Senate Engrossed House Bill

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 193

HOUSE BILL 2149

AN ACT

AMENDING SECTIONS 28-8524, 28-8527, 28-8529 AND 28-8531, ARIZONA REVISED STATUTES; RELATING TO THE JOINT POWERS AIRPORT AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-8524, Arizona Revised Statutes, is amended to read:

28-8524. Allocation of monies; sources; public hearing; reuse, development and capital improvement plans

A. Each member of the JOINT POWERS airport authority and any new member shall make a pro rata allocation of monies, as specified in the agreement described in section 28-8521, to the airport authority's operating budget from one or any combination of the following sources:

1. If the member is a city or town:

(a) An ad valorem tax levied by the governing body of the member within its jurisdiction.

(b) A transaction privilege tax levied by the governing body of the member within its jurisdiction.

2. If the member is a city, town or county:

(a) General monies of the member.

(b) Other monies legally available to the member.

B. The tax prescribed by subsection A of this section shall be designated as an airport authority tax. Any property tax levied pursuant to subsection A of this section shall be a secondary tax.

C. The governing body of each airport authority member shall hold a public hearing on both:

1. The question of whether to approve and adopt the annual operating budget of the airport authority.

2. The method of funding the member's annual budget allocation.

D. Notice of a public hearing held pursuant to this section shall be given in a newspaper of general circulation within the member's jurisdiction at least once a week for two weeks before the hearing.

E. On receipt of the recommendation of the airport authority board as to the budget allocation, each member shall consider the amount of monies legally available to it to fund its budget allocation before its determination of the amount of taxes it shall levy to meet its budget allocation.

F. The airport authority shall adopt and periodically amend a reuse and development plan and a capital improvements plan. Expenditures for or by the airport authority shall be both:

1. Consistent with the plans prescribed in this subsection.

2. Limited to those items that directly relate to or benefit the operation and development of the airport and the airport authority.

G. Any member of the airport authority that fails or refuses to approve and adopt the operating budget for the airport authority shall withdraw from membership in the airport authority as provided in section 28-8525. The remaining members and any new members of the airport authority are responsible for the total operating budget as adopted and shall make their allocation as prescribed in subsection A of this section.

Sec. 2. Section 28-8527, Arizona Revised Statutes, is amended to read:

28-8527. Joint powers airport authority; powers

Acting through its board of directors, the joint powers airport authority may:

1. Own~~,~~ AND operate ~~and maintain~~ property and facilities related to aviation, air navigation and aerospace.

2. Own ~~and lease~~ property and facilities that are not related to aviation, air navigation and aerospace.

3. ENTER INTO CONTRACTS, LEASES AND DEVELOPMENT AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS UNDER TITLE 11, CHAPTER 7, ARTICLE 3, TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

4. ACQUIRE BY ANY LAWFUL MEANS, INCLUDING IF AUTHORIZED BY THE MEMBERS OF THE AIRPORT AUTHORITY THE EXERCISE OF EMINENT DOMAIN IN THE NAMES OF ITS MEMBERS, AND MAINTAIN, ENCUMBER, LEASE AND DISPOSE OF REAL AND PERSONAL PROPERTY AND INTERESTS IN PROPERTY.

~~3.~~ 5. Prescribe RENTALS, user fees and OTHER charges AND ENTER INTO AGREEMENTS WITH DEVELOPERS, CONTRACTORS, TENANTS AND OTHERS FOR USE OF FACILITIES, PRODUCTS OR SERVICES OF THE AIRPORT AUTHORITY AND USE THE REVENUES DERIVED BY THE AIRPORT AUTHORITY TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

6. BORROW MONEY AND ISSUE REVENUE BONDS AND INCUR OTHER FINANCIAL OBLIGATIONS FOR ANY OF THE PURPOSES OF THIS ARTICLE AND PLEDGE ANY PART OF THE REVENUES OR MONIES OF THE AIRPORT AUTHORITY TO SECURE THE REVENUE BONDS OR OTHER FINANCIAL OBLIGATIONS.

~~4.~~ 7. Operate facilities and construct improvements.

~~5. If authorized by the members of the airport authority, exercise the right of eminent domain in the names of the members.~~

8. ADOPT RULES AS NECESSARY TO ADMINISTER AND OPERATE THE AIRPORT AUTHORITY AND ANY PROPERTY UNDER ITS JURISDICTION.

9. ADMINISTER TRUSTS DECLARED OR ESTABLISHED FOR THE AIRPORT AUTHORITY, RECEIVE AND HOLD IN TRUST OR OTHERWISE PROPERTY LOCATED IN OR OUTSIDE OF THIS STATE AND, IF NOT OTHERWISE PROVIDED, DISPOSE OF THE PROPERTY FOR THE BENEFIT OF THE AIRPORT AUTHORITY.

~~6.~~ 10. Engage employees and consultants.

~~7. Enter into contracts, leases and development agreements.~~

~~8. Enter into agreements with this state, any political subdivision of this state or the federal government.~~

~~9.~~ 11. Prepare and recommend annual operating budgets.

~~10. Borrow money and issue revenue and refunding bonds.~~

~~11.~~ 12. Sue and be sued.

~~12.~~ 13. Exercise incidental powers if necessary to the exercise of the powers prescribed in this article and articles 6 and 7 of this chapter.

Sec. 3. Section 28-8529, Arizona Revised Statutes, is amended to read:

28-8529. Financing authority

~~A. Property, facilities or projects to be constructed or acquired by~~ The joint powers airport authority may ~~be financed~~ FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT OR FURNISHING OF ANY REAL OR PERSONAL PROPERTY OR INTERESTS IN PROPERTY OR SERVICES from any source, including WITHOUT LIMITATION THE proceeds from the issuance ~~by the airport authority~~ of revenue bonds in the manner described in this article OR FROM THE PROCEEDS OF OTHER FINANCIAL OBLIGATIONS INCURRED FOR THE PURPOSES OF THIS ARTICLE.

~~B. Bonds issued by the airport authority are not outstanding obligations of the airport authority until the bonds are issued and delivered.~~

Sec. 4. Section 28-8531, Arizona Revised Statutes, is amended to read:

28-8531. Refunding bonds

The JOINT POWERS airport authority may issue and sell refunding bonds to refund any airport authority revenue bonds.

APPROVED BY THE GOVERNOR MAY 5, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 5, 2004.