

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/13/23
A Bill

SENATE BILL 379

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

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE CREATION
AND AUTHORITY OF A MUNICIPAL AIRPORT
COMMISSION; AND TO DECLARE AN EMERGENCY.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

14-359-106. Removal of commissioners.

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

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

14-359-107. Salary of commissioners.

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

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

14-359-108. Meetings of commission.

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

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

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

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

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

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

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

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

(ii) A municipal airport commission shall not have

authority over the employment or removal of an employee of a municipal airport other than the executive director of a municipal airport under subdivision (a)(3)(C)(i) of this section.

SECTION 7. Arkansas Code § 14-359-110(a), concerning the vesting of authority to the commissioners, is amended to read as follows:

(a) Upon the appointment of the commissioners as provided in this chapter, the mayor and city council or other governing body shall execute ~~such~~ the instruments and enact ~~such~~ the measures as may be necessary to vest complete charge of the municipally owned airport and its related properties and facilities in the commissioners appointed.

SECTION 8. Arkansas Code § 14-359-115 is amended to read as follows:
14-359-115. Additional powers of commissioners.

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

(b) The commissioners shall be governed by all existing statutes pertaining to the duties of city councils or other governing bodies.

SECTION 9. Arkansas Code § 14-359-118(a), concerning records of revenues and expenditures of airports help by the commission, is amended to read as follows:

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

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

(c) The commissioners shall also furnish such other and further reports, data, and information as may be requested by the mayor or city council or other governing body.

SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that a municipal airport commission has the authority to manage, operate, improve, extend, and maintain a

municipal airport and its related properties and facilities; that a commissioner vacancy on a municipal airport commission delays the commission's ability to vote on procurement matters and all other management and operational functions necessary to efficiently operate a municipal airport; and that there have been vacancies in the state that cannot be filled under the current commissioner appointment requirements established by law. 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:

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

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

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

/s/M. Johnson