

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/13/23

A Bill

SENATE BILL 379

5 By: Senators M. Johnson, Hester
6 By: Representatives Achor, McCollum, Hawk
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE CREATION AND
10 AUTHORITY OF A MUNICIPAL AIRPORT COMMISSION; TO
11 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING THE CREATION
16 AND AUTHORITY OF A MUNICIPAL AIRPORT
17 COMMISSION; AND TO DECLARE AN EMERGENCY.
18
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 *SECTION 1. Arkansas Code § 14-359-104 is amended to read as follows:*
23 *14-359-104. Creation of commission.*

24 *(a) ~~Any~~ A city affected by and desiring to avail itself of the*
25 *benefits of this chapter shall enact by a majority vote of the elected and*
26 *qualified members of its city council or other governing body an ordinance*
27 *creating an airport commission to be composed of seven (7) citizens who are*
28 *qualified electors of the state.*

29 *(b)(1) At least ~~one (1)~~ two (2) of the members shall be fully*
30 *experienced in aviation, with one (1) of the two (2) members holding some*
31 *type of pilot aeronautical rating.*

32 *(2) If ~~there is not any~~ an application for membership on the*
33 *commission is not submitted by a qualified citizen experienced in aviation*
34 *and holding some type of pilot aeronautical rating as required under*
35 *subdivision (b)(1) of this section, then the city council or other governing*
36 *body may waive this requirement.*



1 (c) No more than one (1) member of the commission may have financial
2 dealings or interests in an aeronautical enterprise while a member of the
3 commission.

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5 SECTION 2. Arkansas Code § 14-359-105(a) and (b), concerning the
6 appointment of commissioners to a municipal airport commission, is amended to
7 add an additional subdivision to read as follows:

8 (a)(1) The commissioners shall be appointed by the mayor and confirmed
9 by a three-fourths (3/4) vote of the elected and qualified members of the
10 city council or other governing body.

11 (2) In municipalities located in a metropolitan statistical area
12 designated by the United States Bureau of the Census having a population of
13 one million (1,000,000) or more according to the most recent federal
14 decennial census, the commissioners shall be appointed by the mayor and
15 confirmed by a simple majority vote of the elected and qualified members of
16 the city council or other governing body.

17 (b)(1) The commissioners first appointed and confirmed shall serve
18 terms of one (1), two (2), three (3), four (4), and five (5) years, with two
19 (2) commissioners serving terms of four (4) years and two (2) commissioners
20 serving terms of five (5) years. The terms shall be designated by the mayor.

21 (2) Upon the expiration of their respective terms, their
22 successors shall be appointed by the mayor, subject to the approval of the
23 city council or other governing body, for terms of five (5) years.

24 (3) In a municipality with a municipal airport that is
25 nationally ranked in the top one hundred twenty-five (125) airports in the
26 Federal Aviation Administration’s annual report, based on Annual Enplanements
27 at All Airports (Primary, Nonprimary Commercial Service, and General
28 Aviation), the commissioners shall be:

29 (A) Appointed by the mayor or any of the elected and
30 qualified members of the city council or other governing body;

31 (B) Confirmed by a three-fourths (3/4) vote of the elected
32 and qualified members of the city council or other governing body; and

33 (C) Appointed by the Governor in the event that a
34 commissioner appointment exceeds forty-five (45) days of vacancy.

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36 SECTION 3. Arkansas Code § 14-359-106 is amended to read as follows:

1 14-359-106. Removal of commissioners.

2 Any commissioner appointed by the provisions of this chapter may be
3 removed upon a three-fourths ($\frac{3}{4}$) vote of the elected and qualified members of
4 the city council or other governing body.

5
6 SECTION 4. Arkansas Code § 14-359-107 is amended to read as follows:

7 14-359-107. Salary of commissioners.

8 The city council or other governing body shall have authority to fix
9 and prescribe the salaries to be paid to the commissioners.

10
11 SECTION 5. Arkansas Code § 14-359-108 is amended to read as follows:

12 14-359-108. Meetings of commission.

13 The commissioners shall meet at least monthly, but other meetings may
14 be held at any time by the commission or upon the call of the mayor and city
15 council or other governing body.

16
17 SECTION 6. Arkansas Code § 14-359-109(a), concerning the authority of
18 a municipal airport commission, is amended to add an additional subdivision
19 to read as follows:

20 (3) The commissioners appointed to a commission for a municipal
21 airport that is nationally ranked in the top one hundred twenty-five (125)
22 airports in the Federal Aviation Administration's annual report, based on
23 Annual Enplanements at All Airports (Primary, Nonprimary Commercial Service,
24 and General Aviation), shall:

25 (A) Have the authority to improve, extend, and maintain
26 the municipal airport and its related property and facilities;

27 (B) Review and approve all contracts involving the
28 municipal airport that are seventy-five thousand dollars (\$75,000) or more
29 before the execution of the contract; and

30 (C)(i) Be in charge of the airport as it relates to
31 properties and facilities, including without limitation the:

32 (a) Employment and removal of the executive
33 director of the municipal airport; or

34 (b) Determination of the salary, compensation
35 package, and bonus of the executive director of the municipal airport.

36 (ii) A municipal airport commission shall not have

1 authority over the employment or removal of an employee of a municipal
2 airport other than the executive director of a municipal airport under
3 subdivision (a)(3)(C)(i) of this section.
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5 SECTION 7. Arkansas Code § 14-359-110(a), concerning the vesting of
6 authority to the commissioners, is amended to read as follows:

7 (a) Upon the appointment of the commissioners as provided in this
8 chapter, the mayor and city council or other governing body shall execute
9 ~~such~~ the instruments and enact ~~such~~ the measures as may be necessary to vest
10 complete charge of the municipally owned airport and its related properties
11 and facilities in the commissioners appointed.
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13 SECTION 8. Arkansas Code § 14-359-115 is amended to read as follows:
14 14-359-115. Additional powers of commissioners.

15 (a) The commissioners shall, in addition to the other powers
16 enumerated in this chapter, have such other and further powers as are by law
17 given to the city council or other governing body of any city.

18 (b) The commissioners shall be governed by all existing statutes
19 pertaining to the duties of city councils or other governing bodies.
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21 SECTION 9. Arkansas Code § 14-359-118(a), concerning records of
22 revenues and expenditures of airports help by the commission, is amended to
23 read as follows:

24 (a) The commissioners shall keep a record of all revenues and
25 expenditures of the airport and its related properties and facilities and
26 shall submit monthly reports to the mayor and city council or other governing
27 body.

28 SECTION 10. Arkansas Code § 14-359-118(c), concerning records, data,
29 and information held by the commission, is amended to read as follows:

30 (c) The commissioners shall also furnish such other and further
31 reports, data, and information as may be requested by the mayor or city
32 council or other governing body.
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34 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that a municipal airport commission
36 has the authority to manage, operate, improve, extend, and maintain a

1 municipal airport and its related properties and facilities; that a
2 commissioner vacancy on a municipal airport commission delays the
3 commission's ability to vote on procurement matters and all other management
4 and operational functions necessary to efficiently operate a municipal
5 airport; and that there have been vacancies in the state that cannot be
6 filled under the current commissioner appointment requirements established by
7 law. Therefore, an emergency is declared to exist, and this act being
8 immediately necessary for the preservation of the public peace, health, and
9 safety shall become effective on:

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

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

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

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17 /s/M. Johnson
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