

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/11/99

A Bill

HOUSE BILL 1940

5 By: Representative Hausam
6 By: *Senator Bearden*
7

For An Act To Be Entitled

10 "AN ACT TO AMEND VARIOUS SECTIONS OF THE REGIONAL
11 AIRPORT ACT (ARKANSAS CODE 14-362-101 ET SEQ.) TO
12 AUTHORIZE REGIONAL AIRPORT AUTHORITIES TO DESIGNATE
13 AUTHORITY POLICEMEN, TO BUILD AND MAINTAIN AIRPORT
14 ACCESS ROADS, TO ISSUE BONDS FOR CONSTRUCTION OF
15 AIRPORT ACCESS ROADS, TO COLLECT TOLLS ON AIRPORT
16 ACCESS ROADS, AND TO EXTEND TO ONE HUNDRED TWENTY DAYS
17 THE TIME TO FILE AUDIT REPORTS; AND FOR OTHER
18 PURPOSES. "

Subtitle

20 "TO AMEND VARIOUS SECTIONS OF THE
21 REGIONAL AIRPORT ACT. "
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code 14-362-109 is amended to read as follows:

28 "14-362-109. Powers of authority generally.

29 Each authority is given power and authority as follows:

- 30 (1) To make and adopt all necessary bylaws, rules, and regulations for
31 its organization and operations not inconsistent with law;
- 32 (2) To elect its own officers, to appoint committees, and to employ and
33 fix the compensation for personnel necessary for its operation;
- 34 (3) To enter into contracts with any person, governmental department,
35 firm, or corporation, including both public and private corporations, and
36 generally to do any and all things necessary or convenient for the purpose of

1 acquiring, equipping, constructing, maintaining, improving, extending,
2 financing, and operating a public airport to best serve the region in which it
3 is located;

4 (4) To delegate any authority given to it by law to any of its
5 officers, committees, agents, or employees;

6 (5) To apply for, receive, and use grants-in-aid, donations, and
7 contributions from any source, including, but not limited to, the federal
8 government, or any agency thereof, and the State of Arkansas, or any agency
9 thereof, and to accept and use bequests, devises, gifts, and donations from
10 any person, firm, or corporation;

11 (6) To acquire lands and hold title thereto in its own name;

12 (7) To acquire, own, hold, lease as lessor or as lessee, sell,
13 encumber, dispose of, or otherwise deal in and with any facilities or real,
14 personal, or mixed property, wherever located;

15 (8) To borrow money and execute and deliver negotiable notes, mortgage
16 bonds, other bonds, debentures, and other evidences of indebtedness therefor,
17 and give such security therefor as shall be requisite, including giving a
18 mortgage or deed of trust on its airport properties and facilities in
19 connection with the issuance of mortgage bonds;

20 (9) To raise funds by the issuance and sale of revenue bonds in the
21 manner and according to the terms set forth in this chapter;

22 (10) To expend its funds in the execution of the powers and authorities
23 given in this chapter and to invest and reinvest any of its funds pending need
24 therefor;

25 (11) To apply for, receive, and use loans, grants, donations, technical
26 assistance, and contributions from any regional or area commissions that may
27 be established and any agency of the federal government or the State of
28 Arkansas;

29 (12) To constitute the authority, or a committee thereof, as
30 improvement district commissioners and to create and operate an improvement
31 district, composed of the area encompassed within the jurisdictions of the
32 participating governing bodies, upon the petition of persons claiming to be
33 two-thirds (2/3) in value of the owners of real property in the area, as shown
34 by the last county assessment. The improvement district shall be for the
35 purpose of financing the construction, reconstruction, or repair of the
36 regional airport and its facilities. The creation and operation of an

1 improvement district shall, to the extent consistent with this chapter, be in
2 accordance with the procedures established by the laws of this state for the
3 creation and operation of municipal improvement districts;

4 (13) To enforce all rules, regulations, and statutes relating to its
5 airports, including airport zoning regulations. In this connection, the
6 authority is empowered and authorized to exercise the powers and privileges of
7 the signatory parties under § 14-363-201 et seq. and the board of directors of
8 the authority is designated by the signatory parties as the zoning board for
9 the purposes and powers under these provisions;

10 (14) To levy and collect a tax on aviation fuel sold at an airport or
11 airports of the authority ~~as is provided for in §§ 14-364-101 and 14-364-102;~~

12 (15) To plan, establish, develop, construct, enlarge, improve,
13 maintain, equip, operate, and regulate its airports and auxiliary services and
14 facilities, and to establish minimum building codes and regulations ~~and to~~
15 ~~protect and police the airports of the authority, in cooperation with the law~~
16 ~~enforcement agencies and officers having jurisdiction in the area where the~~
17 ~~facilities of the authority are located;~~

18 (16) To protect and police the airports of the authority, in
19 cooperation with the law enforcement agencies and officers having jurisdiction
20 in the area where the facilities of the authority are located, and to appoint
21 one (1) or more persons to be designated by the authority as an authority law
22 enforcement officer to aid and supplement the law enforcement agencies of this
23 state in the protection of the persons and property of the authority, the
24 authority's passengers and the authority's employees. Each authority law
25 enforcement officer shall have and exercise throughout the property of the
26 authority the power to make arrests for the violations of any law on the
27 property of the authority and to arrest persons, whether on or off the
28 authority's property, for the violation of any law on the authority's
29 property, under the same conditions under which other law enforcement officers
30 or other peace officers may by law make arrests and shall have the authority
31 to carry weapons for the reasonable purposes of the office of authority
32 policemen. Provided, however, each authority law enforcement officer shall be
33 eligible for certification by the Arkansas Law Enforcement Training Academy
34 and shall also be subject to the same certification standards as other law
35 enforcement officers including time limits for certification after being
36 hired;

1 (17) To plan, establish, develop, construct, enlarge, improve and
2 maintain intermodal access roads providing service to the airport together
3 with related auxiliary services and facilities;

4 (18) To fix, revise, charge, and collect tolls for vehicular use of
5 newly constructed intermodal access roads providing service to the airport and
6 to contract with any person, partnership, association, corporation, or
7 organization desiring the use of any part thereof, including the right-of-way
8 adjoining the paved portion for placing their own telephone, telegraph,
9 electric, light or power lines, motor fuel service stations, garages,
10 restaurants, and other facilities or for any other purpose, and to fix the
11 terms, conditions, rents and rates of charges for such use. However, public
12 utilities, rural cooperatives, political subdivisions, and pipeline companies
13 may construct and maintain crossings of intermodal access roads with their
14 facilities, without charge, if the facilities are constructed and maintained
15 in compliance with reasonable requirements of public safety and all costs of
16 restoring the project to as good a condition as it was before being disturbed
17 are paid by the owners of the facilities. The tolls may be charged and
18 collected from vehicles accessing or departing from the airport, and the
19 authority is empowered to make reasonable classifications of vehicles for this
20 purpose. The tolls fixed by the authority shall not be subject to supervision
21 or regulation by any other commission, board, bureau or agency of the state of
22 Arkansas.

23 ~~(16)~~(19) To levy and collect a tax, in an amount not to exceed the
24 maximum amount per passenger allowed by the federal government on the boarding
25 or disembarking of aircraft at the airport or airports of the authority. The
26 tax shall be levied upon and collected from the passengers boarding or
27 disembarking from the aircraft or the airlines operating the aircraft, and the
28 authority is empowered to make reasonable classifications of passengers for
29 this purpose;

30 ~~(17)~~(20) To receive real and personal property from the United States
31 for airport and related purposes, by donation, purchase, lease or otherwise,
32 and subject to such conditions and requirements relating thereto as the United
33 States may require and to which the authority may agree;

34 ~~(18)~~(21) To apply to the proper authorities of the United States
35 pursuant to appropriate law for the right to establish, operate, and maintain
36 foreign trade zones within the area of jurisdiction of the member

1 municipalities and/or counties and to establish, operate, and maintain such
2 foreign trade zones;

3 ~~(19)~~(22) To promote, advertise, and publicize the authority and its
4 facilities; provide information to shippers, operators and other commercial
5 interests; and to represent and promote the interests of the authority; and

6 ~~(20)~~(23) To take such other action, not inconsistent with law, as may
7 be necessary or desirable to carry out the powers and authorities conferred by
8 this chapter and the intent and purposes of it."

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10 SECTION 2. Arkansas Code 14-362-115(c) is amended to read as follows:

11 "(c) The principal of and interest on the bonds may be secured, to the
12 extent set forth in the resolution or indenture securing the bonds, by a
13 pledge of and payable from all or any part of revenues derived from the use of
14 facilities of the authority, including, without limitation:

15 (1) Revenues derived from rates and charges imposed and
16 maintained for the use of facilities of the authority;

17 (2) Revenues derived from taxes levied under § 14-362-109(14) and
18 (16); and

19 (3) Lease rentals under leases or payments under security
20 agreements or other instruments entered into under this chapter.

21 (4) Revenues derived from tolls imposed upon vehicles utilizing
22 intermodal access roads providing service to the airport and revenues derived
23 from related auxiliary services and facilities."

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25 SECTION 3. Arkansas Code 14-362-124(b)(1) is amended to read as
26 follows:

27 "(b)(1) Within ~~sixty (60)~~ one hundred twenty (120) days after the end
28 of each fiscal year, each authority shall cause an annual audit to be made by
29 an independent certified public accountant and shall file a copy of the
30 resulting audit report with each of the governing bodies participating in the
31 authority. This audit shall contain an itemized statement of its receipts and
32 disbursements for the preceding year."

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34 SECTION 4. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
36 Revision Commission shall incorporate the same in the Code.

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SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the Eighty-second General Assembly that the current laws relating to the authority and responsibilities of regional airport authorities are unduly restrictive and render such authorities incapable of carrying out their responsibilities as prescribed by law; that this act is designed to clarify and expand the powers of such authorities and to thereby enable them to effectively and efficiently carry out their legal responsibilities and should be given effect immediately. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

/s/ Hausam