not constitute a debt or obligation of this state;
- (23) Acquire by eminent domain, in accordance with chapter 21-35, any private property that falls within the boundaries of Ellsworth Air Force Base, or property described in the 1994 United States Department of Defense approved Ellsworth Air Force Base Air Installation Compatible Use Zone Study as a clear zone or an accident potential zone one or two, or property located within the noise contours identified by the study, but only as necessary for the authority's purposes to establish a compatible land use as provided for in the study;
- (24) Cooperate with, or contract with, other governmental agencies or political subdivisions as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this chapter; and
- (25) Construct, purchase, license, lease, or operate a bulk wastewater treatment facility and pipelines necessary to contract for bulk treatment of wastewater generated by Ellsworth Air Force Base, the city of Box Elder, or other authorized sewer utilities generating wastewater in the Box Elder Creek watershed. The authority may not provide wastewater treatment service to any property located within any municipality's subdivision jurisdiction as defined in §§ 11-6-26 and 9-4-14 without first obtaining the municipality's consent.

Section 50. That § 50-2-2.1 be repealed.

Section 51. That § 50-5-4 be repealed.

Section 52. That § 50-6A-1 be repealed.

Section 53. That § 50-9-2 be repealed.

Section 54. That § 50-9-3 be repealed.

Section 55. That § 50-9-5 be repealed.

Section 56. That § 50-10-1 be repealed.

Section 57. That § 50-10-10 be repealed.

Section 58. That § 50-10-11 be repealed.

Section 59. That § 50-10-12 be repealed.

Section 60. That § 50-10-32 be repealed.

Section 61. That § 50-10-34 be repealed.

Section 62. That § 50-10-35 be repealed.

Section 63. That § 50-11-6 be repealed.

Section 64. That § 50-11-8 be repealed.

Section 65. That § 50-11-9.1 be repealed.

Section 66. That § 50-11-10 be repealed.

Section 67. That § 50-11-30 be repealed.

Section 68. That § 50-11-31 be repealed.

Section 69. That § 50-12-1 be repealed.

Section 70. That § 50-12-6 be repealed.

Section 71. That § 50-12-11 be repealed.

Section 72. That § 50-12-15 be repealed.

Section 73. That § 50-12-19 be repealed.

Section 74. That § 50-13-3 be repealed.

Section 75. That § 50-13-4 be repealed.

Section 76. That § 50-13-5 be repealed.

Section 77. That § 50-13-6 be repealed.

Section 78. That § 50-13-7 be repealed.

Section 79. That § 50-13-8 be repealed.

Section 80. That § 50-13-9 be repealed.

Section 81. That § 50-13-15 be repealed.

Section 82. In accordance with § 2-16-9, the Code Commission and Code Counsel of the State Legislative Research Council are requested to transfer chapter 50-3 to title 33.

Section 83. In accordance with § 2-16-9, the Code Commission and Code Counsel of the State Legislative Research Council are requested to transfer chapter 50-8 to title 6.

Section 84. In accordance with § 2-16-9, the Code Commission and Code Counsel of the State Legislative Research Council are requested to transfer §§ 50-10-13 to 50-10-28, inclusive, to title 11.

An Act to revise and repeal provisions regarding aviation.

=====
I certify that the attached Act
originated in the

HOUSE as Bill No. 1071

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1071
File No. _____
Chapter No. _____

=====
Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

=====
The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State