

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1218*

Short Title: Air Cargo Amendments.

(Public)

Sponsors: Senator Barnes.

Referred to: Transportation.

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~~Treasurer.
- 3 (5) The Secretary of Agriculture.
- 4 (6) The President of The University of North Carolina.
- 5 (7) The Chairman of the State Ports Authority.
- 6 (8) One member appointed by the board of county commissioners of any
7 county in which the cargo airport complex site is located.
- 8 (9) One member appointed by the city council of the city which is a
9 county seat of any county in which the cargo airport complex site is
10 located.

11 ~~The Board may consist of more than 14 members if more members are appointed by~~
12 ~~boards of county commissioners in accordance with this subsection.~~ Within 90 days
13 after the Authority acquires land, either by purchase or condemnation, for development
14 as part of a cargo airport complex site, the board of county commissioners in any county
15 in which a portion of the land is located and the city council of the city which is the
16 county seat of the county may~~shall~~, by resolution, each appoint a person to serve as a
17 member of the Board. If the board of commissioners or the city council appoints one of
18 its own members to the Board, the county commissioner or the member of the city
19 council who is appointed is considered to be serving on the Board as an ex officio
20 voting member as part of the duties of the office of county commissioner or the office of
21 city council member, in accordance with G.S. 128-1.2, and is not considered to be
22 serving in a separate office.

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

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

27 "(c) Selection Criteria. ~~Of the members appointed by the Governor, at least two~~
28 ~~shall be residents of the western region of the State, at least two shall be residents of the~~
29 ~~piedmont region of the State, and at least two shall be residents of the eastern region of~~
30 ~~the State.~~ In making appointments to the Board, the Governor and the General
31 Assembly shall give consideration to the geographical representation of all regions of
32 the State. In addition, at least one member appointed by the Governor shall be
33 representative of business, at least one shall be representative of agribusiness, at least
34 one shall be representative of environmental interests, and at least one shall be
35 representative of industrial interests.

36 ~~Of the members appointed by the General Assembly upon the recommendation of~~
37 ~~the President Pro Tempore of the Senate, one shall be a resident of the western region of~~
38 ~~the State, one shall be a resident of the piedmont region of the State, and one shall be a~~
39 ~~resident of the eastern region of the State.~~ Of the members appointed by the General
40 Assembly upon the recommendation of the Speaker of the House of Representatives,
41 ~~one shall be a resident of the western region of the State, one shall be a resident of the~~
42 ~~piedmont region of the State, and one shall be a resident of the eastern region of the~~
43 ~~State."~~

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

1 "(d) Terms. ~~Except for the terms of the initial Board members, Board~~
2 ~~members shall serve two-year terms that begin on July 1.—~~The terms of the initial members
3 appointed by the Governor or the General Assembly end June 30, 1993. The initial
4 term of a member appointed by a board of county commissioners or by a city council
5 ends on the second June 30 after the appointment. Subsequent appointments by a board
6 of county commissioners or by a city council shall be for terms of four years. The seven
7 members appointed by the Governor for subsequent terms shall be appointed for terms
8 of two years ending on June 30 of each odd-numbered year. The six members
9 appointed by the General Assembly for subsequent terms shall be divided into two
10 classes. The first class shall consist of three persons, two of whom shall be appointed
11 upon recommendation of the Speaker of the House of Representatives and one of whom
12 shall be appointed upon recommendation of the President Pro Tempore of the Senate, to
13 serve an initial term expiring June 30, 1993, with subsequent terms expiring each fourth
14 June 30th thereafter. The second class shall consist of three persons, two of whom shall
15 be appointed upon recommendation of the President Pro Tempore of the Senate and one
16 of whom shall be appointed upon recommendation of the Speaker of the House of
17 Representatives, to serve an initial term expiring June 30, 1997, with subsequent terms
18 expiring each fourth June 30th thereafter."

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

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

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

27 "(a) General. The Authority may acquire real property by purchase, negotiation,
28 gift, devise, or eminent domain. ~~Any acquisition or disposition by the Authority of real~~
29 ~~property or an estate or interest in real property must be reviewed and approved by the~~
30 ~~Council of State before it can become effective.—~~When the Authority acquires real
31 property owned by the State, the Secretary of the Department of Administration shall
32 execute and deliver to the Authority a deed transferring fee simple title to the property
33 to the Authority."

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

35 "(a) The Authority has exclusive zoning jurisdiction within a cargo airport
36 complex site. The Authority has zoning jurisdiction within ~~four~~ six miles of the
37 boundaries of a cargo airport complex site. ~~The Authority has zoning jurisdiction sufficient~~
38 ~~to restrict the height of any structure to be erected, and the height to which any tree may grow,~~
39 ~~within six miles of the boundaries of a cargo airport complex site.~~

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

- 1 (1) ~~An airport zoning provision or other land use regulation that affects~~
2 ~~real property within four miles of any cargo airport complex site.~~
3 (2) ~~An airport zoning provision or other land use regulation that affects the~~
4 ~~height of any structure or tree within six miles of a cargo airport~~
5 ~~complex site.~~

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

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

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