AN ACT

Relating to the privileges of airport parking shuttles and to fees or charges imposed on a person who is not a lessee or concessionaire of an airport.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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Relating to the privileges of airport parking shuttles and to fees or charges imposed on a person who is not a lessee or concessionaire of an airport.

* Section 1. AS 02.15.090(a) is amended to read:

(a) In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements covering periods not exceeding 55 years with a person, municipality, or the United States, granting the privilege of using or improving an airport or air navigation facility or a portion of it or space in it for commercial, governmental, or other public purposes, including private plane tie down, or conferring the privilege of supplying goods, commodities, services, or facilities at an airport or air navigation facility. The department may establish the terms and conditions and fix the charges, rentals, and fees for the privileges or services that are reasonable and uniform for the same class of privilege or service. Charges, rentals, or fees authorized by this subsection may be
fixed for the international airports by order of the commissioner or by negotiated or
competitively offered contract. Notwithstanding AS 37.10.050(a), the fixing of
charges, rentals, or fees as permitted under this subsection is not subject to the
adoption of regulation provisions of AS 44.62 (Administrative Procedure Act). The
terms, conditions, charges, rentals, and fees shall be established with due regard to the
property and improvements used and the expense of operation to the state. A charge,
rental, or fee imposed on a person who is not a lessee or concessionaire of the
airport may not have the effect of charging a percentage of the gross revenue of
the person as a condition of on-site access to customers who use the airport
facility, unless the charge, rental, or fee was in existence before January 1, 2006,
and this exception is not affected if the department amends, increases, or
decreases a charge, rental, or fee that was in effect before January 1, 2006. Use
[HOWEVER, USE] of state land and buildings by the Alaska Wing, Civil Air Patrol
and its squadrons shall be permitted without rental charges. If the department permits
space in state-owned or state-controlled airports to be used as lounges for members of
the United States armed forces, the Alaska National Guard, the Alaska Naval Militia,
or the Alaska State Defense Force, and if the lounges are operated by persons exempt
from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), rent may not be
charged for the use of the space. The department shall provide for public notice and an
opportunity to comment before a charge, rental, or fee is fixed by order of the
commissioner as permitted under this subsection. The public may not be deprived of
its rightful, equal, and uniform use of the airport, air navigation facility, or a portion of
them.

* Sec. 2. AS 02.15.095 is amended to read:

Sec. 02.15.095. Courtesy cars and airport parking shuttles.
Notwithstanding the provisions of AS 02.15.090(a), the department may not exclude
from the streets, roads, highways, parking facilities, or other portions of a state-
operated airport designated for operation or parking of ground transportation vehicles,
or may the department prohibit from picking up and discharging passengers [], those
motor vehicles commonly known as "courtesy cars," which are owned or operated by
hotels, motels, or other similar places of public accommodation for the transportation
of their guests to and from the airport at the request of the guest and for which service no charge is made to the guest, and "airport parking shuttles," which provide transportation services between the airport and off-airport rental car offices and remote vehicle parking locations.