

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 an extraterritorial airport advisory board;
- ▶ provides 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:



28 ENACTS:

29 72-10-203.5, Utah Code Annotated 1953



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

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

33 **72-10-203.5. Advisory boards of airports and extraterritorial airports.**

34 (1) For purposes of this section:

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

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

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

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

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

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

49 (A) according to an ordinance or policy in place in each municipality or county for
50 appointing individuals to a board, if any; or

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

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

58 (b) The airport owner shall ensure that members of the advisory board have the

59 following qualifications:

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

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

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

67 (i) an owner;

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

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

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

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

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

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

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

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

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

88 (8) (a) The chief executive officer of each municipality or county in which an
89 extraterritorial airport is located, with the advice and consent of the respective legislative body

90 of the municipality or county, may create an extraterritorial airport advisory board to represent
91 the interests of the extraterritorial airport.

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

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

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

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

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

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

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

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

111 (c) is fairly compensated for services the municipality or county provides to an
112 extraterritorial airport.

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