

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 1051**

Short Title: Macon-Jackson Regional Airport Authority. (Local)

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Sponsors: Representatives Haire and West (Primary Sponsors).

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Referred to: Finance.

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March 31, 2005

A BILL TO BE ENTITLED

1 AN ACT TO CONSOLIDATE THE EXISTING MACON COUNTY AIRPORT  
2 AUTHORITY AND THE EXISTING JACKSON COUNTY AIRPORT  
3 AUTHORITY TO CREATE A NEW MACON-JACKSON REGIONAL AIRPORT  
4 AUTHORITY.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** S.L. 1999-238 reads as rewritten:

8 "Section 1. There is hereby created the "~~Macon County~~"Macon-Jackson  
9 Regional Airport Authority" (for brevity hereinafter referred to as the "Airport  
10 Authority"), which shall be a body both corporate and politic, having the powers and  
11 jurisdiction hereinafter enumerated and such other and additional powers as shall be  
12 conferred upon it by general law and future acts of the General Assembly.

13 Section 2. The Airport Authority shall consist of five members, who shall be  
14 residents of Macon County or Jackson County and who shall be appointed to staggered  
15 terms of six years by agreement of the Macon County Board of Commissioners and the  
16 Jackson County Board of Commissioners. Members may succeed themselves in office  
17 and serve more than one term. Two initial appointments to the Airport Authority shall  
18 be for two years, two initial appointments to the Airport Authority shall be for four  
19 years, and the remaining initial appointment to the Airport Authority shall be for six  
20 years.

21 When vacancies occur in the membership of the Airport Authority, for any  
22 reason, the remaining members of the Airport Authority shall submit a list of two or  
23 more candidates to the Macon County Board of Commissioners and the Jackson County  
24 Board of Commissioners. The ~~Board-Boards~~ of Commissioners shall either jointly select  
25 one from that list to fill the unexpired term of the vacant office or shall request that the  
26 Airport Authority submit additional candidates. The Airport Authority shall submit  
27 additional candidates upon request until the ~~Board-Boards~~ of Commissioners selects  
28 select a member from the candidates submitted.

1 Each member shall take and subscribe before the Clerk of Superior Court of  
2 Macon County or the Clerk of the Superior Court of Jackson County, depending on the  
3 member's residence, an oath of office and file the same with the Macon County Board  
4 of Commissioners. Membership on the Macon County Board of Commissioners or the  
5 Jackson County Board of Commissioners and the Airport Authority shall not constitute  
6 double office holding within the meaning of Article VI, Section 9, of the Constitution of  
7 North Carolina.

8 Section 3. The Airport Authority may adopt suitable bylaws for its  
9 management. The members of the Airport Authority may receive compensation, per  
10 diem, or otherwise as the Macon County Board of Commissioners and the Jackson  
11 County Board of Commissioners from time to time—~~determines~~jointly determine.  
12 Members shall be allowed and paid their actual expenses incurred in transacting the  
13 business and at the instance of the Airport Authority. Members of the Airport Authority  
14 shall not be personally liable for their acts as members of the Airport Authority, except  
15 for acts resulting from misfeasance or malfeasance.

16 Section 4.(a) The Airport Authority shall constitute a body, both  
17 corporate and politic, and shall have the following powers and authority:

- 18 (1) To purchase, acquire, establish, construct, own, control, lease, equip,  
19 improve, maintain, operate, and regulate airports and landing fields for  
20 the use of airplanes and other aircraft within the limits of the county  
21 and for this purpose to purchase, improve, own, hold, lease, or operate  
22 real or personal property. The Airport Authority may exercise these  
23 powers alone or in conjunction with the ~~County~~counties of  
24 ~~Macon~~Macon and Jackson.
- 25 (2) To sue and be sued in the name of the Airport Authority, to make  
26 contracts and hold any personal property necessary for the exercise of  
27 the powers of the Airport Authority, and acquire by purchase, lease, or  
28 otherwise any existing lease, leasehold right, or other interest in any  
29 existing airport located in the county.
- 30 (3) To charge and collect reasonable and adequate fees and rents for the  
31 use of airport property or for services rendered in the operation of the  
32 airport.
- 33 (4) To make all reasonable rules and regulations it deems necessary for the  
34 proper maintenance, use, operation, and control of the airport,  
35 including public safety, and provide penalties for the violation of these  
36 rules and regulations; provided, the rules and regulations and  
37 schedules of fees not be in conflict with the laws of North Carolina and  
38 the regulations of the Federal Aviation Administration. The Airport  
39 Authority may administer and enforce any airport zoning regulations  
40 adopted by the ~~County~~counties of ~~Macon~~Macon or Jackson  
41 depending on the location of the airport.
- 42 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General  
43 Statutes.

- 1 (6) To sell, lease, or otherwise dispose of any property, real or personal,  
2 belonging to the Airport Authority, according to the procedures  
3 described in Article 12 of Chapter 160A of the General Statutes, but no  
4 sale of real property shall be made without the approval of the ~~Macon~~  
5 ~~County Board of Commissioners~~. Commissioners of the county in  
6 which the real property is located.
- 7 (7) To purchase any insurance that the Federal Aviation Administration or  
8 the Airport Authority shall deem necessary. The Airport Authority  
9 shall be responsible for any and all insurance claims or liabilities.
- 10 (8) To deposit or invest and reinvest any of its funds as provided by the  
11 Local Government Finance Act, as it may be amended from time to  
12 time, for the deposit or investment of unit funds.
- 13 (9) To purchase any of its outstanding bonds or notes.
- 14 (10) To operate, own, lease, control, regulate, or grant to others, for a  
15 period not to exceed 20 years, the right to operate on any airport  
16 premises restaurants, snack bars, vending machines, food and beverage  
17 dispensing outlets, rental car services, catering services, novelty shops,  
18 insurance sales, advertising media, merchandising outlets, motels,  
19 hotels, barbershops, automobile parking and storage facilities,  
20 automobile service establishments, and all other types of facilities as  
21 may be directly or indirectly related to the maintenance and furnishing  
22 to the general public of a complete air terminal installation.
- 23 (11) To contract with persons, firms, or corporations for terms not to  
24 exceed 20 years, for the operation of airline-scheduled passenger and  
25 freight flights, nonscheduled flights, and any other airplane activities  
26 not inconsistent with the grant agreements under which the airport  
27 property is held.
- 28 (12) To erect and construct buildings, hangars, shops, and other  
29 improvements and facilities, not inconsistent with or in violation of the  
30 agreements applicable to and the grants under which the real property  
31 of the airport is held; to lease these improvements and facilities for a  
32 term or terms not to exceed 20 years; to borrow money for use in  
33 making and paying for these improvements and facilities, secured by  
34 and on the credit only of the lease agreements in respect to these  
35 improvements and facilities, and to pledge and assign the leases and  
36 lease agreements as security for the authorized loans.
- 37 (13) Subject to the limitations set out in this act, to have all the same power  
38 and authority granted to cities and counties pursuant to Chapter 63 of  
39 the General Statutes, Aeronautics.
- 40 (14) To have a corporate seal, which may be altered at will.

41 Section 4.(b) The Airport Authority shall possess the same exemptions in  
42 respect to payment of taxes and license fees and be eligible for sales and use tax refunds  
43 to the same extent as provided for municipal corporations by the laws of the State of  
44 North Carolina.

1 Section 5. The Airport Authority may acquire from the ~~county, counties~~ by  
2 agreement with the ~~county, counties~~, and the ~~county, counties~~ may grant and convey,  
3 either by gift or for such consideration as the county may deem wise, any real or  
4 personal property which it now owns or may hereafter acquire, including nontax  
5 monies, and which may be necessary for the construction, operation, and maintenance  
6 of any airport located in the ~~county, counties~~.

7 Section 6. Any lands acquired, owned, controlled, or occupied by the Airport  
8 Authority shall be, and are declared to be, acquired, owned, controlled, and occupied for  
9 a public purpose.

10 Section 7. Private property needed by the Airport Authority for any airport,  
11 landing field, or as facilities of an airport or landing field, may be acquired by gift or  
12 devise, or may be acquired by private purchase or by the exercise of eminent domain  
13 pursuant to Chapter 40A of the General Statutes, as a local public condemnor, including  
14 the provisions of G.S. 40A-42. If property acquired by gift, devise, purchase, or  
15 condemnation has a burial ground or graveyard, then it shall be lawful for the Airport  
16 Authority, after 30 days' notice to the surviving spouse or next of kin of the deceased  
17 buried there or the person in control of the graves, if they are known, to remove the  
18 interred body and reinter the body in another cemetery in Macon County or Jackson  
19 County. If no surviving spouse or next of kin or person in control can be found, then  
20 the Airport Authority may advertise for four consecutive weeks in a newspaper  
21 published in Macon County and Jackson County of the intended removal of the graves.  
22 The removal shall then be conducted under the supervision of the Clerk of the Superior  
23 Court of Macon County or the Clerk of the Superior Court of Jackson County or his or  
24 her representative. The expense of the removal shall be borne by the Airport Authority.

25 Section 8. The Airport Authority shall make an annual report to the Macon  
26 County Board of Commissioners and the Jackson County Board of Commissioners  
27 setting forth in detail the operations and transactions conducted by it pursuant to this  
28 act. The Airport Authority shall not have the power to pledge the credit of Macon  
29 County or Jackson County, or any subdivision thereof, or to impose any obligation on  
30 Macon County or Jackson County, or any of its subdivisions, except when that power is  
31 expressly granted by statute.

32 Section 9. Subject to the limitations as set out in this act, all rights and  
33 powers given and granted to counties or municipalities by general law, which may now  
34 be in effect, or enacted in the future, relating to the development, regulation, and control  
35 of municipal airports and the regulation of aircraft are now concurrently vested in the  
36 Airport Authority. The Macon County Board of Commissioners and the Jackson  
37 County Board of Commissioners may delegate its powers under these acts to the Airport  
38 Authority, and the Airport Authority shall have concurrent rights with Macon County  
39 and Jackson County to control, regulate, and provide for the development of aviation in  
40 Macon County or Jackson County.

41 Section 10. The Airport Authority may contract with and accept grants from  
42 the Federal Aviation Administration, the State of North Carolina, or any of the agencies  
43 or representatives of either of said governmental bodies relating to the purchase of land

1 and air easements and to the grading, constructing, equipping, improving, maintaining,  
2 or operating of an airport or its facilities or both.

3 Section 11. The Airport Authority may employ or contract with any agents,  
4 engineers, attorneys, and other persons whose services may be deemed by the Airport  
5 Authority to be necessary and useful in carrying out the provisions of Sections 1  
6 through 10 of this act.

7 Section 12. The Macon County Board of Commissioners and the Jackson  
8 County Board of Commissioners may appropriate funds derived from any source  
9 including ad valorem taxes to carry out the provisions of this act in any proportion or  
10 upon any basis as may be determined by the Macon County Board of Commissioners or  
11 the Jackson County Board of Commissioners. The Macon County Board of  
12 Commissioners and the Jackson County Board of Commissioners may provide county  
13 services to the Airport Authority upon any basis as may be determined by the Macon  
14 County Board of Commissioners or the Jackson County Board of Commissioners.

15 Section 13. The Airport Authority may expend the funds that are  
16 appropriated by the county for joint airport purposes and may pledge the credit of the  
17 Airport Authority to the extent of the appropriated funds.

18 Section 14. The Airport Authority shall elect from among its members a  
19 chair and other officers at its initial meeting and then biennially thereafter. Officers shall  
20 be eligible to succeed themselves in office and to serve consecutive terms at the will of  
21 the members of the Airport Authority. A majority of the Airport Authority shall control  
22 its decisions. Each member of the Airport Authority, including the chair, shall have one  
23 vote. The Airport Authority shall meet at the places and times designated by the chair.

24 Section 15. If an airport established pursuant to this act ceases to be operated  
25 by the Airport Authority, or if any property acquired pursuant to this act for airport  
26 purposes is abandoned, then the title to that real or personal property, or rights under  
27 any existing lease, shall revert to and vest in the County of Macon and on the sale of  
28 that property, the proceeds shall vest totally in the County of Macon.

29 Section 16. The powers granted to the Airport Authority shall not be  
30 effective until the members of the Airport Authority have been appointed by the Macon  
31 County Board of Commissioners and the Jackson County Board of Commissioners,  
32 acting jointly, and nothing in this act shall require ~~the either~~ Board of Commissioners to  
33 make the initial appointments. It is the intent of this act to enable but not to require the  
34 formation of the ~~Macon County~~ Macon-Jackson Regional Airport Authority. Upon  
35 appointment of the members of the Macon-Jackson Regional Airport Authority, the  
36 Macon County Airport Authority and the Jackson County Airport Authority, if in  
37 existence, are dissolved.

38 Section 17. If any one or more sections, clauses, sentences, or parts of this  
39 act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the  
40 remaining provisions thereof, but shall be confined in its operation to the specific  
41 provisions held invalid, and the inapplicability or invalidity of any section, clause,  
42 sentence, or part of this act in one or more instances or circumstances shall not be taken  
43 to affect or prejudice in any way its applicability or validity in any other instance.

- 1           Section 18. Chapter 955 of the 1989 Session Laws, except for Section 10 is
- 2 repealed.
- 3           Section 19. This act is effective when it becomes law."
- 4           **SECTION 2.** This act is effective when it becomes law.