

HB0453S01 compared with HB0453

~~deleted text~~ shows text that was in HB0453 but was deleted in HB0453S01.

Inserted text shows text that was not in HB0453 but was inserted into HB0453S01.

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Representative Kim F. Coleman proposes the following substitute bill:

AIRPORT BOARD REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires certain municipalities, counties, or airport authorities that own airports in another municipality or county to maintain an advisory board.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires certain municipalities, counties, or airport authorities that own airports in another municipality or county to maintain an advisory board;
- ▶ provides for membership on the advisory board;
- ▶ provides for selection of a chair of the advisory board;
- ▶ provides for transition and terms of board members;
- ▶ allows municipalities or counties where an extraterritorial airport is located to create

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an extraterritorial airport advisory board;

- ▶ ~~{provides}~~ allows an advisory role for selection of a fixed base operator for each airport; and
- ▶ requires a report to the Transportation Interim Committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

72-10-203.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **72-10-203.5** is enacted to read:

72-10-203.5. Advisory boards of airports and extraterritorial airports.

(1) For purposes of this section:

(a) "Airport owner" means the municipality, county, or airport authority that owns one or more airports.

(b) "Extraterritorial airport" means an airport, including the airport facilities, real estate, or other assets related to the operation of an airport, outside the municipality or county and within the boundary of a different municipality or county.

(2) (a) If an airport owner that owns an international airport also owns one or more extraterritorial airports, the airport owner shall create and maintain an advisory board as described in this section.

(b) The advisory board shall advise and consult the airport owner according to the process set forth in ordinance, rule, or regulation of the airport owner.

(3) (a) An advisory board described in Subsection (2) shall consist of 11 members, appointed as follows:

(i) one individual from each of municipality or county in which an extraterritorial airport is located, appointed:

(A) according to an ordinance or policy in place in each municipality or county for

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appointing individuals to a board, if any; or

(B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the chief executive officer of the municipality or county, with advice and consent from the legislative body of the municipality or county in which the extraterritorial airport is located; and

(ii) as many individuals as necessary, appointed by the chief executive officer of the airport owner, with advice and consent from the legislative body of the airport owner, when added to the individuals appointed under Subsection (3)(a)(i), to equal eleven total members on the advisory board.

(b) The airport owner shall ensure that members of the advisory board have the following qualifications:

(i) at least one member with experience in commercial or industrial construction projects with a budget of at least \$10,000,000; and

(ii) at least one member with experience in management and oversight of an entity with an operating budget of at least \$10,000,000.

~~{ (c) The airport owner shall ensure that no member of the advisory board, or the member's immediate family, is or has an affiliation in the capacities below with a contractor or concessionaire that does business with the airport:~~

~~— (i) an owner;~~

~~— (ii) a shareholder owning more than a 10% interest; or~~

~~— (iii) an attorney of counsel for the business entity.~~

‡ (4) (a) (i) Except as provided in Subsections (4)(b) and (6)(b), the term of office for members of the advisory board shall be four years or until a successor is appointed, qualified, seated, and has taken the oath of office.

(ii) A member of the advisory board may serve two terms.

(b) When a vacancy occurs on the board for any reason, the replacement shall be appointed according to the procedures set forth in Subsection (3) for the member who vacated the seat, and the replacement shall serve for the remainder of the unexpired term.

(5) The advisory board shall select a chair of the advisory board.

(6) (a) For an airport owner that owns and operates an extraterritorial airport as of March 9, 2017, that has an advisory board in place, the members of the advisory board may complete the member's respective current term on the advisory board.

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(b) After March 9, 2017, and upon expiration of the current term of each member of the advisory board serving as of March 9, 2017, the airport owner shall ensure that the membership of the advisory board transitions to reflect the requirements of this section.

(7) For the selection of a fixed base operator for an extraterritorial airport, the extraterritorial airport advisory boards created according to Subsection (8) ~~shall~~ may advise the request for ~~proposal~~ proposals process for the fixed base operator for the respective extraterritorial airport.

(8) (a) The chief executive officer of each municipality or county in which an extraterritorial airport is located, with the advice and consent of the respective legislative body of the municipality or county, may create an extraterritorial airport advisory board to represent the interests of the extraterritorial airport.

(b) The extraterritorial airport advisory boards described in Subsection (8)(a) shall meet at least quarterly, and shall ~~;~~

~~—— (i) ~~;~~ provide advisory support to the member of the advisory board representing the municipality or county ~~;~~ and~~

~~—— (ii) advise in the request for proposal process of a fixed base operator for the respective extraterritorial airport as described in Subsection (7) ~~;~~.~~

(9) ~~(a) ~~;~~~~ The airport owner, in consultation with the airport advisory boards, shall, consistent with the requirements of federal law, study, produce an analysis, and advise regarding the highest and best use and operational strategy for each airport, including all dormant and other lands, facilities, and assets owned by the airport owner.

~~—— (b) The airport owner shall present a report to the Transportation Interim Committee annually.~~

~~;~~ (10) An airport owner, in consultation with the ~~State Tax Commission~~ county auditor and the county assessor of a county in which an extraterritorial airport is located, shall explore in good faith whether a municipality or county where an extraterritorial airport is located ~~;~~

~~—— (a) ~~;~~ receives airport-related tax disbursements to which the municipality or county is entitled ~~;~~~~

~~—— (b) is fairly compensated for impacts due to an airport's location in the municipality or county; or~~

~~—— (c) is fairly compensated for services the municipality or county provides to an~~

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~~extraterritorial airport~~.

(11) An airport owner shall report annually to the Transportation Interim Committee regarding the requirements in this section.

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~