

**OPINION
75-12**

May 13, 1975 (OPINION)

Mr. Robert F. Mowdy
City Attorney
City of Tioga
Tioga, ND 58852

Dear Mr. Mowdy:

This is in response to your letter of 18 April 1975, with regard to members of the local Airport Authority.

You indicate that your city has an Airport Authority, created pursuant to the authority granted in Chapter 2-06 of the North Dakota Century Code.

You inform us that there is no mention in said Chapter 2-06 of any requirement as to residential qualifications of a commissioner of the Airport Authority. You state that Section 2-06-02 merely provides for appointment of five persons as commissioners of the Authority by the City Commission but makes no mention as to any requirement as to residency.

You ask that we give you our opinion as to whether there would be any residency requirement as to residing in the city limits under which the Airport Authority was created and residency requirements as to the county and state.

We assume you are familiar with the provisions of Sections 40-13-01 and 40-13-07. However, you will note that same apply to elective and appointive officers of the city. Section 2-06-02 of the 1973 Supplement to the North Dakota Century Code makes it quite clear that these municipal airport authorities are in their own right, bodies "public," "corporate," and "politic." On such basis we must conclude that they are entities separate and apart from the municipal quasi-corporate entity in this respect. As they are in this respect separate from the municipality, the requirements of said Section 40-13-01 and Section 40-13-07 would not apply to their officers and commissioners.

Also, as they are created by the entire procedure outlined by said Chapter 2-06, without regard to the general corporation laws of the state, those laws also would not apply to the qualification of their commissioners and officers.

It is therefore our conclusion that there are no residency requirements applicable to officers and commissioners of municipal airport authorities.

Sincerely,

ALLEN I. OLSON

Attorney General