

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 1139

5 By: Senator Rapert  
6

## For An Act To Be Entitled

8 AN ACT TO REQUIRE COUNTIES, CITIES, AND TOWNS TO  
9 PROVIDE NOTICE OF PROPOSED AIRPORT DEVELOPMENTS; TO  
10 REGULATE AIRPORT COMMISSIONS; AND FOR OTHER PURPOSES.  
11

## Subtitle

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13  
14 TO REQUIRE COUNTIES, CITIES, AND TOWNS TO  
15 PROVIDE NOTICE OF PROPOSED AIRPORT  
16 DEVELOPMENTS AND TO REGULATE AIRPORT  
17 COMMISSIONS.  
18

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 14-358-101 is amended to read as follows:  
23 14-358-101. Authorization.

24 ~~Any~~ Subject to this chapter and the Multijurisdictional Airport  
25 Commission Act, § 14-375-101 et seq., a county in this state may acquire,  
26 own, operate, and maintain an airport or flying field in that county and may  
27 make, build, and construct all improvements at the airport or flying field as  
28 may be deemed necessary for the proper operation thereof.  
29

30 SECTION 2. Arkansas Code Title 14, Chapter 358, Subchapter 1 is  
31 amended to add two additional sections to read as follows:

32 14-358-103. Notice requirements.

33 (a) As used in this section, "airport development" means the  
34 construction of one (1) or more of the following:

35 (1) A new airport;

36 (2) A new runway; or



1           (3) A major runway extension.

2           (b)(1) Before beginning construction of an airport development, a  
3 county that is planning an airport development under this chapter shall  
4 provide notice of the opportunity for a public hearing by mail to all persons  
5 residing within two (2) miles of the location of the planned airport  
6 development.

7           (2) The notification required in subdivision (b)(1) of this  
8 section shall:

9                   (A) State the intent of the county to undertake the  
10 proposed airport development;

11                   (B) Describe the proposed airport development and its  
12 location;

13                   (C) State that the purpose of a hearing is to address the  
14 following:

15                           (i) The proposed airport development;

16                           (ii) The potential economic, social, and  
17 environmental impact of the proposed airport development; and

18                           (iii) The proposed airport development's consistency  
19 with the goals and objectives of each affected area's land use or planning  
20 strategy;

21                   (D)(i) State the location and time at which any  
22 environmental assessments or environmental impact statements for the proposed  
23 airport development will be available for public review.

24                           (ii) Each environmental assessment and environmental  
25 impact statement shall be available for public review at least thirty (30)  
26 days before the hearing occurs; and

27                   (E) State that a recipient of the notice has fifteen (15)  
28 days from the date the notice is issued to request a hearing.

29           (c)(1) If a request for a public hearing is not received under  
30 subsection (b) of this section, then the chief executive officer of the  
31 county shall certify that the required notice was sent and no requests were  
32 received.

33           (2) If a public hearing is not held, the county shall consider  
34 any potential negative economic, social, and environmental impact of the  
35 proposed airport development on all persons residing within two (2) miles of  
36 the location of the proposed airport development.

1       (d)(1) When a public hearing has been requested, the county shall  
2 provide notice of the hearing by mail to all persons residing within two (2)  
3 miles of the location of the planned airport development.

4       (2) The notification required in subdivision (d)(1) of this  
5 section shall:

6               (A) Be mailed at least thirty (30) days before the date  
7 the hearing will occur;

8               (B) Include the information required under subdivisions  
9 (b)(2)(A)-(D) of this section;

10              (C) State the date, time, and location of the hearing;

11              (D) List the potentially affected environmental resources  
12 based on the obtained environmental assessments and environmental impact  
13 statements; and

14              (E) State that an interested person may send a written  
15 comment to the chief executive officer of the county within ten (10) days  
16 following the date of the hearing.

17       (e) The requirements in this section are supplemental to and do not  
18 replace any other notification requirements under Arkansas law or federal  
19 law.

20       (f) A county is responsible for all costs associated with providing  
21 the notice required under this section.

22  
23       14-358-104. Cooperation with other political subdivisions.

24       (a) As used in this section, "airport development" is defined the same  
25 as in § 14-358-103.

26       (b)(1) If a proposed airport development will have a potential  
27 economic, social, or environmental impact on residents outside of the county,  
28 city, or town sponsoring the airport development, the sponsoring county shall  
29 cooperate with the governing body of the county, city, or town in which the  
30 affected persons reside in planning the airport development.

31              (2)(A) A county shall certify to the Arkansas Department of  
32 Aeronautics Commission that it has complied with the requirements in this  
33 section and the notice requirements of § 14-358-103.

34              (B) A county that does not comply with the requirement in  
35 subdivision (b)(1) of this section is not eligible to receive matching funds  
36 for the airport development from the commission or any state agency.

1                   (C) A person who contests a county's certification under  
 2 this subsection (b) shall notify the commission in writing at or before the  
 3 commission's hearing on the proposed grant to the county.

4  
 5           SECTION 3. Arkansas Code § 14-360-101 is amended to read as follows:  
 6           14-360-101. Municipal airports authorized.

7           ~~Cities~~ Subject to this chapter and the Multijurisdictional Airport  
 8 Commission Act, § 14-375-101 et seq., cities of the first and second class  
 9 and incorporated towns in the State of Arkansas may acquire and own airports  
 10 or flying fields, which may be located either within or without the corporate  
 11 limits of the cities or towns.

12  
 13           SECTION 4. Arkansas Code Title 14, Chapter 360, Subchapter 1 is  
 14 amended to add two additional sections to read as follows:

15           14-360-106. Notice requirements.

16           (a) As used in this section, "airport development" means the  
 17 construction of one (1) or more of the following:

18                   (1) A new airport;

19                   (2) A new runway; or

20                   (3) A major runway extension.

21           (b)(1) Before beginning construction of an airport development, a city  
 22 of the first class, a city of the second class, or an incorporated town that  
 23 is planning an airport development under this chapter shall provide notice of  
 24 the opportunity for a public hearing by mail to all persons residing within  
 25 two (2) miles of the location of the planned airport development.

26           (2) The notification required in subdivision (b)(1) of this  
 27 section shall:

28                   (A) State the intent of the city of the first class, city  
 29 of the second class, or incorporated town to undertake the proposed airport  
 30 development;

31                   (B) Describe the proposed airport development and its  
 32 location;

33                   (C) State that the purpose of a hearing is to address the  
 34 following:

35                           (i) The proposed airport development;

36                           (ii) The potential economic, social, and

1 environmental impact of the proposed airport development; and

2 (iii) The proposed airport development's consistency  
3 with the goals and objectives of each affected area's land use or planning  
4 strategy;

5 (D)(i) State the location and time at which any  
6 environmental assessments or environmental impact statements for the proposed  
7 airport development will be available for public review.

8 (ii) Each environmental assessment and environmental  
9 impact statement shall be available for public review at least thirty (30)  
10 days before the hearing occurs; and

11 (E) State that a recipient of the notice has fifteen (15)  
12 days from the date the notice is issued to request a hearing.

13 (c)(1) If a request for a public hearing is not received under  
14 subsection (b) of this section, then the chief executive officer of the city  
15 of the first class, city of the second class, or incorporated town shall  
16 certify that the required notice was sent and no requests were received.

17 (2) If a public hearing is not held, the city of the first  
18 class, city of the second class, or incorporated town shall consider any  
19 potential negative economic, social, and environmental impact of the proposed  
20 airport development on all persons residing within two (2) miles of the  
21 location of the proposed airport development.

22 (d)(1) When a public hearing has been requested, the city of the first  
23 class, city of the second class, or incorporated town shall provide notice of  
24 the hearing by mail to all persons residing within two (2) miles of the  
25 location of the planned airport development.

26 (2) The notification required in subdivision (d)(1) of this  
27 section shall:

28 (A) Be mailed at least thirty (30) days before the date  
29 the hearing will occur;

30 (B) Include the information required under subdivisions  
31 (b)(2)(A)-(D) of this section;

32 (C) State the date, time, and location of the hearing;

33 (D) List the potentially affected environmental resources  
34 based on the obtained environmental assessments and environmental impact  
35 statements; and

36 (E) State that an interested person may send a written

1 comment to the chief executive officer of the city of the first class, city  
2 of the second class, or incorporated town within ten (10) days following the  
3 date of the hearing.

4 (e) The requirements in this section are supplemental to and do not  
5 replace any other notification requirements under Arkansas law or federal  
6 law.

7 (f) A city of the first class, a city of the second class, or an  
8 incorporated town is responsible for all costs associated with providing the  
9 notice required under this section.

10  
11 14-360-107. Cooperation with other political subdivisions.

12 (a) As used in this section, "airport development" is defined the same  
13 as in § 14-360-106.

14 (b)(1) If a proposed airport development will have a potential  
15 economic, social, or environmental impact on residents outside of the city of  
16 the first class, city of the second class, or incorporated town sponsoring  
17 the airport development, the sponsoring city of the first class, city of the  
18 second class, or incorporated town shall cooperate with the governing body of  
19 the county, city, or town in which the affected persons reside in planning  
20 the airport development.

21 (2)(A) A city of the first class, a city of the second class, or  
22 an incorporated town shall certify to the Arkansas Department of Aeronautics  
23 Commission that it has complied with the requirements in this section and the  
24 notice requirements of § 14-360-106.

25 (B) A city of the first class, a city of the second class,  
26 or an incorporated town that does not comply with the requirement in  
27 subdivision (b)(1) of this section is not eligible to receive matching funds  
28 for the airport development from the commission or any state agency.

29 (C) A person who contests the certification under this  
30 subsection (b) of a city of the first class, a city of the second class, or  
31 an incorporated town shall notify the commission in writing at or before the  
32 commission's hearing on the proposed grant to the city of the first class,  
33 city of the second class, or incorporated town.

34  
35 SECTION 5. Arkansas Code Title 14 is amended to add an additional  
36 chapter to read as follows:

1 Chapter 375

2 Multijurisdictional Airport Commissions

3  
4 14-375-101. Title.

5 This chapter shall be known as the "Multijurisdictional Airport  
6 Commission Act".

7  
8 14-375-102. Applicability.

9 This chapter shall apply to:

10 (1) A county or municipality constructing an airport development  
11 on or after January 1, 2012; and

12 (2) A county or municipality that has a portion of its property  
13 located in the impact area of an airport development constructed on or after  
14 January 1, 2012.

15  
16 14-375-103. Integration with other applicable laws.

17 (a) This chapter shall be interpreted and construed to make uniform as  
18 far as possible the laws and regulations of this state and other states and  
19 of the government of the United States having to do with the subject of  
20 county and municipal airports.

21 (b) This chapter is cumulative of and in addition to all laws of the  
22 state on this subject.

23  
24 14-375-104. Definitions.

25 As used in this chapter:

26 (1) "Airport development" means the construction by a county or  
27 municipality of one (1) or more of the following:

28 (A) A new airport;

29 (B) A new runway; or

30 (C) A major runway extension;

31 (2) "Multijurisdictional impact area" means the impact area of  
32 an airport development that affects at least one (1) county or municipality  
33 other than the county or municipality constructing the airport development,  
34 as shown by the overlay district, impact area, or similar map of the airport  
35 development; and

36 (3) "Municipality" means a city of the first class, a city of

1 the second class, and an incorporated town.

2  
3 14-375-105. Creation of commission.

4 (a)(1) A county or municipality that constructs an airport development  
5 with a multijurisdictional impact area shall enact by a majority vote of its  
6 governing body an ordinance or order creating an airport commission to be  
7 composed of at least seven (7) but no more than fifteen (15) citizens who are  
8 qualified electors of the jurisdictions the members are appointed to  
9 represent.

10 (2) If an airport development with a multijurisdictional impact  
11 area is an improvement to an existing airport or its relative properties and  
12 facilities and a commission for the airport already exists, the existing  
13 commission shall be reorganized to comply with this chapter.

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

17 (c)(1) Each county or municipality that has a portion of its property  
18 located within the multijurisdictional impact area of the airport development  
19 may have at least one (1) member elected from its jurisdiction on the  
20 commission.

21 (2) However, except for the county or municipality constructing  
22 the airport development, each county or municipality shall have  
23 representation on the commission only if the governing body of the county or  
24 municipality provides for the participation of the county or municipality by  
25 ordinance or order.

26 (d) If at least one (1) county or municipality elects to participate  
27 in the commission under subsection (c) of this section, all of the  
28 participating counties and municipalities, including the county or  
29 municipality constructing the airport development, shall enter into an  
30 agreement establishing the terms and conditions for the creation and  
31 operation of the commission within the limitations provided in this chapter  
32 and Arkansas law.

33  
34 14-375-106. Appointment of commissioners.

35 (a)(1) The number of members of the commission that each county and  
36 municipality participating under § 14-375-105 is entitled to appoint to the



1 commission shall be stated in the agreement required under § 14-375-105(d).

2 (2) However, each participating county and municipality is  
3 entitled to appoint at least one (1) member of the commission.

4 (b) The chief executive officer of each participating municipality and  
5 the county judge of each participating county shall make the appointments  
6 allotted under this chapter and in accordance with the agreement required  
7 under § 14-375-105(d).

8 (c)(1) The members of the commission first appointed and confirmed  
9 shall serve staggered terms as provided in the agreement entered into under §  
10 14-375-105(d), with at least one-third (1/3) of the members of the commission  
11 serving six-year terms, at least one-third (1/3) of the members of the  
12 commission serving four-year terms, and at least one-third (1/3) of the  
13 members of the commission serving two-year terms.

14 (2) Each succeeding appointment shall be for a six-year term.

15 (d) Each member of the commission shall be a bona fide resident and  
16 qualified elector of the county or municipality that the member represents.

17 (e) Each member of the commission shall file the oath required by law  
18 in the state.

19 (f) In the event of a vacancy occurring on the commission, the chief  
20 executive officer of the county or municipality that the member of the  
21 commission represented shall appoint another person to fill the unexpired  
22 portion of the term of the member.

23  
24 14-375-107. Removal of a member of the commission.

25 (a) A member of the commission appointed by the provisions of this  
26 chapter may be removed as provided in the agreement required under § 14-375-  
27 105(d).

28 (b) However, a member of the commission may be removed only for cause  
29 and only after a hearing in which the member proposed to be removed is given  
30 reasonable notice and an opportunity to appear.

31  
32 14-375-108. Salary of members of the commission.

33 The compensation provided to members of the commission, if any, shall  
34 be stated in the agreement required under § 14-375-105(d).

35  
36 14-375-109. Meetings of commission.

1       (a) The commission shall meet at least quarterly.

2       (b) The agreement required under § 14-375-105(d) shall state any  
3 further requirements for meetings of the commission.

4  
5       14-375-110. Authority of members of the commission.

6       (a)(1) The members of the commission appointed under this chapter  
7 shall have full and complete authority to manage, operate, improve, extend,  
8 and maintain the airport development and its related properties and  
9 facilities.

10       (2) The members of the commission shall have full and complete  
11 charge of the airport development and its related properties and facilities,  
12 including without limitation the right to:

13               (A) Establish charges and fees for the services and  
14 facilities of the airport development and to collect, handle, and disburse  
15 all revenues derived therefrom;

16               (B) Contract; and

17               (C) Employ and remove assistants and employees and to fix,  
18 regulate, and pay their compensation.

19       (b) It is the intention of this chapter to vest in the commission  
20 unlimited authority to operate, manage, maintain, improve, and extend the  
21 airport development and its related properties and facilities and to have  
22 full and complete charge of it.

23       (c) The authority granted in this section is subject to any  
24 limitations stated in the agreement required under § 14-375-105(d).

25  
26       14-375-111. Estimate of costs.

27       (a) Annually, before the counties and municipalities prepare their  
28 budgets, the commission shall submit to the governing body of each  
29 participating county and municipality the amount of funds above the estimated  
30 revenue and the funds remaining on hand that is necessary for the  
31 maintenance, operation, and management of the commission and the airport  
32 development and its related properties and facilities.

33       (b) The agreement required under § 14-375-105(d) may state additional  
34 requirements regarding the commission's budget, costs, and expenses.

35  
36       14-375-112. Creation of multijurisdiction fund.

1       (a)(1) For the purpose of providing the commission with moneys for the  
2 necessary expenditures in carrying out the provisions of this chapter, a  
3 multi-jurisdictional fund shall be created and maintained, and the share of  
4 each of the participating counties and municipalities as provided by the  
5 agreement required under § 14-375-105(d) shall be deposited into the fund.

6       (2) Each participating county and municipality shall provide its  
7 share of the fund from sources available to each.

8       (b) Disbursements from the fund shall be made by order of the  
9 commission subject to any limitations prescribed in the agreement required  
10 under § 14-375-105(d).

11       (c) Any federal, state, or other contributions or loans, the revenues  
12 obtained from the ownership, control, and operation of an airport development  
13 under the jurisdiction of the commission, and any costs not related to the  
14 operation and maintenance of the commission shall be handled in accordance  
15 with the agreement required under § 14-375-105(d).

16  
17       14-375-113. Rules.

18       (a) The commission shall adopt rules as necessary and expedient for  
19 the proper operation and management of the commission, the airport  
20 development, and the airport development's related properties and facilities.

21       (b) The commission shall comply with, or cause to be complied with,  
22 all civil air regulations of the federal and state government as to air  
23 worthiness, certification, and operation of aircraft.

24  
25       14-375-114. Additional powers of the commission.

26       The commission shall, in addition to the other powers enumerated in  
27 this chapter, have other powers as are given in the agreement required under  
28 § 14-375-105(d).

29  
30       14-375-115. Enforcement.

31       A county or municipality affected by a violation under this chapter may  
32 institute legal proceedings, including without limitation the seeking of an  
33 injunction, against the county or municipality owning the airport  
34 development.