

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: H3/29/99

A Bill

SENATE BILL 763

5 By: Senators D. Malone, Bisbee
6
7

For An Act To Be Entitled

9 "AN ACT TO EXEMPT REGIONAL AIRPORT AUTHORITIES FROM
10 ANNEXATION BY ANY MUNICIPALITY; AND FOR OTHER
11 PURPOSES. "

Subtitle

14 "AN ACT TO EXEMPT REGIONAL AIRPORT
15 AUTHORITIES FROM ANNEXATION BY ANY
16 MUNICIPALITY. "

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Title 14, Chapter 362, Subchapter 1 of the Arkansas Code is
22 amended by adding the following section to be appropriately numbered by the
23 Arkansas Code Revision Commission:

24 "Exemption from annexation and municipal regulation.

25 (a) For purposes of this section, 'authority' means an authority
26 created with members from two (2) or more counties and three (3) or more
27 cities, and the property of the authority shall be defined as the real
28 property owned in fee simple title by the authority or property acquired in
29 fee simple title by the authority in the future which is contiguous to the
30 property of the authority and is acquired for aviation purposes.

31 (b) The property and operations of an authority shall be exempt from
32 the enactment of any rules, regulations, ordinances, permit requirements and
33 enforcement by the municipality. A municipality may enact and collect a sales
34 tax, a liquor tax, and a hotel, motel and restaurant tax on the operations
35 located on the property of the authority, but other taxes or fees enacted by
36 municipality pertaining to the property or operations of the authority shall

1 require the approval of a majority vote of the board of directors of the
2 authority.

3 (c) If a municipality in which the property of an authority is located
4 merges with or is annexed or consolidated by another municipality, an
5 authority may de-annex from the municipality upon a majority vote of the board
6 of directors of the authority."

7
8 SECTION 2. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

11
12 SECTION 3. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

17
18 SECTION 4. All laws and parts of laws in conflict with this act are
19 hereby repealed.

20
21 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
22 Eighty-second General Assembly that present law is unclear as to the authority
23 of municipalities to annex regional airport property; that the ownership and
24 control of regional airports should remain with the regional airport
25 authorities; that this act clarifies the law; and that this act should go into
26 effect as soon as possible in order to prevent litigation and detrimental
27 outcomes. Therefore, an emergency is declared to exist and this act being
28 immediately necessary for the preservation of the public peace, health and
29 safety shall become effective on the date of its approval by the Governor. If
30 the bill is neither approved nor vetoed by the Governor, it shall become
31 effective on the expiration of the period of time during which the Governor
32 may veto the bill. If the bill is vetoed by the Governor and the veto is
33 overridden, it shall become effective on the date the last house overrides the
34 veto.

35 /s/ D. Malone, et al
36