

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/7/11 H2/23/11 H3/4/11

A Bill

SENATE BILL 207

5 By: Senators J. Hutchinson, G. Baker, Bledsoe, Files, Fletcher, Holland, Irvin, B. Sample
6 By: Representatives *Carter, J. Burris*, English, Hyde, Johnston, Kerr, King, Stubblefield
7

For An Act To Be Entitled

8
9 *AN ACT TO AMEND THE LAW CONCERNING AIRPORT AUTHORITY;*
10 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*
11

Subtitle

12
13
14 *TO AMEND THE LAW CONCERNING AIRPORT*
15 *AUTHORITY AND TO DECLARE AN EMERGENCY.*
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 14-362-109(19), concerning the powers of a
21 regional airport authority, is amended to read as follows:

22 (19)(A)(i) To fix, revise, charge, and collect tolls, access
23 fees, ground transportation fees, or other fees for vehicular use of any
24 roads or other facilities owned by or providing service to the airport and to
25 contract with any person, partnership, association, corporation, or
26 organization desiring the use of any part of those roads, including the
27 right-of-way adjoining the paved portion for placing their own telephone,
28 telegraph, electric, light, or power lines, motor fuel service stations,
29 garages, restaurants, and other facilities or for any other purpose, and to
30 fix the terms, conditions, rents, and rates of charges for that use.

31 (ii) However, public utilities, rural cooperatives,
32 political subdivisions, and pipeline companies may construct and maintain
33 crossings of roads with their facilities, without charge, if the facilities
34 are constructed and maintained in compliance with reasonable requirements of
35 public safety and all costs of restoring the project to as good a condition
36 as it was before being disturbed are paid by the owners of the facilities.



1 (B)(i) The tolls and fees may be charged and collected
2 from vehicles accessing or departing from the airport, and the authority is
3 empowered to make reasonable tolls and fees in accordance with industry
4 standards and to make reasonable classifications of vehicles for this
5 purpose.

6 (ii)(a) The tolls or fees levied for use of airport
7 roads by private off-facility parking services at an airport located in a
8 county with a population of at least three hundred sixty thousand (360,000)
9 and in a city with a population of at least one hundred seventy-five thousand
10 (175,000) according to the most recent federal decennial census shall not
11 exceed the local sales tax rate of the municipality in which the airport is
12 located.

13 (b) Private off-facility parking services
14 shall have full access to drop off and pick up airport passengers and the
15 same queing access as all commercial shuttles, limos, taxi cabs, airport-
16 owned vans or buses, and valet services.

17 (C) The For an airport located in a county with a
18 population of at least three hundred sixty thousand (360,000) and in a city
19 with a population of at least one hundred seventy-five thousand (175,000)
20 according to the most recent federal decennial census, tolls and fees fixed
21 by the authority shall not be subject to supervision or regulation by any
22 other commission, board, bureau, or agency of the State of Arkansas;

23
24 SECTION 2. Arkansas Code § 14-359-109 is amended to read as follows:
25 14-359-109. Authority of commissioners.

26 (a)(1) *The commissioners appointed under this chapter shall have full*
27 *and complete authority to manage, operate, improve, extend, and maintain the*
28 *municipal airport and its related properties and facilities.*

29 (2) *The commissioners shall have full and complete charge of the*
30 *airport and its related properties and facilities, including the right to*
31 *employ or remove any and all assistants and employees of whatsoever nature,*
32 *kind, or character and to fix, regulate, and pay their salaries.*

33 (b)(1) *It is the intention of this chapter to vest in the*
34 *commissioners unlimited authority to operate, manage, maintain, improve, and*
35 *extend the municipally owned airport and its related properties and*
36 *facilities, and to have full and complete charge of it, including without*

1 limitation the authority to charge and collect tolls and fees from vehicles
2 accessing or departing from the airport, and to make reasonable tolls and
3 fees in accordance with industry standards and to make reasonable
4 classifications of vehicles for this purpose.

5 (2)(A) The tolls or fees levied for use of airport roads by
6 private off-facility parking services at an airport located in a county with
7 a population of at least three hundred sixty thousand (360,000) and in a city
8 with a population of at least one hundred seventy-five thousand (175,000)
9 according to the most recent federal decennial census, shall not exceed the
10 local sales tax rate of the municipality in which the airport is located.

11 (B) Private off-facility parking services shall have full
12 access to drop off and pick up airport passengers and the same queing access
13 as all commercial shuttles, limos, taxi cabs, airport-owned vans or buses,
14 and valet services.

15 (C) For an airport located in a county with a population
16 of at least three hundred sixty thousand (360,000) and in a city with a
17 population of at least one hundred seventy-five thousand (175,000) according
18 to the most recent federal decennial census, tolls and fees fixed by the
19 authority shall not be subject to supervision or regulation by any other
20 commission, board, bureau, or agency of the State of Arkansas.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that some tolls and fees being
24 charged by airports in the state are much higher than the local sales tax
25 rate; that this is inequitable; and that this act is immediately necessary
26 because there is a high potential for an illegal exaction lawsuit against
27 these airports. Therefore, an emergency is declared to exist and this act
28 being immediately necessary for the preservation of the public peace, health,
29 and safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/J. Hutchinson

APPROVED: 03/18/2011