

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 1991**

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SENATE BILL 1218\*  
Transportation Committee Substitute Adopted 6/18/92

Short Title: Air Cargo Amendments.

(Public)

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Sponsors:

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Referred to:

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June 8, 1992

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE NORTH CAROLINA AIR CARGO AIRPORT  
3 AUTHORITY ACT AND TO APPROPRIATE FUNDS TO THE AIR CARGO  
4 AIRPORT AUTHORITY.

5 The General Assembly of North Carolina enacts:

6           Section 1. G.S. 63A-2(8) reads as rewritten:

7           "(8) Cargo airport complex site. – The area designated by the Authority as  
8           the location of a cargo airport complex. An area may not be so  
9           designated by the Authority unless all or a substantial portion of the  
10           land on which the cargo airport is located or is to be located is or shall  
11           be owned by the Authority or is or shall be controlled by the Authority  
12           pursuant to lease, joint operating agreement, or other contractual  
13           arrangements."

14           Sec. 2. G.S. 63A-3(b) reads as rewritten:

15           "(b) Board of Directors. The Authority shall be governed by a Board of Directors.  
16           The Board shall consist of at least the following ~~14~~ 19 members:

17           (1) Seven members appointed by the Governor.

18           (2) Three members appointed by the General Assembly upon the  
19           recommendation of the Speaker of the House of Representatives in  
20           accordance with G.S. 120-121.

21           (3) Three members appointed by the General Assembly upon the  
22           recommendation of the President Pro Tempore of the Senate in  
23           accordance with G.S. 120-121.

- 1           (4) The State Treasurer, who shall serve as an ex officio non-voting  
2 member.
- 3           (5) The President of the North Carolina System of Community Colleges,  
4 provided that the President of the North Carolina Community Colleges  
5 may instead appoint to the Board of Directors one member of the  
6 board of trustees of a community college or one president of a  
7 community college. If such an appointment is made, the appointee  
8 shall serve at the pleasure of the President.
- 9           (6) The President of The University of North Carolina, provided that the  
10 President of the North Carolina Community Colleges may instead  
11 appoint to the Board of Directors one member of the board of trustees  
12 of a constituent institution of The University of North Carolina, or one  
13 chancellor of a constituent institution of The University of North  
14 Carolina. If such an appointment is made, the appointee shall serve at  
15 the pleasure of the President.
- 16           (7) The Chairman of the State Ports Authority.
- 17           (8) One member appointed by the board of county commissioners of any  
18 county in which the cargo airport complex site is located.
- 19           (9) One member appointed by the city council of the city which is a  
20 county seat of any county in which the cargo airport complex site is  
21 located.

22       ~~The Board may consist of more than 14 members if more members are appointed by~~  
23 ~~boards of county commissioners in accordance with this subsection.~~—Within 90 days  
24 after the Authority acquires land, either by purchase or condemnation, for development  
25 as part of a cargo airport complex site, the board of county commissioners in any county  
26 in which a portion of the land is located and the city council of the city which is the  
27 county seat of the county may shall, by resolution, each appoint a person to serve as a  
28 member of the Board. If the board of commissioners or the city council appoints one of  
29 its own members to the Board, the county commissioner or the member of the city  
30 council who is appointed is considered to be serving on the Board as an ex officio  
31 voting member as part of the duties of the office of county commissioner or the office of  
32 city council member, in accordance with G.S. 128-1.2, and is not considered to be  
33 serving in a separate office. Notwithstanding G.S. 116-31(h), a member of the board of  
34 trustees of a constituent institution of The University of North Carolina appointed to the  
35 Board of Directors under subdivision (6) of this subsection may concurrently serve on  
36 the board of trustees and the Board of Directors. Notwithstanding any other provision  
37 of law, the Governor may serve on the Board of Directors by his own appointment on or  
38 after July 16, 1991, under subdivision (1) of this subsection.

39       As the holder of an office, each member of the Board shall take the oath required by  
40 Article VI, § 7 of the North Carolina Constitution before assuming the duties of a Board  
41 member."

42       Sec. 3. G.S. 63A-3(c) reads as rewritten:

43       "(c) Selection Criteria. ~~Of the members appointed by the Governor, at least two~~  
44 ~~shall be residents of the western region of the State, at least two shall be residents of the~~

1 ~~piedmont region of the State, and at least two shall be residents of the eastern region of~~  
2 ~~the State. In making appointments to the Board, the Governor and the General~~  
3 ~~Assembly shall give consideration to the geographical representation of the Western~~  
4 ~~region, the Piedmont region, and the Eastern region of the State. In addition, at least one~~  
5 ~~member appointed by the Governor shall be representative of business, at least one shall~~  
6 ~~be representative of agribusiness, at least one shall be representative of environmental~~  
7 ~~interests, and at least one shall be representative of industrial interests.~~

8 ~~Of the members appointed by the General Assembly upon the recommendation of~~  
9 ~~the President Pro Tempore of the Senate, one shall be a resident of the western region of~~  
10 ~~the State, one shall be a resident of the piedmont region of the State, and one shall be a~~  
11 ~~resident of the eastern region of the State. Of the members appointed by the General~~  
12 ~~Assembly upon the recommendation of the Speaker of the House of Representatives,~~  
13 ~~one shall be a resident of the western region of the State, one shall be a resident of the~~  
14 ~~piedmont region of the State, and one shall be a resident of the eastern region of the~~  
15 ~~State."~~

16 Sec. 4. G.S. 63A-3(d) reads as rewritten:

17 "(d) Terms. ~~Except for the terms of the initial Board members, Board~~  
18 ~~members shall serve two-year terms that begin on July 1. The terms of the initial members~~  
19 ~~appointed by the Governor or the General Assembly end June 30, 1993. The initial~~  
20 ~~term of a member appointed by a board of county commissioners or by a city council~~  
21 ~~ends on the second June 30 after the appointment. Subsequent appointments by a board~~  
22 ~~of county commissioners or by a city council shall be for terms of four years. The seven~~  
23 ~~members appointed by the Governor for subsequent terms shall be appointed for terms~~  
24 ~~of two years ending on June 30 of each odd-numbered year. The six members~~  
25 ~~appointed by the General Assembly for subsequent terms shall be divided into two~~  
26 ~~classes. The first class shall consist of three persons, two of whom shall be appointed~~  
27 ~~upon recommendation of the Speaker of the House of Representatives and one of whom~~  
28 ~~shall be appointed upon recommendation of the President Pro Tempore of the Senate, to~~  
29 ~~serve an initial term expiring June 30, 1995, with subsequent terms expiring each fourth~~  
30 ~~June 30th thereafter. The second class shall consist of three persons, two of whom shall~~  
31 ~~be appointed upon recommendation of the President Pro Tempore of the Senate and one~~  
32 ~~of whom shall be appointed upon recommendation of the Speaker of the House of~~  
33 ~~Representatives, to serve an initial term expiring June 30, 1997, with subsequent terms~~  
34 ~~expiring each fourth June 30th thereafter."~~

35 Sec. 5. G.S. 63A-3(h) reads as rewritten:

36 "(h) Organization of the Board. The Board shall adopt bylaws with respect to the  
37 calling of meetings, quorums, voting procedures, the keeping of records, and other  
38 organizational and administrative matters as the Board may determine. A quorum shall  
39 consist of ~~at least eight~~ a majority of the members of the Board. No vacancy in the  
40 membership of the Board shall impair the right of a quorum to exercise all rights and to  
41 perform all the duties of the Board and the Authority."

42 Sec. 6. G.S. 63A-6(a) reads as rewritten:

43 "(a) General. The Authority may acquire real property by purchase, negotiation,  
44 gift, devise, or eminent domain. Any acquisition ~~or disposition~~ by eminent domain by

1 the Authority of real property or an estate or interest in real property must be reviewed  
2 and approved by the Council of State before it can become effective. When the  
3 Authority acquires real property owned by the State, the Secretary of the Department of  
4 Administration shall execute and deliver to the Authority a deed transferring fee simple  
5 title to the property to the Authority."

6 Sec. 6.1. G.S. 63A-6(b) reads as rewritten:

7 "(b) Eminent Domain. To exercise the power of eminent domain, the Authority  
8 shall commence a proceeding in its name and may follow any procedure set by law by  
9 which a State agency or a political subdivision of the State may exercise the power of  
10 eminent domain. ~~As with other acquisitions, however, the~~ The Authority's exercise of the  
11 power of eminent domain is subject to review and approval by the Council of State.

12 The Authority's power of eminent domain applies to all property, including property  
13 that is owned by a State agency or a political subdivision of the State and is already  
14 devoted to a specific use other than as an airport established under Chapter 63 of the  
15 General Statutes. The Authority may acquire by eminent domain property that is owned  
16 by a political subdivision and is used as an airport established under Chapter 63 of the  
17 General Statutes only after obtaining the approval of the governing body of each  
18 political subdivision that established the airport. The Authority may not begin an  
19 eminent domain proceeding before it obtains the Council of State's approval for the  
20 acquisition of the property to be condemned."

21 Sec. 7. G.S. 63A-18(a) and (b) read as rewritten:

22 "(a) The Authority has exclusive zoning jurisdiction within a cargo airport  
23 complex site. The Authority has zoning jurisdiction within ~~four~~ six miles of the  
24 boundaries of a cargo airport complex site. ~~The Authority has zoning jurisdiction sufficient~~  
25 ~~to restrict the height of any structure to be erected, and the height to which any tree may grow,~~  
26 ~~within six miles of the boundaries of a cargo airport complex site.~~

27 (b) No State agency and, in accordance with G.S. 63-31, no political subdivision  
28 may adopt, without obtaining the approval of the Authority, ~~either of the following~~ an  
29 airport zoning provision or other land use regulation that affects real property within six  
30 miles of any cargo airport complex site if it conflicts with a zoning provision or land use  
31 restriction adopted by the Authority. ~~Authority.~~

32 (1) ~~An airport zoning provision or other land use regulation that affects~~  
33 ~~real property within four miles of any cargo airport complex site.~~

34 (2) ~~An airport zoning provision or other land use regulation that affects the~~  
35 ~~height of any structure or tree within six miles of a cargo airport~~  
36 ~~complex site.~~

37 A zoning provision or land use restriction adopted in violation of this subsection is not  
38 effective."

39 Sec. 8. There is appropriated from the Highway Fund to the Air Cargo  
40 Airport Authority the sum of two million dollars (\$2,000,000) for the 1992-93 fiscal  
41 year for the design of runway improvements and the development of the cargo airport  
42 complex site in accordance with Chapter 63A of the General Statutes.

43 Sec. 9. This act becomes effective July 1, 1992.